

dti

WEEE REGULATIONS

Guidance Notes

Consultation Draft - July 2004

Government Guidance Notes

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1. The Waste Electrical and Electronic Equipment (Producer Responsibility) Regulations (“the WEEE Regulations”) implement provisions (see paragraph 3) of the European Parliament and Council Directive on Waste Electrical and Electronic Equipment (2002/96/EC) (“the WEEE Directive”). This guidance aims to explain the Regulations.
2. You should refer to the Regulations themselves for a full statement of the legal requirements and in the case of any doubt take independent advice, including your own legal advice. This guidance informs, but has no legal authority. The Regulations may be revised from time to time. In this regard, information may be obtained from the DTI’s Sustainable Development Directorate. Details of this and other contacts for further information are given on page 42.

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WEEE - the law in brief

3. The Waste Electrical and Electronic Equipment Regulations (“the WEEE Regulations”) implement provisions of the European Parliament and Council Directive on Waste Electrical and Electronic Equipment (2002/96/EC) (“the WEEE Directive”); with the exception of those covering the treatment of separately collected WEEE. The permitting of treatment operations and the treatment requirements are being implemented by separate permitting Regulations and by the technical guidance from the environment Agencies for treating WEEE.¹
4. The WEEE Directive aims to prevent WEEE arising, to encourage reuse, recycling and recovery of WEEE and to improve the environmental performance of all operators involved in the lifecycle of electrical and electronic equipment, especially those dealing with WEEE. The Directive sets requirements relating to criteria for the collection, treatment, recycling and recovery of WEEE. It makes producers responsible for financing most of these activities; retailers/distributors also have responsibilities in terms of the take-back of WEEE and the provision of certain information. Private householders are to be able to return complete WEEE without charge.

Entry into force

5. The Regulations will come into force on [] 2004. Their main requirements and obligations come into effect from 13 August 2005 onwards. However, some specific actions, e.g. producer registration and reporting of data on equipment placed on the market, will be from January 2005 onwards. The guidance provides more details.

Requirements

6. The main requirements of the WEEE Regulations are that:

Producers

- i) producers must be registered by 13 August 2005. The first registration period is expected to be between January 2005 - 12 August 2005;
- ii) producers will be required to report 2004 UK sales data in order for their market shares to be calculated. The first data report should be provided

¹ DEFRA expects to consult shortly on draft environmental permitting regulations to replace the current waste management licensing system, These regulations will implement the permitting requirements of the WEEE Directive in England and Wales. The Northern Ireland Administration is and the Scottish Executive will be consulting on their permitting arrangements separately. The Environment Agencies are currently consulting on draft treatment guidance. Please see the section of this Guidance on “collection and Storage of WEEE” below; and also:

www.defra.gov.uk/environment/waste/legislation/permitreview/

www.doeni.gov.uk/epd

www.environment-agency.gov.uk/yourenv/consultations/830820/

between January 2005 - 12 August 2005;

iii) producers have responsibility from 13 August 2005 for financing the collection, recovery and recycling of separately collected WEEE allocated to them according to their market shares. They must report evidence of its treatment at authorised treatment facilities, according to the Agencies' treatment guidance. They must also report evidence that they have met the Directive's recovery and recycling/reuse targets for the separately collected WEEE allocated to them;

iv) producers will also be required to mark new equipment they put onto the UK market, according to the Directive's requirements; and to provide certain information, as far as this is needed, on types of new equipment they put on the market, to facilitate the treatment and recovery of WEEE;

v) producers supplying new equipment to business users after 13 August 2005 will need to finance the treatment, recovery and disposal of the waste arising from this equipment unless they make alternative arrangements with the business users. Those producers who have supplied equipment to business users prior to 13 August 2005 have this responsibility for this equipment if it is discarded when they supply new replacement like for like equipment; if there is no replacement purchase, the business user is responsible for financing the treatment and recovery of the equipment purchased prior to 13 August 2005; and

vi) whichever party takes responsibility will need to report evidence of its collection, treatment and recovery according to the Directive's recovery and recycling/reuse targets.

Retailers and distributors

Retailers and distributors of electrical and electronic equipment are obliged to

i) provide free in-store take-back of WEEE on sale of new like for like equipment; or to provide alternative arrangements to last holders of WEEE, via a compliance scheme approach. Retailers and distributors providing in-store take-back need to ensure that the WEEE they collect is delivered to a designated collection facility to enable the WEEE to be sent for treatment and recovery; and

ii) ensure that private householders are informed of WEEE take-back facilities available to them and encouraged to participate in the separate collection of WEEE.

Enforcement

7. The WEEE Regulations are enforced in England and Wales by the Environment Agency, in Scotland by the Scottish Environment Protection Agency and in Northern Ireland by the Department of the Environment.

Scope

8. These Regulations apply to all electrical and electronic equipment placed on the market in the United Kingdom falling into any of ten product categories, unless the equipment is part of another type of equipment which does not fall into any of these categories. The Regulations also specify a voltage range into which the products in the ten categories must fall to be covered by the scope. This is up to 1,000 volts AC or up to 1,500 volts DC.
9. The ten product categories are:
 - 1) Large household appliances
 - 2) Small household appliances
 - 3) IT & 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
10. Annex A sets out indicative (not exhaustive) examples of products in each of these categories.

Exceptions

11. The Regulations do not apply to:
 - equipment intended specifically to protect the UK national interest and for a military purpose, e.g arms, munitions and war material.
 - filament light bulbs
 - household luminaires
 - large-scale stationary industrial tools
 - implanted medical equipment and infected medical equipment at end-of-life

Components, sub-assemblies & consumables

12. If components, sub-assemblies and consumables (e.g. batteries, tapes, disks) are present in a product within the scope of the Regulations at the time it is separately collected, they are subject to the requirements of the Agencies' treatment guidance.

Assessing products to see if they are included in the scope

13. Annex B presents an example of a decision tree which could be used by producers to determine whether the electrical and electronic equipment they put on the UK market might come within the scope of the WEEE Regulations.
14. The environment Agencies will assist stakeholders with interpretation of the scope of the WEEE Regulations. They will maintain a database of previous advice given to stakeholders.

Guidance on specific exemptions

- *Products intended specifically to protect national security and for a military purpose* – this exemption is interpreted to mean equipment that has a specific application only in these fields, such as arms, munitions and war material. It does not apply to equipment which is used to protect national security and/or has a military purpose, but is not solely for these purposes.
- *Filament light bulbs* – this exemption applies to all light bulbs which emit light through the use of a filament.
- *Household luminaire* - regarded as the immediate structure surrounding a lamp, including the lamp holder or socket with a standard three pin plug and/or designed to take a light bulb together with other attachments fixing this to the wall, or ceiling or body of a free-standing lamp. However, luminaries used in commercial premises are covered by the Regulations.
- *Large-scale stationary industrial tools* – this is a machine or system, consisting of a combination of equipment, systems or products, and assembled to be used only in fixed industrial applications.
- *Implanted medical equipment* and infected medical equipment – applies to all medical equipment that has been implanted or has otherwise come into contact with blood or other biological contaminants prior to end-of-life.

