
STATUTORY INSTRUMENTS

2013 No. 3113

The Waste Electrical and Electronic
Equipment Regulations 2013

PART 1

GENERAL

Interpretation

2. In these Regulations—

“the Directive” means Directive 2012/19/EU of the European Parliament and of the Council of 4th July 2012 on waste electrical and electronic equipment of the European Parliament and of the Council of 8th December 2003 on waste electrical and electronic equipment (WEEE)(1) which replaces Directive 2002/96/EC(2) as amended by Directive 2003/108/EC(3) and Directive 2008/34/EC(4);

“AATF” means an approved authorised treatment facility;

“the Waste Directive” means Directive 2008/98/EC(5) of the European Parliament and of the Council on Waste;

“active implantable medical device” means an active implantable medical device within the meaning of point (c) of Article 1(2) of Council Directive 90/385/EEC(6) of 20 June 1990 on the approximation of laws of the Member States relating to active implantable medical devices which are EEE;

“appliances containing refrigerants” means—

- (a) large cooling appliances;
- (b) refrigerators;
- (c) freezers; and
- (d) other large appliances for refrigeration, conservation and storage of food that fall within category 1 of Schedule 1;

“approved authorised treatment facility” means an authorised treatment facility which is approved under regulation 61;

“approved exporter” means an exporter who is approved under regulation 61;

“appropriate authority” means—

- (a) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate authority in England, the Environment Agency;

(1) OJ No L 197, 24.7.2012, p.38.

(2) OJ No L 37, 13.2.2003, p.24.

(3) OJ No L 345, 31.12.2003, p.106.

(4) OJ No L 81, 20.3.2008, p.65.

(5) OJ No L 312, 22.11.2008, p.3.

(6) OJ No L 189, 20.7.1990, p.17.

- (b) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate body in Wales, the Natural Resources Body for Wales;
- (c) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate authority in Scotland, SEPA;
- (d) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate authority in Northern Ireland, the Department of the Environment;
- (e) for the purposes of Part 3 relating to the obligations of a producer or authorised representative under regulations 11, 14, 19 and 20 the appropriate authority who has registered that producer in respect of the relevant compliance period, or the relevant part of a compliance period, under regulation 26;
- (f) for the purposes of Part 3 relating to the obligations of a producer under regulation 14—
 - (i) where the producer’s registered office or principal place of business is in England, the Environment Agency;
 - (ii) where the producer’s registered office or principal place of business is in Wales, the Natural Resources Body for Wales;
 - (iii) where the producer’s registered office or principal place of business is in Scotland, SEPA;
 - (iv) where the producer’s registered office or principal place of business is in Northern Ireland, the Department of the Environment;
- (g) for the purposes of Part 4 relating to the obligations of an operator of a scheme, the appropriate authority which granted approval of that operator’s scheme under regulation 55;
- (h) for the purposes of Part 7 relating to the approval of schemes—
 - (i) where the operator of the scheme’s registered office or principal place of business is in England, the Environment Agency;
 - (ii) where the operator of the scheme’s registered office or principal place of business is in Wales, the Natural Resources Body for Wales;
 - (iii) where the operator of the scheme’s registered office or principal place of business is in Scotland, SEPA;
 - (iv) where the operator of the scheme’s registered office or principal place of business is in Northern Ireland, the Department of the Environment;
- (i) for the purposes of Part 8 relating to the approval of authorised treatment facilities and exporters—
 - (i) where the registered office or principal place of business of the operator of the ATF or of the exporter is in England, the Environment Agency;
 - (ii) where the registered office or principal place of business of the operator of the ATF or of the exporter is in Wales, the Natural Resources Body for Wales;
 - (iii) where the registered office or principal place of business of the operator of the ATF or of the exporter is in Scotland, SEPA; and
 - (iv) where the registered office or principal place of business of the operator of the ATF or of the exporter is in Northern Ireland, the Department of the Environment;
- (j) for the purposes of Schedule 12 relating to designated collection facilities—
 - (i) where the operator of the collection facility’s registered office or principal place of business is in England, the Environment Agency;

- (ii) where the operator of a the collection facility’s registered office or principal place of business is in Wales, the Natural Resources Body for Wales;
- (iii) where the operator of the collection facility’s registered office or principal place of business is in Scotland, SEPA; and
- (iv) where the operator of the collection facility’s registered office or principal place of business is in Northern Ireland, the Department of the Environment;

