

EXPLANATORY MEMORANDUM TO
THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (AMENDMENT)
REGULATIONS 2010

2010 No. 1155

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This instrument amends the Waste Electrical and Electronic Equipment Regulations (SI 2006/3289) as amended by the Waste Electrical and Electronic Equipment (Amendment) Regulations 2007 (SI 2007/3454) and the Waste Electrical and Electronic Equipment (Amendment) Regulations 2009 (SI 2009/2957) (“the 2006 Regulations”).

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Context**

- 4.1 This instrument is being made principally to transpose amendments made to the Waste Electrical and Electronic Equipment Directive (2002/96/EC) (“the Directive”) by Directive 2008/112/EC of the European Parliament and the Council. Those amendments replace the words “preparation” or “preparations” with “mixture” or “mixtures” respectively and also insert a new definition of “dangerous substance or mixture” in place of the current definition of “dangerous substance or preparation”. The opportunity is also being taken to realign two dates in Regulation 20 of the 2006 Regulations.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- 7.1 The 2006 Regulations place obligations on the producers of electrical and electronic equipment to finance the collection, treatment and environmentally sound disposal of such equipment when it reaches its end of life. They implement the Directive in the UK.
- 7.2 The Department does not intend to consolidate the 2006 Regulations until it is clear what further amendments may be required as a result of proposals to recast the Directive which are currently being negotiated in Brussels.

8. Consultation outcome

- 8.1 No consultation has been carried out. This instrument principally transposes amendments to the Directive set out in paragraph 4.1. No purpose would be served by a consultation.

9. Guidance

- 9.1 Non-statutory guidance on the 2006 Regulations is being updated to take account of the amendments made by this instrument.

10. Impact

- 10.1 There is no additional impact on business, charities or voluntary bodies.
- 10.2 There is no additional impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation applies to small businesses that produce electrical and electronic equipment, distribute electrical and electronic equipment or are involved in the treatment and environmentally sound disposal of such equipment but does not impose any additional burdens on them.

12. Monitoring & review

- 12.1 Ongoing monitoring and review of the UK WEEE system under the regulations will continue as the system matures.
- 12.2 A recast of the Directive is currently being negotiated in Brussels. It is likely the adoption of the recast proposals will result in further changes to the 2006 Regulations being required. It is unlikely that any changes as a result will need to be considered before 2011.
- 12.3 An informal consultation has taken place on the proposed recast and discussions will continue with stakeholders and other interested parties through the negotiation process.

13. Contact

13.1 **Kath Barker** at the Department for Business Innovation and Skills (tel: 01142 794425 (Sheffield)); email: Kath.Barker@bis.gsi.gov.uk) can answer queries regarding the instrument.

TRANSPOSITION NOTE

Transposition note in relation to the Waste Electrical and Electronic Equipment (Amendment) Regulations 2010

These regulations transpose the provisions of:

Directive 2008/112/EC in so far as they amend the Waste Electrical and Electronic Equipment Directive 2002/96/EC (“WEEE Directive”)

Article	Objectives	Implementation	Responsibility
5.1	Replacement of the word “preparation” or “preparations” by “mixture” or “mixtures” respectively throughout the text	Regulation 2(2) and 2(5) of this instrument.	Secretary of State
5.2	Replacement of Article 3(l) of the WEEE Directive with new definition of “dangerous substance or mixture” from 1 December 2010	Regulation 2(3) of this instrument.	Secretary of State
5.3	Replacement of Article 3(l) of the WEEE Directive with new definition of “dangerous substance or mixture” from 1 June 2015	Regulation 2(4) of this instrument.	Secretary of State