
STATUTORY INSTRUMENTS

2013 No. 3113

The Waste Electrical and Electronic
Equipment Regulations 2013

PART 3

PRODUCER OBLIGATIONS

Obligation to join a scheme

14.—(1) A producer who is established in the United Kingdom will be a member of a scheme in respect of any compliance period or part of a compliance period, during which he puts EEE on to the market and the compliance period following the last compliance period during which he puts EEE on to the market in the United Kingdom unless paragraph (11) applies.

(2) A producer who is established in a Member State other than the United Kingdom and who either—

- (a) places EEE onto the market in the United Kingdom; or
- (b) sells EEE by means of distance communication directly to consumers in the United Kingdom will either—
 - (i) appoint an authorised representative in the United Kingdom to fulfil their producer obligations under these Regulations on their behalf, or
 - (ii) comply with the requirements of paragraph (1).

(3) Any authorised representative appointed under paragraph (2)(b)(i) will—

- (a) be a member of a scheme, on behalf of the producer that they represent in respect of any compliance period, or any part of a compliance period during which the producer they represent places EEE on the market and the compliance period following the last compliance period during which he places EEE on the market in the United Kingdom, unless paragraph 10 applies; and
- (b) be appointed by way of written mandate.

(4) Subject to paragraph (5), a producer who is required by paragraph (1) to be a member of a scheme or an authorised representative who has been appointed under paragraph (2) will in respect of any compliance period join a scheme on or before 15th November in the year immediately preceding the commencement of that compliance period.

(5) Where a producer does not place, or form the intention of placing, EEE on the market in the United Kingdom until after the date by which that producer or the authorised representative should have joined a scheme under paragraph (4), that producer or the authorised representative will join a scheme within 28 days of the date that he puts or forms the intention of putting EEE on the market in the United Kingdom.

(6) Where paragraph (1) or (2) applies—

- (a) a producer or an authorised representative who has obligations under both regulations 11 and 12 in respect of any compliance period or any part of a compliance period may join—

- (i) one scheme that has been approved under regulation 55 for the purposes of regulations 28 and 29, or
 - (ii) one scheme that has been approved under regulation 55 for the purposes of regulation 28 and one scheme that has been approved under regulation 55 for the purposes of regulation 29; and
- (b) a producer or authorised representative who has obligations under regulation 11 or 12 but not both in respect of any compliance period, or any part of a compliance period, may join—
- (i) in the case of a producer or authorised representative who has obligations under regulation 11, one scheme that has been approved under regulation 55 for the purposes of regulation 28, or
 - (ii) in the case of a producer or authorised representative who has obligations under regulation 12, one scheme that has been approved under regulation 55 for the purposes of regulation 29.

(7) Subject to paragraph (10), where a producer or authorised representative is a member of a scheme that has been approved under regulation 55 for the purposes of regulation 28, that producer or authorised representative will be exempt from complying with any obligation that he has under regulation 11(1) or (2) in respect of a relevant compliance period during which his membership of that scheme subsists.

(8) Subject to paragraph (10), where a producer or authorised representative is a member of a scheme that has been approved under regulation 55 for the purposes of regulation 29, that producer or authorised representative will be exempt from complying with any obligation that he has under regulation 12(1) in respect of a relevant compliance period during which his membership of that scheme subsists.

(9) Where a producer or the authorised representative is a member of a scheme and he has been notified by the appropriate authority under regulation 58(3) that approval of that scheme (“the old scheme”) has been withdrawn under regulation 58(1)—

- (a) that producer or the authorised representative will, within 28 days of the date of the notification served on him by the appropriate authority under regulation 58(3), become a member of a scheme (“the new scheme”); or
- (b) that producer or the authorised representative will—
 - (i) within 28 days of the date of the notification served on him by the appropriate authority under regulation 58(3), notify the appropriate authority of his intention to become a member of a proposed scheme which is the subject of an application for approval made under regulation 55(2); and
 - (ii) in the case where that proposed scheme is—
 - (aa) approved by a decision made under regulation 55, become a member of a scheme within 28 days of the date of a notification given to that producer under regulation 55(8); or
 - (bb) not approved by a decision made under regulation 55, become a member of a scheme within 28 days of the date of a notification given to that producer or authorised representative under regulation 56(3).

(10) Where paragraph (9) applies and a producer or authorised representative has benefited from an exemption under paragraph (7) or (8) by virtue of his membership of the old scheme, the exemption in that paragraph will cease to apply to him and he will comply with—

- (a) any obligation that he has under regulations 11(1) or 12(1) until the date he joins a new scheme; and

(b) regulation 19.

(11) A small producer or their authorised representative will not be required to join a producer compliance scheme provided that they are registered with the appropriate authority as a small producer in accordance with regulation 16.