Other product types which are deemed to be outside the scope of the Regulations

15. The guidance that follows uses some of the criteria for assessing “grey area” products which have been discussed in the Technical Adaptation Committee (TAC) of Member States. It should be noted that this guidance represents a view from the Department of Trade and Industry. Ultimately producers will want to take their own legal advice on questions of scope.

i) Products where electricity is not the main power source

16. Many products contain electrical and electronic components. An example might be an electric thermostat for a gas heating system. The Regulations cover only those products dependent on electricity to function properly. In the above example the electric thermostat may be considered to be in the

scope of the Regulations, but the gas heating system may be considered to be outside the scope of these Regulations.

ii) Products where the electrical or electronic components are not needed to fulfil the primary function

17. This is related to, but not always the same as, the above situation. Some products, particularly toys and novelty items contain an electrical or electronic element to give added value. Often there are similar products on the market fulfilling the same function, but without these components. Examples might include musical greetings cards. These products still fulfil their primary function without their electronic components and could be considered to be outside the scope of the Directive.

iii) Items which are electrical and electronic equipment that is part of another type of equipment or a fixed installation

18. Equipment which is part of another type of equipment or system is considered to be outside the scope of the Regulations where it does not have a direct function outside the other item of equipment (e.g. a car radio).

19. Equipment may also be part of a fixed installation. A “fixed installation” may be a combination of several pieces of equipment, systems, products and/or components (parts) assembled and/or erected by a professional assembler or installer at a given place to operate together in an expected environment and to perform a specific task. In such a case, elements of a system which are not identifiable as electrical and electronic equipment in their own right or that do not have a direct function away from the installation are excluded from the scope of the Regulations.

Examples of products excluded from the Regulations

20. Using the criteria set out above, it is possible to take a view as to whether certain “grey area” products are included or not under the scope of the Regulations.

- *Gas central heating with electric pumps, timers and controls* – the built in heating system is excluded, although the externally mounted monitoring and control equipment is covered, provided it can be separated from the main system.
- *Replacement computer hard drive* – excluded, this is a component or sub-assembly of a computer. However, peripheral hard drives sold as separate equipment would be included in the scope of these Regulations.
- *Lighting equipment for use on aircraft* - this is designed to be part of an aircraft – which falls outside the scope of the Directive.

<p>Q. I intend to put electrical and electronic equipment onto the UK market. How do I check it is within the scope of the UK WEEE Regulations ?</p>

A. You can use this guidance, including the decision tree, which is intended to help interpretation of the scope of the Regulations. You can also refer to the Directive itself. The Environment Agencies will provide guidance on the scope of the Regulations. Details of this service will appear in the final version of the guidance, which will be published when the Regulations are made.

Q. I export electrical and electronic equipment into other Member States' national markets. How do I check, if in doubt, whether my products are covered in their national implementations of the WEEE Directive?

A. You will need to ask the enforcement authorities in the Member State concerned. It is for Member States to interpret the scope of the WEEE Directive and ultimately it would be for the European Court of Justice to rule on these matters, in the event of dispute. The Department of Trade and Industry provides information on its website www.dti.gov.uk/sustainability to exporters and others on other Member States' implementations of the WEEE Directive. This is updated on a quarterly basis. The DTI also plans to provide on its website contact details for other Member States' enforcement authorities, where these are made available.

Definitions

21. The Regulations provide definitions of “electrical and electronic equipment”, “waste electrical and electronic equipment”, “reuse”, “recycling”, “recovery”, “disposal”, “treatment”, “producer”, “distributor”, “WEEE from private households” and “dangerous substance or preparation”.
22. The producer responsibility obligations in relation to registration, data provision, WEEE treatment and recovery targets, product marking and product information provision will fall on persons established within the UK which put equipment covered by the scope of the Directive onto the market. This encompasses manufacturers, importers, and distance sellers established within the UK.
23. The term “Put on the market” is used, but not defined in the WEEE Directive. The approach taken to this term is that from the European Commission’s “Guide to the implementation of directives based on the New approach and the Global Approach”, (the “Blue Book”). This says it is *“the initial action of making a product available for the first time on the Community market, with a view to distribution or use...either for payment or free of charge”*.

Producer Responsibility Obligations

Producers' obligations are to:

i) register as a producer/importer putting electrical and electronic equipment within the scope of the Directive onto the market. It will be an offence not to register. The registration should be with the National Clearing House (NCH), acting on behalf of the Secretary of State for Trade and Industry;

ii) provide annual data to the NCH. A standard form will be provided. Data should cover sales of equipment on the UK market. The data will enable calculation of producers' market share in respect of each of the product categories listed in Annex I of the Directive and the proportion of WEEE to be allocated to them by the NCH;

iii) indicate if they propose to comply independently or via some collective arrangement, e.g. a compliance scheme;

iv) finance the costs of collection, treatment, recovery and environmentally sound disposal of WEEE allocated to them by the NCH. A compliance scheme can discharge these obligations on behalf of its members;

v) report evidence (according to a format to be advised by the Government) to the NCH to show the WEEE allocated to them is treated at authorised treatment facilities (ATFs) to the required treatment standards, as set out in the Agencies' treatment guidance. Treatment facilities wishing to deal with WEEE will need to obtain a permit from the relevant Agency.

vi) report evidence (according to a format to be advised by the Government) to show that the target percentages of recovery and recycling/reuse of the WEEE allocated to them by the NCH have been carried out. This evidence should be sent to the NCH (which will provide it to the relevant Agency as necessary). Please see the section of this guidance on "Compliance data reporting"

vii) producers supplying new equipment to business users from 13 August 2005 will be required to finance the treatment, recovery and disposal of the waste arising from these products unless they make alternative arrangements with the business users. Those producers who have supplied equipment to business users prior to 13 August 2005 have this responsibility in relation to this equipment if it is discarded at the time they supply new like for like equipment. If there is no replacement purchase, the business user is responsible for financing the treatment and recovery of the equipment purchased prior to 13 August 2005 when they discard it; and

viii) the party responsible for the financing of WEEE associated with business-to-business sales shall report evidence to show its collection, treatment and recovery according to the Directive's requirements, including

meeting the recovery and recycling/reuse targets. This evidence should be reported to the NCH (which will provide it to the relevant Agency as necessary).

and

ix) producers should ensure marking of equipment they place onto the UK market and provide information, as far as it is needed, on each type of new equipment to assist parties engaged in treatment, recovery and recycling. See the section of this guidance on “Information and marking”.

Compliance period

24. The Government is considering the timing of the first compliance period for producers’ obligations. It recognises the Directive’s requirements for producers’ obligations to begin on 13 August 2005, and to have the systems in place for this; but the Directive also appears to ask Member States to report on delivery of these obligations by calendar years.

