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STATUTORY INSTRUMENTS

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**2013 No. 3113**

The Waste Electrical and Electronic  
Equipment Regulations 2013

PART 3

PRODUCER OBLIGATIONS

**Financing: WEEE from private households**

**11.**—(1) In each compliance period, the financing of the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households, that—

- (a) is deposited at a designated collection facility; or
- (b) is returned under regulation 43 or 52 but is not deposited at a designated collection facility;

during that compliance period (“the relevant WEEE”) will be the responsibility of all producers or their authorised representatives, who placed EEE onto the market in the United Kingdom in the previous compliance period, excluding producers or their authorised representatives who have registered as small producers in that compliance period.

(2) Each producer or authorised representative to whom paragraph (1) applies will be responsible for financing the costs of the collection, treatment, recovery and environmentally sound disposal of an amount of the relevant WEEE.

(3) Where a producer or an authorised representative is responsible for financing an amount of WEEE under paragraph (2) the appropriate authority will calculate the amount of WEEE in tonnes to be collected by each producer or authorised representative in each category of EEE.

(4) Where a producer or authorised representative has put no EEE onto the market falling within a particular category of EEE, that producer or authorised representative will not be given an amount of WEEE in tonnes to collect and finance within that category in the following year.

(5) The amount of WEEE referred to in paragraph (2) will be calculated using information that has been provided to the appropriate authority by the producer or their authorised representative which indicates the amount of EEE which was placed onto the market in each category of EEE in the United Kingdom by that producer in the previous compliance period.

(6) The amount of WEEE for which each producer or authorised representative will be responsible under paragraph (2) will be calculated in relation to each of the categories of EEE as follows—

$$(A \div B) \times C$$

where—

“A” is the total amount in tonnes of EEE intended for use by private households and falling within one of the categories of EEE (“the relevant category”) that has been placed on the market in the United Kingdom by that producer or authorised representative in the previous compliance period, or part of the previous compliance period, (“the relevant compliance period”);

“B” is the total amount in tonnes of EEE intended for use by private households and falling within the relevant category that has been placed on the market in the United Kingdom by all producers and authorised representatives in the same compliance period used in “A”; and

“C” is the total amount in tonnes of WEEE from private households which is waste from electrical or electronic equipment that falls within the relevant category which the Secretary of State has determined under paragraph (7), to be the total amount in tonnes to be financed by producers and authorised representatives in that category in the compliance period that follows compliance period used in “A”.

(7) For each compliance period, the Secretary of State will, after consultation with such persons or bodies as appear to him to be representative of the interests concerned—

- (a) set the amount in tonnes of WEEE falling within each category of EEE, that is to be financed by all producers to whom paragraph (1) applies who have placed EEE onto the market in the same compliance period used in A; and
- (b) determine whether it is appropriate to deduct any of the following—
  - (i) an estimate of non-obligated WEEE,
  - (ii) an estimate of WEEE arising, that has been properly treated in compliance with the requirements of the Directive outside the system for the financing of the collection, treatment, recovery and environmentally sound disposal of WEEE,
  - (iii) an estimate of WEEE arising that will be retained under regulation 53;

from the amount in tonnes of WEEE to be collected in the United Kingdom in each compliance period.

(8) Where regulation 14(10)(a) applies to a producer—

- (a) it will be the duty of the appropriate authority to determine the amount of relevant WEEE for which that producer or the authorised representative will be responsible under paragraph (2) by using the calculation set out in paragraph (6); and
- (b) the appropriate authority will serve a notification in writing on that producer or the authorised representative specifying the amount in tonnes of WEEE for which he will be responsible under this regulation within 28 days of the date on which it notifies the producer or authorised representative that approval has been withdrawn from the scheme of which they are a member in accordance with regulation 58(3).

(9) The amount in tonnes of WEEE for which a producer is responsible in the relevant compliance period is the aggregate of their obligations in each category of EEE in that compliance period. Where a producer places no EEE onto the market which falls within a particular category of EEE in the previous compliance period they will have no obligation in respect of that category in the relevant compliance period.

(10) A notification served under paragraph (8)(b) will include the following information—

- (a) the relevant compliance period;
- (b) the amount in tonnes of the relevant WEEE, by reference to the categories of EEE, for which the appropriate authority has determined under paragraph (8) that that producer or the authorised representative will be responsible under paragraph (2);
- (c) an explanation of how the amount of the relevant WEEE referred to in sub-paragraph (b) has been determined using the calculation set out in paragraph (6).

(11) For the purpose of determining the amount of relevant WEEE for which a producer or an authorised representative is responsible under paragraph (2) using the calculation set out in paragraph (6)—

- (a) the appropriate authority will take account of the information provided to it—

- (i) during the transitional period, in compliance with regulations 35 and 37 in relation to the previous compliance period; or
  - (ii) from 1st January 2019, in compliance with regulations 36 and 38 in relation to the previous compliance period; and
  - (iii) where sub-paragraph (i) or (ii) applies, by that producer or the authorised representative in compliance with a notification served under regulation 59(3);
- (b) where any of the information referred to in sub-paragraph (a) has not been provided to it for any reason, the appropriate authority will make a reasonable estimate of what such information would have been had it been provided as required.
- (12) Where paragraph (11)(b) applies, the appropriate authority will take account of any relevant information that is available to it in making a reasonable estimate.
- (13) In this regulation—
- (a) during the transitional period, “categories of EEE” means—
    - (i) the categories of EEE listed in Schedule 1 (excluding display equipment, appliances containing refrigerants, gas discharge lamps, LED light sources and photovoltaic panels),
    - (ii) display equipment,
    - (iii) appliances containing refrigerants,
    - (iv) gas discharge lamps and LED light sources; and
    - (v) photovoltaic panels;
  - (b) from 1st January 2019, “categories of EEE” means the categories of EEE listed in Schedule 3.