
STATUTORY INSTRUMENTS

2006 No. 3289

The Waste Electrical and Electronic
Equipment Regulations 2006

PART 1

GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Waste Electrical and Electronic Equipment Regulations 2006.

(2) Subject to paragraphs (3) and (4), these Regulations shall come into force on 2nd January 2007.

(3) Regulations 15 to 17 and Schedule 4 shall come into force on 1st April 2007.

(4) Regulations 31 to 36 and 40 shall come into force on 1st July 2007.

(5) Regulations 4, 45 and 51 do not extend to Northern Ireland.

Interpretation

2.—(1) In these Regulations—

“the Directive” means Directive 2002/96/EC of the European Parliament and of the Council of 27th January 2003 on waste electrical and electronic equipment (WEEE)(1) as amended by Directive 2003/108/EC of the European Parliament and of the Council of 8th December 2003 on waste electrical and electronic equipment (WEEE)(2);

“AATF” means an approved authorised treatment facility;

“ATF” means an authorised treatment facility;

“approved authorised treatment facility” means an authorised treatment facility which is approved under regulation 47;

“approved exporter” means an exporter who is approved under regulation 47;

“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 or Wales, the Environment Agency;
- (b) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate authority in Scotland, SEPA;
- (c) 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;

(1) OJ No. L37, 13.2.2003, p.24.

(2) OJ No. L345, 31.12.2003, p.106.

- (d) for the purposes of Part 3 relating to the obligations of a producer under regulations 8, 10, 12 and 13, 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 20;
- (e) for the purposes of Part 3 relating to the obligations of a producer under regulation 18—
 - (i) where the producer’s registered office or principal place of business is in England or Wales, the Environment Agency;
 - (ii) where the producer’s registered office or principal place of business is in Scotland, SEPA;
 - (iii) where the producer’s registered office or principal place of business is in Northern Ireland, the Department of the Environment;
- (f) 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 41;
- (g) 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 or Wales, the Environment Agency;
 - (ii) where the operator of the scheme’s registered office or principal place of business is in Scotland, SEPA;
 - (iii) where the operator of the scheme’s registered office or principal place of business is in Northern Ireland, the Department of the Environment;
- (h) for the purposes of Part 8 relating to the approval of authorised treatment facilities and exporters—
 - (i) where the operator of the ATF’s or the exporter’s registered office or principal place of business is in England or Wales, the Environment Agency;
 - (ii) where the operator of the ATF’s or the exporter’s registered office or principal place of business is in Scotland, SEPA; and
 - (iii) where the operator of the ATF’s or the exporter’s registered office or principal place of business is in Northern Ireland, the Department of the Environment;
- (i) for the purposes of Schedule 9 relating to designated collection facilities—
 - (i) where the operator of the collection facility’s registered office or principal place of business is in England or Wales, the Environment Agency;
 - (ii) where the operator of the collection facility’s registered office or principal place of business is in Scotland, SEPA; and
 - (iii) where the operator of the collection facility’s registered office or principal place of business is in Northern Ireland, the Department of the Environment;

“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 6 of the Directive;

“code of practice” means the code of practice issued by the Secretary of State under regulation 57;

“compliance period” means—

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

“cooling 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;

“dangerous substance or preparation” means any substance or preparation which has to be considered dangerous under Council Directive [67/548/EEC](#) of 27th June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽³⁾ or Directive [1999/45/EC](#) 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⁽⁴⁾;

“declaration of compliance” means the declaration of compliance referred to in regulation [12\(1\)](#) or [29\(1\)](#);

“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 [55](#);

“display equipment” means—

- (a) personal computer screens that fall within category 3 of Schedule 1, and
- (b) television sets that fall within category 4 of Schedule 1;

“disposal” means any of the applicable operations provided for in Annex IIA to Directive [2006/12/EC](#) of the European Parliament and of the Council on Waste⁽⁵⁾;

“distributor” means any person who provides electrical or electronic equipment on a commercial basis to the party who is going to use it;

“distributor take back scheme” means a distributor take back scheme approved by the Secretary of State under regulation [54](#);

“EEE” means electrical and electronic equipment;

“EEE producer registration number” means the registration number issued to a producer by the appropriate authority under regulation [20](#);

“EEA” means the European Economic Area;

“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 falling under the categories set out in Schedule 1 to these Regulations and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current;

“enforcement authority” has the meaning given in regulation [70\(5\)](#);

“enforcement notice” means a notice in writing served in accordance with regulation [71](#);

“enforcement officer” has the meaning given in regulation [72\(13\)](#);

(3) OJ No. L196, 16.8.1967, p.1. Directive [2006/12/EC](#) repealed and replaced Directive [75/442/EEC](#), which is referred to in Directive [2002/96/EC](#).

(4) OJ No. L200, 30.7.1999, p.1.