25. The Government proposes to run an initial compliance period from 13 August 2005 – 31 December 2006; and then to operate annual calendar year compliance periods thereafter, beginning with 1 January 2007 – 31 December 2007. In each case the annual registration and data reporting on the previous calendar year would be made between 1 January – 31 January.

The role of a National Clearing House

26. This section of the draft guidance will not appear in the final guidance for the WEEE Regulations, but is included here to update stakeholders on development of the National Clearing House and to invite views.

27. The National Clearing House (NCH) has been proposed by producers as an administrative body to assist in the registration of producers and the allocation of WEEE to producers. These functions would underpin the delivery of their WEEE obligations under the Regulations. An NCH could act as a “one stop shop” for producers’ registration and data reporting in relation to their obligations.

How the Clearing House could be established

28. The proposal for a NCH has come from the producer community. The consultation conducted by the UK Government and Devolved Administrations (the Scottish Executive, Welsh Assembly Government and the Northern Ireland Administration) during the winter of 2003-04 showed strong support from all stakeholders, not just producers, for the concept of an NCH to coordinate collection of household WEEE by producers from “designated” collection facilities (DCFs) in the UK. This consultation presents proposals developed jointly by the UK Government and the Devolved Administrations, and final decisions shall be made by each administration.

29. The WEEE Regulations set a framework in which an NCH can be operated. They provide for the Secretary of State for Trade and Industry (and for Ministers of the Devolved Administrations, where relevant) to delegate certain administrative functions to a party, an NCH operator.
30. The Government proposes to establish an NCH under a contract or agreements between the Government and an operator. The individual contract or agreements could, in the first instance, run for a term of perhaps three years. A contract would be co-let or an agreement made by the Secretary of State for Trade and Industry and the First Ministers or lead Ministers from the Devolved Administrations.
31. The Government does not propose to be involved in the day-to-day running of the NCH. However, the Government thinks there should be a mechanism for strategic oversight and review of the NCH's operation. This could be a small Advisory Panel, comprising representatives from DTI, DEFRA the Devolved Administrations, the environment Agencies, and, by invitation, a small number of stakeholder representatives, to include producers, retailers, but also local government and the waste management sector. This Advisory Panel would maintain a strategic oversight of the NCH. It would not be involved in the day-to-day running of the NCH.

Timetable/next steps

32. An NCH will need to be established to be ready to handle producers' registration from the start of 2005. The Government expects this registration to take place in the first half of 2005.
33. This timetable represents a significant challenge. The Government expects the producer community, which has pressed strongly for the NCH, now to take a leading role in developing it.
34. Accordingly, the UK Government and the Devolved Administrations will invite producers to form a small project group to take forward urgently with it the final development of the NCH. The Government will initiate this directly after publication of this consultation. The group should begin this work in parallel with this consultation.
35. This group should consult other stakeholders, including representatives of the local authorities and the waste management industry, and prospective service providers for NCH functions, for example, in relation to data collection and handling. The group should directly involve the three Agencies, as the direct interface between them, as enforcement authorities, and the NCH operator will be important.

Specification for operation of the National Clearing House

36. The next, crucial step towards establishment of an NCH will be preparation of a specification for its operation. This will then enable the UK

Government and the Devolved Administrations to invite tenders to run the NCH.

37. The Government expects that the NCH operator would be required to:

- set up and administer the register of producers on behalf of the Government;
- maintain a list of designated collection facilities;
- recover registration fees from producers. The Operator would have to obtain Government approval for the level or structure of fees, which the operator would charge;
- operate arrangements for allocating WEEE to producers and/or their compliance schemes in proportion to their market share. The Government would specify the broad approach to be taken in advance of inviting tenders, taking account of the outcome of this consultation;
- set up a disputes mechanism, including an independent arbitrator, to resolve disputes with producers over their allocations of WEEE, in the event these cannot be resolved with the NCH;
- collect specified data on behalf of the Government/Agencies;
- report to the Agencies where a producer has failed to meet his obligations, e.g. to register, provide relevant data, collect allocated WEEE or meet recovery targets. The Agencies would then take enforcement action, as necessary;
- observe proprieties in handling commercially confidential data from producers; and
- meet certain minimum standards of operation, to be set in advance by the Government, in consultation with the Advisory Panel.

38. The Government envisages that the NCH operatorship would be awarded by competitive tender, based on the charges to be levied/the costs recovered, but also taking account of other criteria, including efficiency measures and consideration of the services to be offered. The UK Government and the Devolved Administrations would take the final decision on award of the operatorship.

39. It is proposed that the NCH would collect a registration fee and then transmit a portion to the Agencies for reasons of monitoring and enforcement of the Regulations. The Government is considering the administrative arrangements for this, which will be subject to HM Treasury's agreement. The level of the Agencies' fees would be set in the WEEE Regulations; and the Agencies will consult on this in autumn 2004. DTI is consulting with HM Treasury to work up details of this proposal.

Consultation Question 1:
Do you agree with the proposals for establishment of the National Clearing House, including the suggestions for the specification for its operator ?

Allocation of WEEE by the NCH

40. The Regulations set the framework for producers' obligations in relation to treatment, recovery and recycling/reuse of separately collected WEEE, but leave open the practical arrangements for allocation of separately collected WEEE to producers.
41. The nature of the producers' obligation, in particular the fact that it extends to all separately collected WEEE (irrespective of the amount collected) means that the most practical and fair means of allocating WEEE to producers appears to be the physical allocation of separately collected WEEE. This position is reflected in the proposals for the implementation of the WEEE Directive that are being developed in a number of other Member States. The Government has concluded that an NCH is the best mechanism for managing the allocation of separately collected WEEE to producers. However, there remain issues about how the NCH should best achieve allocation of separately collected WEEE.
42. Three broad models for the allocation of WEEE by a NCH are discussed below. These models have been under discussion amongst stakeholders. A "think tank" group of producers, the Strategic Electronic Waste Policy Forum (SEWPF) (which is independent of Government) has been developing thinking on allocation methods, in discussions with a range of stakeholders, including representatives of local authorities and the waste management industry. Its latest proposals are for the allocation of separately collected WEEE to producers to be done in batches of pick-ups from designated collection facilities. This is option 2 below.
43. The Government considers the following criteria must be applied in assessing these approaches:
- cost-effectiveness – the need to minimise administrative costs;
 - flexibility - how easy it will be to match allocations to obligations;
 - competition – the need to ensure this, particularly in relation to producers discharging their obligations, and between waste management providers;
 - the impact on designated collection facilities, and specifically on civic amenity sites;
 - arrangements for providing empty containers at designated collection facilities;
 - guaranteed free collection from designated collection facilities; and
 - other environmental impacts of the allocation methods, including transport emissions.

