

WEEE Directive – BMF Guidance

The BMF produce this guidance after reviewing the DTI's Government Guidance Note SI 2006 No. 3289. Should you wish to know more, a full copy of the guidance can be found on the Environmental code of Practice website www.ecop.org.uk

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1. Introduction

The WEEE (Waste Electrical and Electronic Equipment) Directive is a wide-ranging piece of European environmental legislation. It is one of a small number of European Directives, which implement the principle of "extended producer responsibility". Under this principle, producers are required to take financial responsibility for the environmental impact of products they place on the market, especially when those products become waste. The WEEE Directive applies this principle in relation to electrical and electronic equipment (EEE).

The broad aim of the WEEE Directive is to address the environmental impacts of electrical and electronic equipment when it reaches the end of its life and to encourage its separate collection, subsequent treatment, re-use, recovery, recycling and environmentally sound disposal.

The WEEE Regulations have a number of implications for producers of EEE and distributors of EEE (often seen as retailers). There are no exemptions for SMEs under the WEEE Directive, and hence the WEEE Regulations apply to all businesses regardless of size. However the Government is working to ensure that any costs to SMEs are not disproportionate.

Distributors of EEE have responsibilities in terms of the provision of facilities to enable the free take-back of household WEEE by final holders/end users and the provision of certain information to consumers of EEE.

2. Who is affected by the WEEE Regulations?

a) A producer putting electrical and electronic equipment (EEE) within the scope of the WEEE Regulations onto the UK market.

You are a producer for the purposes of the WEEE Regulations if you are:

- a manufacturer of EEE, selling under your own brand in the UK; or
- a business based in the UK selling under your own brand EEE manufactured by another person; or
- a professional importer introducing EEE to the UK market; or
- a business based in the UK that places EEE in other European Members States by means of distance selling.

If you are a producer, you have several obligations under the WEEE Regulations:

You must join a Producer Compliance Scheme (PCS) to discharge your obligations as a producer of EEE, for example, registering as a producer, reporting data on EEE you put on the UK market, and financing any costs of collection, treatment, recovery and disposal of WEEE in line with your notified obligation;

you must ensure the marking of EEE you put onto the UK market to assist with its separate collection at the end of its life;

You must make information available to treatment facilities in respect of new types of EEE you put on the UK market.

b) A distributor of EEE in the UK.

You are a distributor (irrespective of selling technique) for the purposes of the WEEE Regulations if you are:

- a retailer of new EEE; or
- a wholesaler of new EEE;

If you are a distributor selling new EEE to householders, you have obligations under the WEEE Regulations.

Distributors have an important role to play in facilitating the takeback WEEE from householders.

The main obligation on distributors is to provide a take-back service to householders enabling them to return their WEEE free of charge. The WEEE Regulations provide you with a choice of providing "in-store" take-back or participating in the Distributor Take-back Scheme, or providing an alternative system for free take-back for householders.

There is a further obligation on distributors to provide householders with information on the options that are available to them for the free return of their WEEE and on the environmental benefits resulting from its separate collection.

Take-back in-store

Distributors choosing to implement in-store take-back of household WEEE must do so free of charge and for all types of EEE they sell. In-store takeback applies irrespective of when and where the original item brought for disposal was originally purchased, and without regard to “collect on delivery” services.

The WEEE Directive and WEEE Regulations specify in-store take-back operating on a “like-for-like” basis, where a consumer is purchasing a new product to replace a similar product that he/she wishes to discard.

Take-back through the Distributor Take-back Scheme

Members of the Distributor Take-back Scheme must inform their customers of how they can dispose of their WEEE free of charge at a local collection facility supported by the DTS. Membership of the DTS is an alternative to operating in-store take-back.

Distributor Take-back Scheme (DTS)

The Distributor Take-back Scheme will develop a network of Designated Collection Facilities (DCF) to provide distributors with an alternative to in-store take-back of WEEE. The Distributor Take-back Scheme will be funded by the distributor community, and is responsible for nominating DCFs for approval by the Secretary of State, and ensuring an adequate and accessible nationwide WEEE collection system.