“ATF” means an authorised treatment facility;

“authorised representative” means any person who is established in the United Kingdom and who has been appointed by a producer under regulation 14(2);

“authorised treatment facility” means any facility operated by an establishment or undertaking carrying out treatment and which is licensed or otherwise permitted under or by virtue of any legislation made in the United Kingdom, or in any part of the United Kingdom, which implements Article 9 of the Directive;

“collection” has the meaning given by Article 3 the Waste Directive;

“code of practice” means the code of practice issued by the Secretary of State under regulation 72;

“compliance fee” means a fee calculated in accordance with the methodology approved by the Secretary of State under regulation 76;

“compliance period” means—

- (a) the first compliance period; or
- (b) any year following the first compliance period;

“dangerous substance or mixture” means any mixture which has to be considered dangerous under [Directive 1999/45/EC](#)(7) of the European Parliament and of the Council of 31st May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations or any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation [\(EC\) No 1272/2008](#)(8) of the European Parliament and of the Council of 16th December 2008 on classification, labelling and packaging of substances and mixtures:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F,
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10,
- (iii) hazard class 4.1, and
- (iv) hazard class 5.1;

“declaration of compliance” means the declaration of compliance referred to in regulation 19(1) or 39(1);

“Department of the Environment” means the Department of the Environment in Northern Ireland;

“designated collection facility” means any establishment or undertaking carrying out collection operations and which is approved by the Secretary of State under regulation 70;

“display equipment” means—

- (a) personal computer screens that fall within category 3 of Schedule 1, and

(7) OJ No L 200, 30.7.1999, p.1.

(8) OJ No L 353, 31.12.2008, p.1.

- (b) television sets that fall within category 4 of Schedule 1;
- “disposal” has the meaning given by Article 3 the Waste Directive;
- “distributor” means any person in the supply chain who makes an item of EEE available on the market but a distributor may also be a producer;
- “distributor take back scheme” means a distributor take back scheme approved by the Secretary of State under regulation 68;
- “EEE” means electrical and electronic equipment;
- “EEE producer registration number” means the registration number issued to a producer or their authorised representative by the appropriate authority under regulation 26;
- “electrical and electronic equipment” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current;
- “end-user” means any person who uses a piece of EEE;
- “enforcement authority” has the meaning given in regulation 87(5);
- “enforcement notice” means a notice in writing served in accordance with regulation 88;
- “enforcement officer” has the meaning given in regulation 89(15)(b);
- “Environment Agency” means the body established under section 1(1) of the Environment Act 1995⁽⁹⁾;
- “evidence note” means an evidence note issued, in the format approved by the Secretary of State under regulation 73, by—
- (a) an operator of an AATF, as evidence of the receipt of tonnage of WEEE specified in the note for
- (i) reuse as a whole appliance, or
- (ii) treatment at an ATF, or
- an approved exporter, as evidence of the receipt for export of tonnage specified in the note for:
- (iii) WEEE for reuse as a whole appliance outside the United Kingdom, or
- (iv) used EEE for reuse as a whole appliance outside the United Kingdom;
- “exporter” means a person who, in the ordinary course of conduct of a trade, occupation or profession, exports—
- (a) used EEE for reuse as a whole appliance outside the United Kingdom; or
- (b) WEEE for treatment, recovery or recycling outside the United Kingdom;
- “financial year” in relation to a scheme member—
- (a) where that scheme member is a company is determined as provided in—
- (i) section 390(1) to (3) of the Companies Act 2006⁽¹⁰⁾, or
- (ii) article 231(1) to (3) of the Companies (Northern Ireland) Order 1986⁽¹¹⁾; and
- (b) in any other case has the meaning given in—
- (i) section 390(4) of the Companies Act 2006, or
- (ii) article 231(4) of the Companies (Northern Ireland) Order 1986,

⁽⁹⁾ 1995 c. 25.⁽¹⁰⁾ 2006 c. 46.⁽¹¹⁾ S.I. 1986/1032 (N.I.6).

but as if the reference there to an undertaking were a reference to that scheme member;

“first compliance period” means the period commencing on 1st January 2014 and ending with 31st December 2014;

“first quarter period” means a period commencing on 1st January and ending with 31st March;