Allocation options

i) Option 1: By individual container

44. Here the designated collection facility (DCF) would contact the NCH when a container was full. The NCH would then assign the WEEE to a producer² for collection.

Advantages

45. This system is fair as all producers would be allocated a random spread of WEEE and it would allow the NCH to more precisely match allocations to obligations in real time.

Disadvantages

46. It is not clear how the containers for storing WEEE at DCFs and transporting them to and from authorised treatment facilities (ATFs) would be provided under this system. One option would be for the retailer compliance scheme(s) to fund the provision of suitable containers. The producers allocated a WEEE container would then be responsible for replacing the container. Another disadvantage that has been raised during discussions with stakeholders is that there would potentially be a variety of contractors coming and going at DCFs, and it would be difficult for operators at DCFs to develop relationships with contractors. In practice however there may be a limited number of waste management companies offering to pick-up WEEE from any one site.

ii) Option 2: Series of container pick-ups

47. Here the NCH would allocate WEEE arisings to producers as a series (or batch) of pick-ups from a DCF. These pick-ups could either be made when the containers are full, in which case the DCF would contact the obligated producer(s) to ask for them to be picked up, or a schedule could be agreed between the producer(s) and the DCF.

48. This model is the one currently favoured by the SEWPF group of producers. As part of this consultation, the Government is inviting comments on a paper from SEWPF, which makes the case for this allocation approach. This paper is not Government-sponsored. It represents SEWPF's current thinking. It may be viewed on the DTI website at: www.dti.gov.uk/sustainability/weee/index.htm.

Advantages

49. This model would provide some stability in the relationship between DCFs and the agents picking up the WEEE on behalf of producers. It would also be fair for smaller producers if they can still be allocated single containers or a smaller series of pick-ups that would more accurately reflect their obligation in real time.

50. There may be some administrative cost savings under this method when compared to individual allocation of containers. If calls³ are made when

² “producer” includes compliance schemes acting on their behalf.

the containers were full, the difference would be that calls would be made directly to producers or their contracted waste management company, cutting out the calls made by the NCH. If a schedule of pick-ups were used, all the costs of the calls would be saved, though there would be administrative costs in developing the schedule and updating it where necessary (e.g. to ensure that the containers were as full as possible when they are picked up).

Disadvantages

51. Under this system producers could be required to provide containers for storing separately collected WEEE at DCFs before their series of pick-ups starts. However if smaller producers are given a shorter series of pick-ups, or individual pick-ups, it may be proportionately more costly for them to procure and deliver a suitable container to a particular site. There is also a risk that containers may not be available when they are required.
52. It would be more difficult under this system to allocate WEEE so that it matches obligations exactly in real time. The allocation of WEEE will also not be as random as it would be under individual container allocation.

iii) Option 3: By site

53. Here WEEE arising at a particular DCF would be allocated to producers for set periods of time (eg for a year) and they would appoint an agent to do the work of collecting WEEE from that site. This could be done on the basis that the producer is responsible for all WEEE arising at a DCF or just particular streams of WEEE.

Advantages

54. This has the advantage that the collection site would only have a relationship with a single or a few pick-up agent(s). It would also be possible to pass some of the site management burdens, such as ensuring appropriate sorting and scheduling of pick-ups, to the producer's agent. It should be noted however that DCFs will still need to contact the producer's agent to let them know when containers are full or to inform them of a change in the pick-up schedule.

Disadvantages

55. Under this system, it is a complex process to match up obligations with allocations in real time. There are two main reasons for this: firstly it would be difficult to predict exactly how much WEEE comes back to a particular DCF; and secondly as a producer's obligation will be calculated by market share, the quantity of WEEE they are responsible for will be dependent on the total amount of WEEE arising, which will also be difficult to predict. There would therefore be a need for a more elaborate balancing mechanism at the end of a compliance period.

³ "calls" are used for simplicity, other forms of communication such as emails could also be used.

56. This system may also tie producers in to longer-term contracts with waste management companies and therefore potentially less scope for competition between these contractors.

Consultation Questions:

Q2. Which of the three options for allocation of separately collected WEEE to producers do you prefer? Please explain why.

Q3. What is your assessment of the implications for designated collection facilities of these allocation options? The Government particularly invites views from prospective operators of designated collection points, including operators of civic amenity sites and retailer-led sites.

Q4. Which do you think is the allocation approach which best meets the particular requirements of small businesses ?

Q5. What level of involvement would it be appropriate for producers, their compliance schemes or their contractors to take in the management of WEEE at designated collection facilities, including at civic amenity sites?

Other arrangements for collection, treatment and recovery of WEEE

57. Under any of the allocation methods for WEEE, the Government thinks there may also be a role for particular arrangements, whereby producers may fulfil their obligations by a different route. It would be for producers to decide whether to enter these arrangements, and to ensure fairness, these arrangements would have to meet appropriate minimum standards. Two kinds of arrangements have been proposed in relation to household WEEE:

- *Direct point-of-sale collection arrangements*: where producers make their own arrangements with retailers. These arrangements shall have to be registered with the NCH and fully meet the requirements of the Directive;
- *Local Agreement Collection Sites*: where a collection site owner wishes to make a long-term arrangement with a community recycler and/or a local recycling company that produces particular environmental and social inclusion benefits. Such arrangements would have to be made at a local level, include an agent registered as an ATF who was prepared to take on the responsibility of clearing the site and meeting the requirements of the Directive and be subject to permitting by the relevant environmental agency. Once an arrangement had received approval, it would be open to producers to adopt the scheme as part of their obligation. Depending on the types of WEEE expected to be involved, the local agreement may need to be adopted by more than one producer for different categories of WEEE. At least initially, a ceiling would probably be placed on the proportion of a producer's obligation that they could fulfil through this route.

Consultation Question 6: What do you think of these proposed arrangements which could run alongside the mainstream NCH allocation of WEEE.

58. In the event of the NCH not being ready to discharge its proposed role in relation to the allocation of WEEE to producers in time for the onset of producers' obligations in August 2005, the Government reserves the right to implement other arrangements to ensure that producers and retailers meet their obligations for WEEE under the WEEE Regulations.

In view of concerns raised by many stakeholders that WEEE at designated collection facilities must be collected, the Government is considering whether to include a provision in the Regulations to allow it to direct producers or producer compliance schemes to arrange collection of separately collected WEEE from designated collection facilities.

Q. I'm a producer, may I comply "independently"?

A. A producer may comply individually or via a compliance scheme. If you are complying individually, you have to register with the NCH and report data to it to show your compliance. (If you are a scheme member, your scheme will do this for you).

You will then receive an allocation of WEEE from the NCH according to your market share. However, you can make your own collection arrangements - perhaps via your own product take-back system. You will need to provide evidence that the WEEE you separately collect has been treated and recovered in accordance with the requirements of the Directive.

What you collect separately can be offset against your allocation from the NCH; and would be added to the overall total of separately collected WEEE during the compliance period. You may still be responsible for an allocation from the NCH in that compliance period.