(5) OJ No. L114, 27.04.2006, p. 9.

“Environment Agency” means the body established under section 1(1) of the Environment Act 1995(6);

“evidence note” means any of the following—

- (a) an evidence note issued, in the format approved by the Secretary of State under regulation 58(2), by—
 - (i) an operator of an AATF, as evidence of the receipt of the tonnage of WEEE specified in the note for—
 - (aa) treatment at an ATF, and
 - (bb) recovery and recycling at a reprocessor, or
 - (ii) an approved exporter, as evidence of the export of the tonnage of WEEE specified in the note for treatment, recovery and recycling outside the United Kingdom; and
- (b) an evidence note issued by the Secretary of State under regulation 58;

“exporter” means a person who, in the ordinary course of conduct of a trade, occupation or profession, exports WEEE for treatment, recovery and 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 223(1) to (3) of the Companies Act 1985(7), or
 - (ii) article 231(1) to (3) of the Companies (Northern Ireland) Order 1986(8); and
- (b) in any other case has the meaning given in—
 - (i) section 223(4) of the Companies Act 1985, or
 - (ii) article 231(4) of the Companies (Northern Ireland) Order 1986,

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 July 2007 and ending with 31st December 2007;

“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;

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

“member State” includes Norway, Iceland and Lichtenstein(9);

“new scheme” has the meaning given in regulation 10(7);

“old scheme” has the meaning given in regulation 10(7);

“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 41;

“operator of a proposed scheme” means the operator of a proposed scheme that is the subject of an application for approval made under regulation 41;

(6) 1995 c.25.

(7) 1985 c.6 as amended by the Companies Act 1989 (1989 c.40).

(8) S.I. 1986/1032 (N.I. 6).

(9) The application of the Directive was extended 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).

“Planning Appeals Commission” means the Planning Appeals Commission constituted under Article 110 of the Planning (Northern Ireland) Order 1991⁽¹⁰⁾;

“premises” includes any land or means of transport;

“producer” means any person who, irrespective of the selling technique used, including by means of distance communication in accordance with Directive 97/7/EC⁽¹¹⁾ as amended by Directive 2002/65/EC⁽¹²⁾ on the protection of consumers in respect of distance contracts—

- (a) manufactures and sells electrical and electronic equipment under his own brand;
- (b) resells under his own brand 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); or
- (c) imports or exports electrical and electronic equipment on a professional basis into a member State;

“proposed scheme” means a proposed scheme that is the subject of an application for approval made under regulation 41;

“quarter period” means—

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

“recovery” means any of the applicable operations provided for in Annex IIB to Directive 2006/12/EC, and “recover”, “recovered” and “recovery operation” shall be construed accordingly;

“recycling” means the reprocessing in a production process of the waste materials for the original purpose or for other purposes, but excluding energy recovery which means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat, and “recycled” and “recycling operation” shall be construed accordingly;

“register of producers” means the register of producers maintained by the appropriate authority under regulation 60;

“registered in the United Kingdom” means—

- (a) registered under the Companies Act 1985 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 47⁽⁷⁾;

“relevant authorisation” means—

- (a) a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000⁽¹³⁾ or regulation 7 of the Pollution Prevention and Control (Scotland) Regulations 2000⁽¹⁴⁾,

⁽¹⁰⁾ S.I. 1991/1220 (N.I. 19) as amended by S.I. 1999/663 and S.I. 2003/430 (N.I. 8).

⁽¹¹⁾ OJ No. L144, 4.6.1997, p.19.

⁽¹²⁾ OJ No. L271, 9.10.2002, p.16.

⁽¹³⁾ S.I. 2000/1973 as amended by the Solvent Emissions (England and Wales) Regulations 2004 (S.I. 2004/107). There are other amendments not relevant to these Regulations.

⁽¹⁴⁾ S.S.I. 2000/323 as amended by the Solvent Emissions (Scotland) Regulations 2004 (S.S.I. 2004/26). There are other amendments not relevant to these Regulations.

- (b) an authorisation granted under section 6 of the Environmental Protection Act 1990⁽¹⁵⁾ (“the 1990 Act”),
- (c) a waste management licence granted under section 36 of the 1990 Act,
- (d) an exemption registered or otherwise permitted under regulation 18 of the Waste Management Licensing Regulations 1994⁽¹⁶⁾,
- (e) a permit granted under regulation 10 of the Pollution Prevention and Control Regulations (Northern Ireland) 2003⁽¹⁷⁾,
- (f) an exemption registered under regulation 18 of the Waste Management Licensing Regulations (Northern Ireland) 2003⁽¹⁸⁾, or
- (g) a waste management licence granted under article 8 of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽¹⁹⁾;

“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;

“reuse” means any operation by which WEEE or components thereof are used for the same purpose for which they were conceived, including the continued use of the equipment or components thereof which are returned to collection points, distributors, recyclers or manufacturers, and “reused” shall be construed accordingly;

“scheme” means a scheme that has been approved under regulation 41;

“scheme member” means a producer who is a member of a scheme that has been approved by the appropriate authority under regulation 41;

“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;

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

“treatment” means any activity after the WEEE has been handed over to a facility for depollution, disassembly, shredding, recovery or preparation for disposal and any other operation carried out for the recovery or disposal or both of the WEEE, and “treat”, “treated” and “treatment operation” shall be construed accordingly;

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

- (a) section 262(1) of the Companies Act 1985, 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;

⁽¹⁵⁾ 1990 c.43.