“fourth quarter period” means a period commencing on 1st October and ending with 31st December;

“gas discharge lamp” means a gas discharge lamp that falls within category 5 of Schedule 1;

“hazardous waste” has the meaning given by Article 3 of the Waste Directive;

“in vitro diagnostic medical device” means an in vitro diagnostic device or accessory within the meaning of respectively, point (b) or (c) of Article 1(2) of [Directive 98/79/EC\(12\)](#) of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices which are EEE;

“issue” in relation to an evidence note means to sell or otherwise supply to any person;

“large-scale stationary industrial tools” means a large-scale assembly of machines, equipment, and/or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;

“large scale fixed installations” means a large-size combination of several types of apparatus and, where applicable, other devices which:

- (a) are assembled, installed and de-installed by professionals
- (b) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and
- (c) can only be replaced by the same specifically designed equipment;

“LED light source” means a product that falls within category 5 of Schedule 1 and which uses an integrated light emitting diode as its light source;

“making available on the market” means any supply of a product for distribution, consumption or use on the market of a Member State in the course of a commercial activity, whether in return for payment or free of charge;

“medical device” means a medical device or accessory within the meaning of, respectively, point (a) or (b) of Article 1(2) of Council [Directive 93/42/EEC\(13\)](#) of 14 June 1993 concerning medical devices which are WEEE;

“Member State” includes Norway, Iceland and Lichtenstein(14) ;

“Natural Resources Body for Wales” means the body established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012(15);

“new scheme” has the meaning given in regulation 14(9)(a);

“non-obligated WEEE” means WEEE received by an AATF or approved exporter other than from or on behalf of a scheme;

“non-road mobile machinery” means machinery, with an on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working;

“old scheme” has the meaning given in regulation 14(9);

(12) OJ No L 331, 7.12.1998, p.1.

(13) OJ No. L169, 12.7.1993, p.1.

(14) The Directive applies to Norway, Iceland and Lichtenstein by Decision 82/2004 of the European Economic Area Joint Committee of 8th June 2004. OJ No. L349, 25.11.2004, p.39.

(15) [S.I. 2012/1903 \(W.230\)](#) to which there are amendments not relevant to these Regulations.

“operator of an AATF” means the operator of a treatment facility that has been approved under regulation 61;

“operator of a collection facility” means the operator of an establishment or undertaking carrying out collection operations;

“operator of a scheme” means the operator of a scheme that has been approved under regulation 55;

“operator of a proposed scheme” means the operator of a proposed scheme that is the subject of an application for approval made under regulation 55;

“placing on the market” means the first making available of a product on the market within the territory of a Member State on a professional basis;

“Planning Appeals Commission” means the Planning Appeals Commission constituted under Article 110 of the Planning (Northern Ireland) Order 1991⁽¹⁶⁾;

“premises” includes any land or means of transport;

“preparing for re-use” has the meaning given by Article 3 of, and Annex I of the Waste Directive;

“prevention” has the meaning given by Article 3 of, and Annex I of the Waste Directive;

“producer” means any natural or legal person who, irrespective of the selling technique used, including by means of distance communication in accordance with [Directive 97/7/EC](#)⁽¹⁷⁾ of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts—

- (a) is established in a Member State and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his own name or trademark within the territory of that Member State;
- (b) is established in a Member State and resells within the territory of that Member State, under his own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the “producer” if the brand of the producer appears on the equipment, as provided for in sub-paragraph (a);
- (c) is established in a Member State and places on the market of that Member State, on a professional basis, EEE from a third country or from another Member State; or
- (d) sells EEE by means of distance communication directly to private households or to users other than private households in a Member State, and is established in another Member State or in a third country.

“proposed scheme” means a proposed scheme that is the subject of an application for approval made under regulation 55;

“quarter period” means—

- (a) the first quarter period;
- (b) the second quarter period;
- (c) the third quarter period;
- (d) the fourth quarter period;

“recovery” has the meaning given by Article 3 of and Annex II of the Waste Directive, and “recover”, “recovered” and “recovery operation” shall be construed accordingly;

“recycling” has the meaning given by Article 3 of the Waste Directive and “recycled” and “recycling operation” shall be construed accordingly;

⁽¹⁶⁾ S.I. 1991/1220 (N.I. 19) as amended by S.I. 1999/663 and S.I. 2003/430 (N.I.8).