Allocation of WEEE by product "groupings"

59. It is expected that industry will wish to simplify the Directive's product categories for the purposes of collection (see the section of this guidance "Collection and storage of WEEE", below). It has therefore been proposed that the NCH should allocate by a small number of "groupings" of WEEE for the purposes of collection. The Government has been discussing with stakeholders the best way to do this. It has had various representations on this issue. The Government has been mindful of practical considerations, in terms of the handling and storage of WEEE at collection facilities; and also the need to have an approach which minimises

reporting burdens on producers - in relation to their reporting of sales data and of compliance data, in particular, evidence to show their achievement of the Directive's recovery targets, which must be by product category.

60. The Government proposes that these “groupings” for collection should be:

- WEEE Directive Annex 1A, categories 1 and 10 – large domestic appliances (this includes refrigerators, freezers, which are, in practice, collected and stored at collection sites separately already to facilitate the requirements of the ozone depleting substances regulations)
- Annex 1A, categories 3 and 4 - IT/telecoms, consumer equipment
- Annex 1A categories 2,6,7,9 – small household appliances, electrical and electronic tools, toys, leisure and sports equipment, and monitoring and control equipment
- Annex 1A category 5 – lighting equipment

61. The Government proposes that, rather than requiring producers to report sales data according to these groupings as well as the Directive's product categories, the NCH should operate a protocol converting market shares, based on sales data by product category, into these collection groupings for the purposes of making allocations to producers. The Government proposes that the producer-led project group taking forward establishment of the NCH should devise this protocol.

62. The Government considers that these proposed categories may be the most straightforward approach to facilitating producers' compliance reporting, which will have to include their reporting of evidence that they have met the Directive's recovery targets (which apply by the Directive's Annex 1A product categories. (See the section of the guidance on compliance data reporting).

63. It is open to producers to reach arrangements with operators of designated collection facilities for a greater degree of separation/sorting of WEEE, beyond these minimum standards. The Agencies' guidance on the treatment of WEEE may entail some separation and sorting within these grouping.

Consultation Question 7. Do you agree with the proposed “grouping” of WEEE categories for collection at designated collection facilities?

Registration of producers

64. The regulations require producers to register to put electrical and electronic equipment within the scope of the Directive onto the market. It is an offence not to register.
65. Registration should be with the NCH acting on behalf of the Secretary of State for Trade and Industry.
66. Where producers belong to a compliance scheme, the scheme must register all its members.
67. Distance sellers legally established in the UK are required to register.
68. The NCH, acting on behalf of the Government, will specify a standard form to be completed for registration.
69. The register will be available for inspection.
70. The registration period is expected to be between January 2005 - 12 August 2005. The Government, NCH and Environment Agencies will confirm and publicise this.
71. The Government encourages producers to register promptly. It is in their interests to do so. It is open to producers to register in advance of submitting data on equipment put on the market (see below) or with this data, if they wish.
72. The Government will expect producers to renew their registrations at the start of each compliance period (before 31 January). There will be a registration fee payable on each renewal.

Data reporting on equipment put on the market

73. Producers, or their schemes, should provide data to the NCH, according to formats to be advised by the NCH, acting on behalf of the Government.
74. The data will enable the NCH to allocate separately collected WEEE, according to each of the ten product categories listed in Annex IA of the Directive. The Government is obliged to report on this basis to the European Commission.
75. The data formats will require reporting of data on the numbers of electrical and electronic products and their weight put onto the market in the UK during 2004 and subsequently on an annual basis. The first data report, covering 2004, should be provided between January 2005 - 12 August 2005 for the initial 13 August 2005 – 31 December 2006 compliance period and thereafter by 31 January for each calendar year compliance period to follow.

76. The Government will advise the formats for reporting on sales. It proposes that the total numbers and weights of products which businesses put onto the UK market should be reported to the NCH and used for its calculation of market shares in order to determine allocations of WEEE. The Government has received many representations from producers about the difficulty of differentiating between products sold to householders and those going to business users. However it has not received workable suggestions - capable of being enforced sensibly and cost-effectively - on how to resolve this. It therefore proposes that all sales should be counted for the purposes of calculating market shares. Registered producers whose sales are to business users will be subject to obligations in relation to business-to-business WEEE.

Consultation question 8. Do you agree with this approach? If not, can you suggest a way in which producers can fairly and simply declare their business- to-business sales, which Government could administer?

77. Importers will be obliged to report data on electrical and electronic equipment they put onto the UK market.

78. Distance sellers will be obliged to provide the same data in respect of their exports to other Member States as well as sales into the UK market.

79. The data will be provided on a confidential basis. It will be available to the NCH and the Environment Agencies but will not be made available to third parties. The Government is obliged to report aggregated data, by the product categories, to the European Commission.

80. Knowingly providing false data will be an offence

Producer compliance schemes

81. Producers may choose to have their collection, treatment, recovery and reuse/recycling obligations under the WEEE Regulations discharged on their behalf by a compliance scheme. Conversely, some producers may prefer the independence and control of arranging and demonstrating compliance themselves. Both are valid choices for compliance.

82. Compliance schemes' services would cover arranging registration of their members, procuring compliance services, including arrangements for treatment and for recovery and recycling of separately collected WEEE to the target percentages, reporting the evidence to show that obligations have been met; and handling liaison with the NCH.

83. A compliance scheme would be expected to

- arrange its members' annual registration with the NCH, acting on behalf of the Secretary of State;
- register itself annually, via the NCH, with the relevant environment Agency, for the purposes of subsequent enforcement;
- notify, via the NCH, the relevant environment Agency of new members joining and members' leaving its scheme within one calendar month;
- provide information and data according to formats to be specified;
- assume its members' obligations and any penalties due to non-compliance; and
- report the required evidence of compliance on behalf of its members

84. The scheme should conduct itself in line with UK competition law.

85. A producer joining a compliance scheme should provide that scheme with information required to comply with the WEEE Regulations.

86. A compliance scheme must register itself with the relevant environment Agency, via the NCH, for the purposes of enforcement. There will be a fee payable for registration.

87. A compliance scheme has the right to appeal to the Secretary of State against a decision of the Agencies to refuse or cancel registration.

88. However, prior to registration, a compliance scheme must be approved by the Secretary of State for Trade and Industry (and Ministers of the Devolved Administrations, where appropriate, according to the scheme's geographic coverage).

