
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Waste Electrical and Electronic Equipment Regulations 2006 ([S.I. 2006/3289](#)) (“the 2006 Regulations”), which transpose the main provisions of Council Directive [2002/96/EC](#) of 27th January 2003 on waste electrical and electronic equipment (OJNo. L37, 13.2.2003, p.24) as amended by Council Directive [2003/108/EC](#) (OJ No. L345, 31.12.2003, p.106).

Regulation 1 provides for the citation and commencement of this instrument.

Regulation 2 introduces the amendments to the 2006 Regulations that are set out in the Schedule to these Regulations.

Regulation 3 makes a transitional provision.

Paragraph 3 of the Schedule amends regulation 20 (application to register producers) by providing that the appropriate authority must process an application for late registration made under paragraph (2) of that regulation on or before 31st December of the year immediately preceding the commencement of the relevant compliance period or within 28 days of the date of an application made under that paragraph. Paragraphs 6(2) and 8(3) of the Schedule amend regulations 27 (reporting: WEEE) and 30 (record keeping), respectively, by requiring that amounts of WEEE made available for reuse as a whole appliance are reported and recorded in tonnes.

Paragraph 9 of the Schedule amends regulation 34 (record keeping) by providing that the records referred to in this regulation shall be kept in the format published by the Secretary of State; and paragraph 20 of the Schedule makes a consequential amendment to Part 9 by inserting a new regulation 59A which provides that the Secretary of State must publish the record keeping format referred to in regulation 34.

Paragraph 10 of the Schedule amends Part 6 by inserting a new regulation 40A to provide a final holder of WEEE from private households with the right to return such WEEE free of charge to the system set up by a producer compliance scheme. Consequential amendments are made to regulations 8(1) and (3), 22(3), 43, 58 and 63 and to Parts 3 and 4 of Schedule 7 and Parts 2 and 3 of Schedule 8 by paragraphs 2, 4(2), 12(3), 19(2)(a), 22(2)(b), 31(3)(b) and (4) and 32(3)(b) and (h) and (4)(f) of the Schedule, respectively.

Paragraph 11 of the Schedule amends regulation 41 (application for approval of a proposed scheme) by providing that a grant of approval shall cover the periods specified in that regulation. Paragraph 13(2) amends regulation 44(1)(a)(ii) (withdrawal of approval of a scheme) by providing that the appropriate authority may withdraw approval of a scheme where it is satisfied that the operator of that scheme has knowingly or recklessly supplied misleading information to the authority.

Paragraph 15 of the Schedule amends regulation 47 (application for approval) by providing that an operator of an approved authorised treatment facility and an approved exporter may issue evidence in relation to WEEE that is reused as a whole appliance. Consequential amendments are made to the definitions of evidence note and exporter in regulation 2 (paragraph 1 of the Schedule) and to regulations 46, 48, 52 and 58(1)(c) and to Part 3 of Schedule 7, Schedule 8 and Schedule 9 by paragraphs 14, 16(2), 18, 19(2)(b), 31(3)(a), 32(2)(b), (c) and (d), (3)(b), (c), (f) and (h) and (4)(a), (d)(i) and (f) and 33(3) of the Schedule, respectively.

Paragraph 17 of the Schedule amends regulation 50 (suspension and cancellation of approval) by providing that the appropriate authority may suspend or cancel approval of an authorised treatment facility or exporter where it is satisfied that the operator of that scheme has knowingly or recklessly supplied misleading information to the authority.

Status: This is the original version (as it was originally made).

Paragraph 22 of the Schedule amends regulation 63 (information) to clarify what is meant by appropriate authority in this regulation; and by providing that information published by an appropriate authority under this regulation may be based on information provided to it by another appropriate authority. Paragraph 23 of the Schedule amends regulation 65 (disclosure of information) by providing that a person will commit an offence if he discloses information in contravention of paragraph (3) of that regulation. A consequential amendment is made to regulation 74 by paragraph 29.

Paragraph 25 of the Schedule amends regulation 70 (enforcement) by providing that it is the duty of the Environment Agency in England and Wales, the Scottish Environment Protection Agency in Scotland and the Department of the Environment in Northern Ireland to enforce regulations 43 and 46. Consequential amendments are made to regulations 71 and 73(3)(a) by paragraphs 26 and 28(3) (a) of the Schedule, respectively.

Paragraph 27(4)(a) of the Schedule amends regulation 72 (entry and inspection) by providing in paragraph (6) that an enforcement officer may direct that premises entered by virtue of this regulation shall be left undisturbed for so long as is reasonably necessary for the purpose of any examination or investigation carried out under that regulation. Paragraph 28 amends regulation 73(1), (3) and (7) (offences) by providing that references to “false and misleading” are replaced by references to “false or misleading”.

Paragraph 30 of the Schedule amends Schedule 6 (information to be included in an application for registration of producers and notification of new scheme members) by providing that paragraph 1 applies to applications for notification of new scheme members; by deleting the requirement in paragraph 4 that contact details for the operator of the scheme must be included in the application and making a consequential amendment to paragraph 6; and by providing that where a scheme member is not a body registered in the United Kingdom under paragraph 5 an operator of a scheme no longer has to provide details of that member’s principal place of business in the United Kingdom. Paragraph 34 of the Schedule makes consequential amendments to Schedule 10.

Paragraph 32 of the Schedule amends Schedule 8 (approval of authorised treatment facilities and exporters) by correcting typographical errors in paragraph 1 of Part 1 (information to be included in an application for approval), paragraph 1 of Part 2 (conditions of approval of authorised treatment facilities) and paragraph 5(c) of Part 3 (conditions of approval of exporters); by requiring amounts of WEEE to be recorded on evidence notes in tonnes and kilograms; by removing the power to issue substitute evidence notes in paragraph 6 of Part 2 and in paragraph 4 of Part 3; by amending paragraph 10 of Part 2 and paragraph 7 of Part 3 to provide that evidence notes which relate to WEEE in any given approval period cannot be issued after 30th April of the year immediately following the end of that approval period. Consequential amendments are made to paragraph 9 of Part 2 and paragraph 6 of Part 3 of Schedule 8 and to regulation 52(5).

The following minor corrections are made to the 2006 Regulations. Paragraphs 4(3), 5, 6, 7, 8, 13(3), 16(3), 21, 24, 27(2), (3) and (4)(b) and 33(2) of the Schedule correct typographical errors in regulations 22(9)(b), 24, 27(2)(b) and (3)(b), 28(2)(e), 30(1)(c), 44(3), 48(5), 61, 69 and 72(1), (2) and (6) and Schedule 9, respectively. Paragraph 12 of the Schedule amends regulation 43(d)(ii) (aa) by inserting a reference to regulation 21. Paragraph 35 of the Schedule amends Schedule 11 by clarifying what is meant by the appropriate authority in paragraph 1(3); and by correcting a typographical error in paragraph 4(3).

A full impact assessment has not been produced for this instrument because the amendments it introduces are not expected to have a significant impact on the total costs and benefits estimated for [S.I. 2006/3289](#). A Regulatory Impact Assessment (RIA) for [S.I. 2006/3289](#) was produced and copies can be obtained from the Sustainable Development and Regulation Directorate, Department for Business, Enterprise and Regulatory Reform (BERR), 1 Victoria Street, London SW1H 0ET and at www.berr.gov.uk/innovation/sustainability. As these Regulations do not transpose new European legislation, no transposition note (TN) has been prepared. A TN in respect of [S.I. 2006/3289](#) is

available from BERR as above. Copies of the RIA and TN have been placed in the libraries of both Houses of Parliament.