



Environment briefing note | February 2017

#10ThingsSH you need to know: waste electrical and electronic equipment (WEEE)

The WEEE rules govern the receipt and disposal of products that rely on electricity to operate to ensure their safe collection, recycling and disposal. Whether the products are manufactured within the EU, in the US, or even further afield, the WEEE rules will apply if the product is placed on the market in the UK and the EU.

Despite the Brexit uncertainty, the WEEE rules will continue in force in the UK as the underlying EU Directives have now been fully transposed into domestic legislation.

In this note we set out the ten things businesses should know about the waste electrical and electronic equipment rules.

Who does the law apply to?

1. The WEEE rules apply to "Producers" of electrical and electronic equipment (EEE). Producers are entities that manufacture and sell EEE, or import EEE for sale, in the UK and the EU.
2. If a business provides EEE on a commercial basis directly to consumers, then it will be deemed a "Distributor" and will also be caught by WEEE. This covers both retailers and wholesalers. A Distributor may also be a Producer for these purposes and will then have to comply with both sets of responsibilities.

What are EEE?

3. EEE are products that depend on electric current or electromagnetic fields to operate. At the moment, only certain categories of these types of products are included. But, from late 2018 / early 2019, the WEEE rules will apply with an 'open scope' – i.e. to all products of this nature.

What responsibilities are placed on Distributors?

4. Distributors must provide a way for their customers to dispose of their old household EEE when those customers are sold a new version of the same item. This can be done via a free, in-store, take back service, or if a Distributor doesn't have its own take back service, they can join the Distributor Takeback Scheme (DTS).
5. If a Distributor provides its own take back service, it will need to fund the storage and removal of WEEE. If a Distributor joins the DTS, it will pay a fee to the DTS that covers its WEEE obligations.
6. Distributors must keep records of information given to customers about WEEE, and also keep records of all electrical and electronic waste collected and disposed of. All records should be kept for 4 years.
7. Non-compliance with these responsibilities is an offence and could lead to an unlimited fine.

What responsibilities are placed on Producers?

8. Producers are responsible for EEE products when those products come to the end of their life. Part of producers' responsibilities includes registering as a Producer annually. In the UK, if a producer places less than 5 tonnes of EEE on the UK market in a compliance year, then it can register directly with the relevant statutory environmental regulator (the Environment Agency in England) as a 'Small Producer'. However, if it is more than 5 tonnes, the Producer must join a Producer Compliance Scheme (PCS) which, for a fee, will take on a Producer's WEEE collection and treatment responsibilities. Failure to register is a fineable offence.
9. Small Producers have no responsibilities for financing the collection and treatment of household WEEE, but still have the same financial responsibilities as large Producers for the collection and treatment of non-household WEEE. For this reason, Small Producers may still choose to join a PCS.
10. Further responsibilities include the marking of products with a crossed out wheeled bin symbol; marking the product with a producer identification mark so the Producer of the product can clearly be identified; and, providing information on reuse and environmentally-sound treatment of the products and components within one year of putting them on the UK market.

How can Stephenson Harwood help?

More than ever, environmental and climate change issues are at the heart of law and policy, impacting every business sector. Stephenson Harwood's Environment Group has experience advising domestic and international product manufacturers on the full range of EU-led, product-based regulations.

To keep track of our full Product Stewardship Series keep an eye on **Stephenson Harwood's news and insights page**, or follow us on Twitter **@SH_EnviroPlan** and look out for our hashtag **#10thingsSH**.

For further information please contact us.



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