89. A proposal for approval of a scheme may be submitted at any time after the Regulations have entered into force. To obtain the necessary approval:

- the scheme should undertake to discharge the producer responsibility obligations which its members would have had if they were not in the scheme and report sales data and evidence of compliance to the NCH. (The NCH would also pass data to the environment Agencies, which will enforce compliance).
- the scheme must commit to assume their members' legal obligations and any penalties that may be imposed due to non-compliance;
- the management board of the scheme should be fit and proper persons; and should not include any individual previously disqualified as a company director;
- the scheme should be expected to exist for a period of at least 3 years (i.e. until the review of the Directive at European level in 2008) . It should indicate plans to confirm this;

- the scheme should submit a business plan, which should indicate how the scheme intends to meet its members' obligations; and
- the scheme's business plan should also propose how it will promote the reuse of whole appliances in line with the objectives of the WEEE Directive. (This may involve making contractual arrangements with reuse and refurbishment organisations, including social enterprise organisations/charities).

90. Given that producers' obligations will be related to annual compliance periods, the Government is considering reviewing delivery of compliance schemes' business plans on an annual basis. It is giving further consideration to the criteria which it would apply in these circumstances.

91. Notification of a scheme's approval will be sent in writing within 28 days of approval being granted.

92. Schemes will only be notified if the information provided does not meet the stated requirements, in which case their application must be resubmitted.

93. The Secretary of State may decide to withdraw approval in the following circumstances:

- if the operator of the scheme should change;
- if the operator of a scheme is convicted of an offence under these Regulations;
- if the operator of a scheme fails to meet its members' obligations relating to collection and treatment of separately collected WEEE, percentages of recovery and recycling, data reporting or documentary evidence of compliance; and
- if requested by the Secretary of State because of significant developments in relation to WEEE in the UK.

Failure of a scheme

94. Any compliance scheme failing to meet its obligations or those of its members is guilty of the same offences as a producer registering directly.

95. If a producer leaves a compliance scheme during a compliance period due to the scheme's approval being revoked, then the producer or the new scheme they join, takes on the full legal obligations for that compliance period.

Leaving a scheme

96. Producers which leave or join a compliance scheme, or move from one to another, should notify the relevant environment Agency, via the NCH, within one calendar month of doing so.

97. In the case that a producer chooses to leave a scheme during a compliance period, if they join another scheme, that scheme takes on the balance of their legal obligations for that compliance period; and if they do

not join a scheme, the balance of obligation lies with the producer as a direct registrant.

Consultation Question 9. Whilst being sensitive to the costs of compliance of the WEEE Directive to UK businesses, the Government is minded to ask producers and their compliance schemes also to take into consideration wider environmental and social impacts, including local impacts, when discharging their obligations under the WEEE Directive. Do you agree?

Producer obligations for the financing of separately collected WEEE from products sold to household users

“Financial guarantees” in respect of household WEEE

98. The Regulations place an obligation on producers to finance the costs of collection, treatment, recovery and environmentally sound disposal of separately collected WEEE allocated to them by the National Clearing House. The provisions of Article 8 of the WEEE Directive cover how these responsibilities for financing of separately collected WEEE should be discharged. These include requirements for financial guarantees to ensure the costs of future WEEE arisings from new products are met and provisions allowing producers to show, for a transitional period, at the point of sale to consumers, the costs of collection and recovery of old products when selling new equipment. The Article suggests how guarantees for future WEEE might be provided, including by participation in an appropriate scheme for financing management of WEEE, blocked bank accounts or recycling insurance.

99. The Government’s interpretation of the WEEE Directive’s provisions on producer financial guarantees is that the objective is to ensure that the costs of treatment, recovery and responsible end disposal of WEEE arising from products sold to the household market would be covered in the event of a producer departing from the market, for example, in the event of insolvency. The Directive requires that the costs of this “orphan WEEE” should not fall on others in society. The Government has been concerned to implement the Directive’s provisions on financial guarantees on a basis proportionate to these objectives in relation to WEEE which is separately collected, but for which the producer is no longer present on the UK market.

100. The Regulations provide that producers putting electrical and electronic equipment onto the UK market must register as a condition of doing so. Having registered, obligated producers will be allocated WEEE by the NCH.

101. This approach, in which producers' responsibilities in each compliance period are allocated and enforced on a basis reflecting their market shares means there is a systemic guarantee that the costs of orphan WEEE are met in each compliance period. Consequently when producers register, they are effectively undertaking to pay to fund their share of arisings of separately collected WEEE in each compliance period. It is proposed that this approach amounts to the "participation by the producer in appropriate schemes for the financing the management of WEEE" which the Directive envisages as one of the possible means to deliver guarantees.

102. The Government has advanced this approach as a basis for UK implementation of the Directive's provisions on financial guarantees and is currently discussing this with the European Commission.

The Government is implementing the WEEE Directive's provisions on financing separately collected WEEE on the basis of what is essentially a market share approach, in which producers are allocated their "WEEE shares". Within this, there is flexibility for producers to discharge their obligations independently by arranging collection, treatment and recovery of WEEE from their own or others' products; or collectively; or by joining a compliance scheme.

The Government will review its implementation of the WEEE Directive with a view to looking at how the system may be adapted over time so that producers can if they wish take financial responsibility for the collection, treatment and recovery of WEEE from their own products. This is individual producer responsibility, also known as the "own marque" approach, which is in line with the objectives of the WEEE Directive for products put on the market after 13 August 2005 when they arise as waste.

The initial challenge is to establish a workable scheme and this is being done on a market share basis. Movement towards a pure individual producer responsibility approach in the future implies that producers would have to make specific arrangements for financing the collection and recovery/recycling of their own products when these become waste, and would have to continue to provide guarantees in respect of their products put onto the market – these could take the form of the methods suggested in the Directive.

Showing costs of collection, treatment, recovery and responsible end disposal of household WEEE at the point of sale – the use of "visible fees"

103. The Regulations allow producers to show to consumers at the point of sale of new household electrical and electronic products the costs of collection, treatment, recovery and environmentally sound end-disposal of waste from "historic" electrical or electronic equipment, i.e from products put on the market before 13 August 2005.

104. The Directive allows this arrangement for a specified transitional period to cover the costs of recycling historic household WEEE. The Regulations allow it until 13 February 2011 in respect of sales of all new products within the Directive's scope; except for new equipment in the Directive's Annex 1A, category 1, large household goods, where it is allowed until 13 February 2013.
105. Showing separately the costs of collecting, treating and recovering waste arising from new household electrical and electronic equipment put on the market after 13 August 2005 is prohibited.
106. The arrangements between producers, retailers and/or distributors are a commercial matter for the parties concerned. The Government's approach to the use of visible fees is therefore a voluntary one. The Government considers this to be an appropriate and proportionate transposition of the provisions of the Directive.