The Secretary of State, in consultation with Ministers in Devolved Administrations, has appointed Valpak Retail WEEE Services through a competitive tender process to operate the Distributor Take-back Scheme for the first three compliance periods. The scheme’s performance will be kept under review, including delivery to an agreed operational plan, delivery of the network of DCFs, and relationships with the members' of the scheme to ensure that they meet all their obligations under the WEEE Regulations.

Membership of the DTS is entirely separate from membership of a Producer Compliance Scheme (PCS) and the schemes have different roles and obligations. In particular it is not necessary for a producer to be a member of a particular PCS in order to join the DTS as a distributor, nor should it be necessary to discharge any distributor obligations through the DTS in order to join a particular PCS.

Joining the Distributor Take-back Scheme

Membership of the Distributor Take-back Scheme will initially last for the first three compliance periods (2007, 2008 & 2009), and is open to anyone with distributor obligations in the UK.

The DTS has a three-tier membership structure (one-off payment for membership until December 2009) according to sales of EEE during 2006 as follows:

- Large distributors with sales of EEE in 2006 greater than £1.5m together fund £8.8m, apportioned by sales (2006 figures are required);
- Smaller distributors with sales of EEE in 2006 between £100,000 and £1.5m (likely to be electrical specialists) with a flat fee of £750;
- Small distributors with sales of EEE in 2006 below £100,000 with a flat fee of £200.

All fees are subject to VAT. Further details are available by contacting Valpak Retail WEEE Services.

The deadline for joining the DTS is 15th March 2007. After this point, any retailers who wish to join will be subject to a 'penalty joining fee', which will be equal to double the fee that would have been paid if you join before the deadline.

Record keeping

Distributors must retain records for four years of the information they make available to customers. Distributors are not required to keep records of individual interactions with customers.

Distributors who receive WEEE through free take-back must record and retain for four years information about the number of units received, and the number returned to a Producer Compliance Scheme under Regulation 32 of the WEEE Regulations.

Take-back systems should be widely available and accessible, and enable users to dispose of their household WEEE free of charge. The WEEE Regulations provide distributors of EEE with a choice of how they discharge their take-back obligations. A distributor must:

- join the Distributor Take-back Scheme (DTS) – which provides a network of out-of-store sites where users can dispose of their household WEEE free of charge for environmentally sound treatment and recycling; or
- offer in-store take-back – the distributor must accept free of charge an equivalent item of household WEEE to the new item of household EEE sold to the customer. Where in-store take-back is offered, it must be for all types of EEE that the distributor sells. The principle of free take-back is extended to distance sales as described below; or

- provide an alternative free take-back service, which is available and accessible to customers.

3. Timetable for Implementation and Compliance

The WEEE Regulations place obligations in relation to WEEE on the producers of EEE from the 1 July 2007 and in relation to EEE, such as product marking and provision of treatment information from 1 April 2007.

Distributor obligations commence from 1 July 2007.

The first WEEE compliance period will run from 1 July 2007 to 31 December 2007. Each subsequent compliance period will run for 12 months from 1 January to 31 December each year.

4. Exemptions

Electrical and electronic equipment that is part of another type of equipment

The WEEE Directive excludes EEE that is part of another type of equipment that does not fall within the scope of the WEEE Directive. Examples of such equipment would be lighting or entertainment equipment for use specifically in vehicles, trains or aircraft.