⁽¹⁶⁾ S.I. 1994/1056 as amended by the Waste Management Licensing (Amendment) Regulations 1998 (S.I. 1998/606), the Waste Management Licensing (England and Wales) (Amendment and Related Provisions) (No. 3) Regulations 2005 (S.I. 2005/1728) and the Waste Management Licensing Amendment (Scotland) Regulations 2006 (S.S.I. 2006/541). There are other amendments not relevant to these Regulations.

⁽¹⁷⁾ S.R. 2003 No. 46.

⁽¹⁸⁾ S.R. 2003 No. 493.

⁽¹⁹⁾ S.I. 1997/2778 (N.I. 19).

“waste electrical and electronic equipment” means electrical or electronic equipment which is waste within the meaning of Article 1(a) of Directive 2006/12/EC, 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 from private households” means WEEE which comes from private households and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that 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.

(2) In these Regulations,

- (a) any document which is to be provided or given to any person may be provided or given to that person by electronic means if the document is capable of being reproduced by that person in legible form;
- (b) any requirement to make, keep or retain a record or to maintain any register may be satisfied in electronic form if the text is capable of being produced in a legible documentary form by the person who is subject to the requirement;
- (c) any requirement for a signature may be satisfied by an electronic signature incorporated into the document; and
- (d) for the purposes of sub-paragraph (c), “electronic signature” means data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication.

Service of documents

3.—(1) Any document required or authorised by these Regulations to be served on a person may be so served—

- (a) by delivering it to him at or by leaving it at—
 - (i) the address provided by that person in accordance with these Regulations; or
 - (ii) his proper address; or
- (b) by sending it by post to him at either of the addresses mentioned in sub-paragraph (a);
- (c) where the person is a partnership, by serving it in accordance with sub-paragraph (a) or (b) on a partner or on a person having control or management of the partnership business;
- (d) where the person is a body corporate, by serving it in accordance with sub-paragraph (a) or (b) on the secretary or clerk of that body corporate; or
- (e) where the person is an unincorporated body, by serving it in accordance with sub-paragraph (a) or (b) on a person having control or management of that body.

(2) For the purposes of paragraph (1), and for the purposes of section 7 of the Interpretation Act 1978(20) (which relates to the service of documents by post) in its application to that paragraph, the proper address of any person on whom a document is to be served in accordance with these Regulations shall be his last known address except that—

- (a) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the principal place of business in the United Kingdom of the partnership;
- (b) in the case of service on a body registered in the United Kingdom or its secretary or clerk, it shall be the address of the registered office or principal place of business in the United Kingdom of the body; and
- (c) in the case of service on a body that is not registered in the United Kingdom, it shall be the address of the principal place of business in the United Kingdom of the body.

Amendments to the Environment Act 1995

- 4.—(1) The following amendments to the Environment Act 1995 shall have effect.
- (2) In section 56 (interpretation of Part 1), in subsection (1)—
- (a) in the definition of “environmental licence” in the application of Part 1 of that Act in relation to the Environment Agency, after paragraph (k) insert—
 - “(l) approval of a scheme under regulation 41 of the Waste Electrical and Electronic Equipment Regulations 2006 (“the WEEE Regulations”);
 - (m) compliance with the condition in regulation 43(e)(i) of the WEEE Regulations in relation to a scheme mentioned in paragraph (l);
 - (n) approval of an authorised treatment facility or exporter under regulation 47 of the WEEE Regulations; and
 - (o) extension of approval of an exporter under regulation 48 of the WEEE Regulations.”; and
 - (b) in the definition of “environmental licence” in the application of Part 1 of that Act in relation to the Scottish Environment Protection Agency, after paragraph (k) insert—
 - “(l) approval of a scheme under regulation 41 of the Waste Electrical and Electronic Equipment Regulations 2006 (“the WEEE Regulations”);
 - (m) compliance with the condition in regulation 43(e)(i) of the WEEE Regulations in relation to a scheme mentioned in paragraph (l);
 - (n) approval of an authorised treatment facility or exporter under regulation 47 of the WEEE Regulations; and
 - (o) extension of approval of an exporter under regulation 48 of the WEEE Regulations.”.