Obligations on the financing of business WEEE (producers and business end users)

107. The original provisions of the WEEE Directive (Article 9) on the financing of waste from business to business transactions were widely thought to place unreasonable burdens on producers. An amending Directive 2003/108/EC of 8 December 2003 replaced these provisions. It now forms the basis for implementation.
108. The Regulations place obligations on producers selling to business customers, and on business end-users, to take responsibility for the costs of collection, treatment, recovery and environmentally sound disposal of WEEE. The responsibility is to report evidence showing treatment of WEEE at authorised treatment facilities, according to the Agencies' treatment guidance; and also evidence to show this WEEE has been recovered and reused/recycled according to the Directive's recovery and recycling/reuse targets for the relevant product category or categories.
109. The Regulations require that a producer who supplies new equipment to a business user to replace original equipment purchased before 13 August 2005 must finance the costs of treatment, recovery and sound disposal of the replaced equipment (whether or not they supplied this original equipment). If the business user is not making a like-for-like replacement purchase then he is responsible for financing collection, treatment, recovery and environmentally responsible end disposal of any equipment he discards if he bought the equipment prior to 13 August 2005.
110. For waste resulting from new products sold after 13 August 2005, the Regulations provide, in line with the amending Directive, for there to be an obligation on the producer. But the producer and the business user can

freely negotiate to reach agreement on how to allocate the responsibility for the financing of collection, treatment, recovery and environmentally sound disposal of the “future” WEEE.

111. The Regulations set a framework in which the allocation of responsibility for WEEE end-of-life management can become a factor in commercial transactions during the sale of electrical and electronic equipment in the future.
112. The Government understands the ‘business end user’ to be the business holder of the equipment who last uses it in the course of doing its business and who then takes the decision to discard the equipment.
113. The Government expects a like-for-like purchase of new equipment to replace old ones put on the market before 13 August 2005 to be a purchase of equipment having essentially the same function as that it replaces. A like-for-like purchase may imply replacement by approximately the same number of units, although there will certainly be instances where this will not make sense, and like-for-like may be judged purely in relation to functionality, e.g. the replacement of lighting products lighting the interior of an office building being refurbished may include different types of lighting.
114. The Government has not defined a de minimis level (in terms of minimum weight, numbers of units or value) beneath which the business-to-business obligations should not apply. This appears to be impractical in view of the sheer spread of products within the Directive’s scope. However, the Government firmly intends enforcement of the business-to-business obligations to be proportionate. It intends to consider further with the environment Agencies.

Consultation question 10. Do you agree with the proposed approach to enforcement of business-to-business obligations? If you do not, please say why not and explain any alternative approach you would prefer.

Q. I buy office equipment for my business. What responsibilities will my company have for WEEE after August 2005 ?

A. For waste from equipment you purchased before 13 August 2005, your company must take responsibility for financing its collection, treatment, recovery and reuse/recycling (to the Directive’s targets percentages); unless you are buying replacement products, in which case the producer supplying to you will have these responsibilities.

For equipment you buy after 13 August 2005, your supplier will have to take responsibility for financing its collection, treatment, recovery and reuse/recycling (to the Directive’s targets percentages), unless you and he negotiate alternative arrangements. This is a commercial matter for you.

Obligations for compliance reporting (producers; suppliers to business users, business users)

Household WEEE (Obligation on producers)

115. The WEEE Regulations oblige producers to report evidence to show that they have complied with their obligations to finance treatment, recovery and responsible end disposal of household WEEE allocated to them.

116. Producers must report evidence to show they have met the WEEE Directive's recovery and reuse/recycling targets⁴. The targets are set out in Article 7 of the Directive. They are as follows:

i) for WEEE in the Directive's product categories 1 and 10 (large household appliances and automatic dispensers - see Annex A to this guidance): 80% recovery by average weight per appliance; and component, material and substance reuse and recycling of 75% by average weight per appliance;

ii) for WEEE in the Directive's product categories 3 and 4 (IT/telecoms equipment and consumer equipment): 75% recovery by average weight per appliance; and component, material and substance reuse and recycling of 65% by average weight per appliance;

iii) for WEEE in the Directive's product categories 2, 5, 6, 7 and 9 (small household appliances, lighting equipment, electrical and electronic tools, toys leisure and sports equipment and monitoring and control equipment): 70% recovery by average weight per appliance; and component, material and substance reuse and recycling of 50% by average weight per appliance; and

iv) for gas discharge lamps, component, material and substance reuse and recycling of at least 80% by weight of the lamps.

The Directive sets no target for the reuse of whole appliances. However Article 7 indicates that such a target may be set when the Directive is reviewed at European level in 2008.

⁴ "Recovery" and "Recycling" are defined in the Regulations. For the purposes of meeting the WEEE Directive targets, "recovery" includes incineration with energy recovery and recycling.

Recycling is the reprocessing in a production process of the waste materials for the original purpose or for other purposes. Recycling takes place at the end of the recovery process, i.e. where the waste materials are put back into productive use.

Collecting, sorting, treating and processing WEEE is not recycling and evidence of treatment at an authorised treatment facility does not demonstrate compliance with the recovery and recycling requirements.

The Directive has no target for recovery or reuse/recycling of the medical devices product category (category 8 in the Directive's Annex I). The Directive says that there will be a decision on targets for this product category at European level by the end of 2008.

In the interim, the Government will not set any recovery and recycling/reuse target for product category 8, medical devices. However it is obliged to report to the European Commission on WEEE from this product category.

Those bearing the obligations for WEEE from this product category must report evidence to show that separately collected WEEE for which they have responsibility is collected and treated at authorised treatment facilities; except where the equipment has been implanted or is infected and thus exempt.

117. The Regulations provide a general obligation on producers, or their compliance schemes, to report compliance with these obligations by the end of each compliance period. It is proposed that producers or their compliance schemes should report evidence at the end of each quarter to the National Clearing House, which will use this data to update their allocation. The formats for reporting ("certificates of compliance").

118. The NCH may also pass data to the environment Agencies, to enforce compliance. During this consultation period, the Government will be considering further with the environment Agencies the detailed arrangements for monitoring and enforcement of producers' and compliance schemes' reporting on their obligations.

Consultation question 11. Do you agree that producers, or their compliance schemes, should report compliance data on a quarterly basis to the National Clearing House; with these reports subject to monitoring and enforcement action by the environment Agencies ?

Producers may undertake recovery and recycling/reuse in other Community Member States on WEEE allocated to them in the UK. These processes will have to be according to the requirements of the Directive. Producers should report evidence that they have met their target obligations to the NCH. The NCH may pass data to the environment Agencies, to verify compliance.

Producers may undertake recovery and recycling/reuse in non-Community Member States on WEEE allocated to them in the UK, provided they can show appropriate evidence to the environment Agencies, via the NCH, that recovery, reuse and/or recycling of this WEEE was conducted to standards equivalent to those required under the Directive.

Treatment may be carried outside the UK or the Community provided that the shipment of the WEEE is in compliance with Council Regulation (EEC) No

259/93 on the supervision and control of shipments of waste within, into and out of the European Community.

WEEE from products sold to business users (Obligations on suppliers to business users, business users)

119. The Government is obliged under the Directive to report data on all separately collected WEEE to the European Commission.

120. The section “Obligations on the financing of business WEEE” explains how the obligations are divided between producers and business end-users.