⁽¹⁷⁾ OJ No. L144, 4.6.1997, p. 19.

“register of producers” means the register of producers maintained by the appropriate authority under regulation 77;

“registered in the United Kingdom” means—

- (a) registered under the Companies Act 2006 or under the former Companies Acts (as defined in that Act); or
- (b) registered, or deemed to be registered, under the Companies (Northern Ireland) Order 1986 or under the former Companies Acts (as defined in that Order);

“relevant approval period” has the meaning given in regulation 61(7);

“relevant authorisation” means—

- (a) a permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2010⁽¹⁸⁾ or regulation 11 of the Pollution Prevention and Control (Scotland) Regulations 2012⁽¹⁹⁾;
- (b) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2010 or any other operation exempt from the requirements of section 33(1) (a) and (b) of the Environmental Protection Act 1990 under those Regulations;
- (c) an exemption registered or otherwise permitted under regulations 17 and 19 of the Waste Management Licensing (Scotland) Regulations 2011⁽²⁰⁾;
- (d) a permit granted under regulation 10 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013⁽²¹⁾;
- (e) an exemption registered under regulation 18 of the Waste Management Licensing Regulations (Northern Ireland) 2003⁽²²⁾, or
- (f) a waste management licence granted under article 8 of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽²³⁾;

“relevant compliance period” means any compliance period, or any part of a compliance period, in respect of which any person has any obligation under these Regulations;

“reprocessor” means a person who, in the ordinary course of conduct of a trade, occupation or profession, carries out one or more activities of recovery or recycling and who holds a relevant authorisation;

“removal” means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are in an identifiable part of a stream within the treatment process. A substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment;

“reuse” has the meaning given by Article 3 of, and Annex I of the Waste Directive and “reused” shall be construed accordingly;

“scheme” means a scheme that operates in the United Kingdom and has been approved the relevant appropriate authority under regulation 55;

“scheme member” means—

- (a) a producer who is a member of a scheme on their own behalf; or
- (b) where a producer has appointed an authorised representative under regulation 14, the authorised representative on behalf of the producer who has appointed them

⁽¹⁸⁾ S.I. 2010/675 to which there are amendments not relevant to these Regulations.

⁽¹⁹⁾ S.S.I. 2012/360.

⁽²⁰⁾ S.S.I 2011/228.

⁽²¹⁾ S.R. (NI) 2013 No 160.

⁽²²⁾ S.R. (NI) 2003 No 493.

⁽²³⁾ S.I. 1997/2778 (N.I. 19).

“Scottish Environment Protection Agency” means the body established under section 20(1) of the Environment Act 1995;

“second quarter period” means a period commencing on 1st April and ending with 30th June;

“SEPA” means the Scottish Environment Protection Agency;

“small producer” means a person falling within the definition of producer and who places less than 5 tonnes of EEE onto the market in a compliance period;

“the transitional period” means 1st January 2014 until 31st December 2018;

“third quarter period” means a period commencing on 1st July and ending with 30th September;

“separate collection” has the meaning given by Article 3 of the Waste Directive;

“treatment” has the meaning given by Article 3 of the Waste Directive, and “treat”, “treated” and “treatment operation” shall be construed accordingly;

“turnover” means, in relation to a scheme member, their turnover as defined in—

- (a) section 474(1) of the Companies Act 2006, or
- (b) article 270(1) of the Companies (Northern Ireland) Order 1986, but as if the references to a company were references to that person;

“very small EEE” means an item of EEE with no external dimension more than 25cm;

“waste electrical and electronic equipment” means electrical or electronic equipment which is waste within the meaning of Article 3(1) of the Waste Directive including all components, subassemblies and consumables which are part of the product at the time of discarding;

“WEEE” means waste electrical and electronic equipment;

“WEEE collection stream” means—

- (a) large household appliances
- (b) appliances containing refrigerants
- (c) display equipment
- (d) lamps
- (e) all other WEEE that is separately collected at a designated collection facility during a compliance period
- (f) photovoltaic Panels

“WEEE from private households” means WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households. Waste from EEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households;

“writing” includes text that is—

- (a) transmitted by electronic means,
- (b) received in legible form, and
- (c) capable of being used for subsequent reference; and

“year” means a calendar year commencing on 1st January.