
STATUTORY INSTRUMENTS

2006 No. 3289

The Waste Electrical and Electronic
Equipment Regulations 2006

PART 9

POWERS AND DUTIES OF THE SECRETARY OF STATE

Distributor take back scheme

54. The Secretary of State may, after consultation with such persons or bodies as appear to him representative of the interests concerned, approve a distributor take back scheme to carry out the functions of—

- (a) providing a system that shall ensure the availability and accessibility free of charge of designated collection facilities in the United Kingdom for the purpose of achieving a high level of collection of WEEE from private households at such facilities; and
- (b) providing distributors with an alternative means of discharging the obligation under regulation 31.

Approval of designated collection facilities

55.—(1) The Secretary of State may, after consultation with such persons or bodies as appear to him representative of the interests concerned, approve any establishment or undertaking carrying out collection operations as a designated collection facility.

(2) The Secretary of State shall not approve any establishment or undertaking under paragraph (1) unless he is satisfied that the criteria set out in Schedule 9 are met.

(3) The Secretary of State may review any decision made under paragraph (1) at any time.

(4) It shall be the duty of the Secretary of State to publish details of all designated collection facilities.

Withdrawal of approval of designated collection facilities

56.—(1) The Secretary of State may decide to withdraw his approval of a designated collection facility where he is satisfied that it—

- (a) no longer meets the criteria set out in Schedule 9; or
- (b) is jeopardising or is likely to jeopardise the achievement of the United Kingdom's obligations under the Directive.

(2) Where the Secretary of State decides to withdraw approval of a designated collection facility under paragraph (1), within 14 days of that decision being made, he shall notify the operator of the collection facility in writing—

- (a) of his decision to withdraw approval of the designated collection facility;
- (b) of the reasons for that decision;

(c) of the date when the decision will take effect, not being sooner than 28 days from the date of the notification; and

(d) that the operator of the collection facility may make representations in writing to the Secretary of State in relation to the decision within 14 days of the date of the notification.

(3) The Secretary of State shall consider any representations made to him in writing by the operator of the collection facility under paragraph (2)(d) at any time before the decision mentioned in paragraph (1) takes effect.

(4) The Secretary of State may decide against withdrawing his approval of the designated collection facility at any time before the decision mentioned in paragraph (1) takes effect.

Code of practice

57.—(1) The Secretary of State shall, after consultation with such persons or bodies as appear to him representative of the interests concerned, prepare and issue a code of practice for the purpose of providing practical guidance on the standards that must be met by—

(a) the operator of a designated collection facility; and

(b) by the operator of a scheme that collects WEEE from private households from a designated collection facility.

(2) The Secretary of State may from time to time revise the code of practice issued under paragraph (1) by revoking, amending or adding to the provisions of the code.

Evidence notes

58.—(1) The Secretary of State may—

(a) buy an evidence note from any person who has obtained that evidence note as a result of having financed the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households that—

(i) is deposited at a designated collection facility; or

(ii) is returned under regulation 32 but is not deposited at a designated collection facility, during a compliance period;

(b) sell or otherwise supply an evidence note referred to in paragraph (a) to an operator of a scheme for the purpose of enabling that operator to comply with the requirements of regulation 22 in relation to submitting a declaration of compliance with supporting evidence notes; and

(c) issue an evidence note in relation to the treatment, recovery and recycling of WEEE in exchange for the receipt of any evidence note issued by—

(i) an operator of an AATF; or

(ii) an approved exporter.

(2) It shall be the duty of the Secretary of State to approve the format of evidence notes issued by an operator of an AATF or an approved exporter.

Product design

59.—(1) It shall be the duty of the Secretary of State to encourage the design and production of EEE that takes into account and facilitates dismantling and recovery, in particular the reuse and recycling of WEEE, their components and materials.

(2) In carrying out the duty mentioned in paragraph (1), the Secretary of State shall take appropriate measures so that producers do not prevent, through specific design features or

manufacturing processes, WEEE from being reused, unless such specific design features or manufacturing processes present overriding advantages, for example, with regard to the protection of the environment or safety requirements.