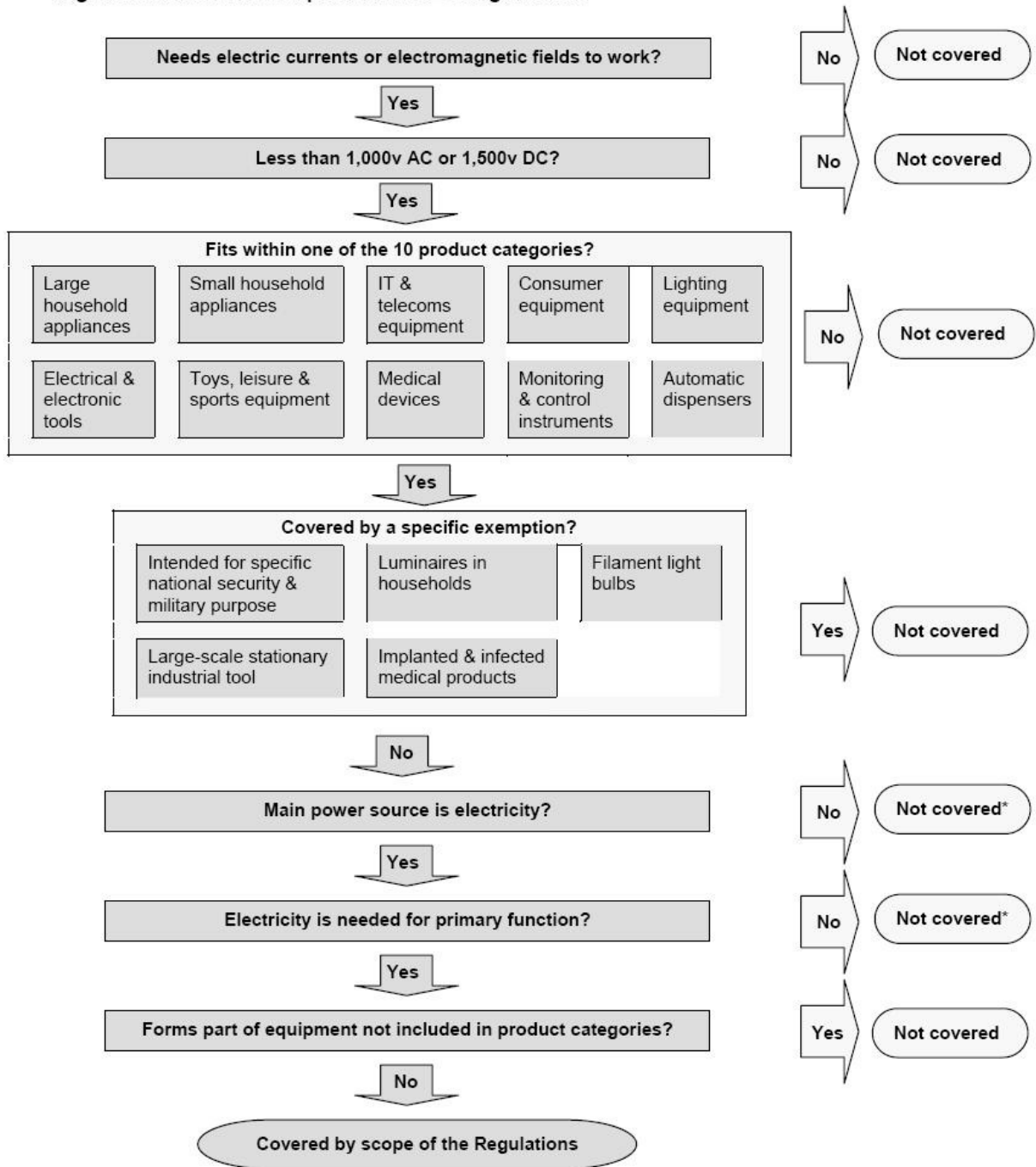
The UK has interpreted the Directive so as to exclude items fitted or for fitting on boats and which could not operate independently of the boat. If however the item can be used independently ashore then it may well be classed as WEEE. It may also be seen as advisable, when selling items of equipment intended for fitting on a boat, that some form of note is included advising the status and applicability of WEEE.

5. Categories of electrical and electronic equipment covered by the WEEE Regulations

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer equipment
5. Lighting equipment, (including electric light bulbs and household luminaires)
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7. Toys, leisure and sports equipment
8. Medical devices (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Automatic dispensers

6. WEEE Decision Tree

A 'decision tree' that could be used by producers to decide whether or not a product might come within the scope of the WEEE Regulations.



7. **Further Information**

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Environmental Code of Practice

www.ecop.org.uk

DTI WEEE Website

<http://www.dti.gov.uk/innovation/sustainability/weee/page30269.html>

Valpak – Producer or Distributor Schemes

<https://www.valpak.co.uk/weee/>