

Waste Electrical and Electronic Equipment (WEEE) Regulations 2006: Management Briefing

Electrical and electronic equipment (EEE), is classified as such, if:

- they need electrical and electromagnetic fields to work
- are less than 1000v AC or 1500v DC
- fit within the categories listed in Schedule 1 of the WEEE Regulations:

1. large household appliances
2. small household appliances
3. IT and telecommunications equipment
4. consumer equipment
5. lighting equipment
6. electrical and electronic tools
7. toys, leisure and sports equipment
8. medical devices
9. monitoring and control instruments
10. automatic dispensers
11. display equipment
12. cooling appliances
13. gas discharge lamps.

Examples are:

- computers and other office equipment
- fluorescent light tubes
- fridges and washing machines (white goods)
- coffee makers, toasters etc. (brown goods)
- TVs
- vending machines.
- manufacture, import, re-brand, distribute or sell EEE
- store, treat, dismantle, recycle, dispose of, use, repair or refurbish WEEE.

Exemptions from the Regulations include:

- equipment intended for national security and military purposes
- large-scale industrial tools
- household luminaries
- filament light bulbs
- infected and medical products
- part of another type of equipment, eg car.

Always consider:

- the environmental consequences before deciding to replace equipment. Is it necessary to buy a new product? Could equipment be upgraded or refurbished? Instead of throwing away unwanted equipment consider passing it on to others
- the WEEE Regulations when entering into commercial negotiations and procurement decisions concerning EEE
- obtaining the producer registration number for supplied equipment when buying electrical products from a distributor or other intermediary, so that you know whom to contact to arrange disposal at the end of its life. Suppliers of EEE should always be able to provide this on behalf of producers
- whether it is the producer or the PCS who will be arranging for disposal, and whether collection will be from your premises or a local collection facility.
- your responsibilities under other waste management legislation, such as the Duty of Care.

The WEEE Regulations apply if you:

- manufacture, import, re-brand, distribute or sell EEE
- store, treat, dismantle, recycle, dispose of, use, repair or refurbish WEEE.

Manufacturers, importers or re-sellers of EEE (producers) must:

- pay for the treatment and recycling of EEE
- join a producer compliance scheme (PCS) and provide information to it
- mark products with a crossed out wheeled bin
- provide information to WEEE treatment and reprocessing facilities about new products put on the UK market
- give a producer registration number to distributors you supply equipment to
- keep records for at least four years.

If you sell EEE (distributors) you must:

- provide a system that enables household customers to dispose of their WEEE free of charge by either:
 - offering in-store take back or
 - joining the distributor take-back scheme or
 - providing an alternative free take-back service.
- as a distributor you do not have to provide free take back for customers who are businesses, but you may be asked to help business customers and suppliers meet their obligations.

Case law

In October 2010, a Birmingham-based hairdressing supplies wholesaler, Aston and Fincher Ltd, was the first 'producer' to be prosecuted under the WEEE Regulations.

The company pleaded guilty to 31 charges relating to failure to comply with packaging waste regulations and failing to register as a producer of electrical and electronic waste.

According to the Environment Agency (EA), the company avoided paying £445 plus unknown costs of financing the recovery and recycling of equipment for which they would have been responsible in 2008. They were fined £650 for each offence (£20 150) and also ordered to pay compensation of £7135 to the EA for loss of registration fees, costs of £3605.11 and a victim surcharge of £15.

EA investigations found the company had committed offences in each year from 2001 to 2008. The company also imported a range of electrical items into the UK, and failed to meet their obligations under the WEEE Regulations.

Legal duties

The Waste Electrical and Electronic Equipment Regulations 2006 implement:

- EC Directive 2002/96/EC
- EC Directive 2003/108/EC

The Waste Electrical and Electronic Equipment (Amendment) Regulations 2007: encourage prioritisation of the reuse of whole appliances and also provide final holders of WEEE with the right to return household WEEE without charge

The Waste Electrical and Electronic Equipment (Amendment) Regulations 2009: improvements to the PCS reducing the administrative burden on business by simplifying the data recording requirements

The Waste Electrical and Electronic Equipment (Amendment) (No 2) Regulations 2009: corrects an error on a previous amendment regarding reporting frequencies.

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