
STATUTORY INSTRUMENTS

2013 No. 3113

The Waste Electrical and Electronic
Equipment Regulations 2013

PART 4

SCHEME OBLIGATIONS

Payment of a compliance fee

33.—(1) Where a scheme has not financed the collection, treatment, recovery and environmentally sound disposal of the total amount of WEEE in each of the WEEE categories for which its members are responsible under regulation 11, through—

- (a) collecting WEEE from designated collection facilities; or
- (b) collecting WEEE that has been returned under regulation 43 or 52 but is not deposited at a designated collection facility; or
- (c) arrangements with third parties; or
- [^{F1}(d) collecting WEEE under regulation 50; or
- (e) a combination of (a), (b), (c) and (d);]

the operator of that scheme may choose to finance the collection, treatment, recovery and environmentally sound disposal of the amount of WEEE in tonnes which is equal to the amount in tonnes of WEEE which that scheme has not collected within the compliance period by paying a compliance fee.

(2) The amount of WEEE for which any scheme that chooses to pay the compliance fee under paragraph (1) will be responsible, will be calculated in relation to each of the categories of EEE as follows—

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

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 all of the members of a particular scheme in the previous compliance period, or part of the previous compliance period (“the relevant compliance period”) during which their membership of that scheme subsists;

“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 [^{F2}and authorised representatives] in the same compliance period used in “A”;

“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 regulation 28(5) to be the total amount in tonnes to be financed

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Waste Electrical and Electronic Equipment Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

by producers [^{F3}and authorised representatives] in that category in the compliance period that follows compliance period used in “A”; and

[^{F4}“D” is the total amount in tonnes of WEEE from private households that has been financed by the scheme in the relevant category during the compliance period used in “C”.]

(3) A scheme operator who elects to pay the compliance fee referred to in paragraph (1) must ensure that the fee is paid to a third party approved by the Secretary of State under regulation 76 by 31st March in the compliance period following that to which the fee relates.

Textual Amendments

- F1** Reg. 33(1)(d)(e) substituted for reg. 33(1)(d) (25.12.2015) by The Waste Electrical and Electronic Equipment (Amendment) Regulations 2015 (S.I. 2015/1968), regs. 1, **2(16)(a)**
- F2** Words in reg. 33(2) inserted (25.12.2015) by The Waste Electrical and Electronic Equipment (Amendment) Regulations 2015 (S.I. 2015/1968), regs. 1, **2(16)(b)(i)**
- F3** Words in reg. 33(2) inserted (25.12.2015) by The Waste Electrical and Electronic Equipment (Amendment) Regulations 2015 (S.I. 2015/1968), regs. 1, **2(16)(b)(ii)**
- F4** Words in reg. 33(2) substituted (25.7.2014) by The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014 (S.I. 2014/1771), regs. 1(b), **2(3)**

Commencement Information

- I1** Reg. 33 in force at 1.1.2014, see **reg. 1(2)**

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Waste Electrical and Electronic Equipment Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 8 Pt. 3 para. 31 word substituted by [S.I. 2015/1968 reg. 2\(43\)\(b\)\(i\)](#)
- Sch. 8 Pt. 3 para. 31 word substituted by [S.I. 2015/1968 reg. 2\(43\)\(b\)\(ii\)](#)