121. Where producers have responsibility for WEEE associated with business-to-business sales they have an obligation to report evidence to show its collection, treatment at authorised treatment facilities, and recovery or reuse to the Directive’s target percentages. Business end users have this reporting obligation in circumstances where they have the responsibility for end-of-life management.

122. The data to be reported should cover the weight of the equipment, according to the Directive’s product categories. The Government is considering whether to require this data to be reported on an annual basis, by 31 January (covering the previous calendar year), to the NCH. In this context, the NCH will act as a “one stop shop” for all data reporting on WEEE.

123. The formats for these data reports will be advised by the Government.

Reporting data on reuse of equipment

124. Charities and social economy organisations already contribute positively to the reuse and refurbishment of equipment. The Government proposes to liaise with charities and social economy organisations, as well as drawing on compliance data reported by producers and data from the retailer compliance scheme, in order to report on reuse to the European Commission.

The Government seeks to encourage reuse of equipment in line with the objectives of the WEEE Directive. It is keen to see the role of charities and social economy organisations in the reuse and refurbishment of equipment expand where feasible. There should be real opportunities for such organisations working with producers and their compliance schemes; as well as retailers. Therefore the Government is minded to ask producer compliance schemes to propose how they will promote reuse. It suggests that this may involve making contractual arrangements with reuse and refurbishment organisations, including charities and social enterprise organisations.

The Government is looking at how best, in the light of operational experience with the WEEE Directive implementation, to assess the environmental and

other costs and benefits of reuse in advance of the review of the WEEE Directive at EU level, which is expected in 2008. Subject to stakeholder views, the Government will consider establishing a forum for stakeholders to disseminate best practice and information on reuse of whole appliances once the WEEE Regulations come into force.

Information and marking obligations (producers)

Information

125. The WEEE Regulations require producers to make arrangements to respond to requests for information to assist with the reuse, recycling and recovery of types of new equipment.
126. This obligation is limited to types of new equipment put on the UK market after 13 August 2005. Information for these products should be available within a year of being put on the UK market.
127. The aim is to ensure that information is provided to facilitate the reuse, recycling and recovery of the equipment.
128. It may be reasonable to be asked to provide the following:
- Advice on the location of items and substances covered by the Environment Agency's guidance on the treatment of WEEE
 - Location and type of dangerous/hazardous substances, materials or components within the type of equipment
129. There is flexibility for producers to decide how best to make available information on these kinds of issues. They may wish to respond to requests for information, when these arise, or to take steps to make information available. Electronic means of information dissemination such as websites or CD-ROMs may provide the most effective and least cost compliance. Products may carry direct information making.

Marking

130. The WEEE Regulations require producers to ensure that equipment which they put on the UK market after 13 August 2005 is marked with the crossed out wheeled bin symbol shown at Annex C.
131. The standards body, CENELEC, is working on a standard for the size and durability of this symbol. The Government will advise the reference number of this standard once it is agreed and published in the Official Journal of the European Communities. The Regulations do not require adherence to the standard. However, once this standard is agreed, a marking in accordance with it will be presumed to demonstrate compliance

with this requirement. The Government will then amend the WEEE Regulations to reflect this.

132. In addition to the crossed out wheeled bin symbol described above, the Directive requires producers to ensure that products put on the UK market after 13 August 2005 are marked (i) to show that they were put on the market after that date; and (ii) to identify the producer.
133. The Regulations provide for the crossed out wheeled bin symbol on a particular product also to be the indication that it was put on the market after 13 August 2005.
134. The Regulations provide that the producer identification marking may consist of one of the following: brand name, trade mark, company registration number or other unique reference. This means, in practice, the kind of identification marks in general usage now.
135. The standards body, CENELEC, is also working on recommendations covering these further marking requirements of the Directive. The Regulations do not require adherence to these. However, once this CENELEC work is agreed, a marking in accordance with it will be presumed to demonstrate compliance with this requirement within the UK. The WEEE Regulations will be amended to reflect this.
136. The CENELEC standard is expected to propose that producer marking may consist of one of the following: brand name, trade mark, company registration number or some other unique reference. This represents the same options for compliance as in the Regulations. The CENELEC work provides that putting on the market after 13 August 2005 may be indicated by showing the date in uncoded form or a code may be used. The Government leaves it to producers to decide whether to add these date markings. It does not require them for UK compliance. However, it may well be the case that manufacturers sending products into other national markets across the European Union may choose to add the date markings in line with CENELEC's work once this is agreed.
137. It is understood that the final CENELEC standard is expected to be ratified by November 2004 and published before the end of the year. The Government will ensure it is put onto the DTI's website as soon as possible.

The take-back obligation (retailers/distributors)

Take back for consumers

138. The Regulations require all retailers and distributors of electrical and electronic products to domestic consumers to provide free take-back in-store to enable consumers to return their WEEE, when making a like for like purchase of new equipment.

139. This means that, from August 2005, consumers will have the right to take back their old product free of charge when going to a shop to buy a new like for like product.
140. “Like for like” is understood to mean equipment that is of equivalent type or fulfils the same function. This means a customer might expect to be able to take back an old personal compact disc player when buying a new one. It also implies that an old cassette player could be returned when a compact disc player is being purchased, because both are used for the function of playing recorded music and sound.
141. The take-back obligations apply to all retailers, both those who specialise in selling electrical and electronic equipment and other retailers who also sell some electrical or electronic equipment as well as other goods.
142. The Regulations provide retailers with a choice of compliance route for discharging this take-back obligation. Retailers and other distributors of electrical and electronic equipment are expected to offer “direct” take-back services as outlined above, from 13 August 2005; or alternatively, “indirectly” to show participation in a compliance scheme which would offer WEEE take-back services to consumers. A retailer compliance scheme or schemes would be subject to approval by the Government. This guidance sets out criteria for approval.

Take-back for retailers and distributors

143. Retailers and distributors are also entitled to free take-back of WEEE they collect in-store if they decide to follow this route. If they are providing direct take-back services, for example, in-store, they should deposit the items they have collected at a designated collection facility. Please see the section of this guidance on “Collection and Storage of WEEE” on designated collection facilities. Either the retailer scheme or the NCH will signpost retailers and distributors holding items collected via their own direct, in-store take-back services to the local nearest designated collection facility.

Q. I have a shop and I sell a limited number of small electrical goods. Do the Regulations affect me ?

Yes. You have to meet the retailer take-back obligation. You can do this directly by taking items back in-store or you could join an approved retailer compliance scheme.

However the Government recognises the particular circumstances of small retailers like local corner shops, newsagents and neighbourhood pharmacies, which do not specialise in electrical/electronic equipment. It expects that a compliance scheme should offer favourable terms for the participation of such retailers. Any application for approval of a compliance scheme should include proposals for this.

If, however, you opt to meet your take-back obligation by offering take-back, you will need to deliver the products you have taken back to a designated collection facility for separate collection of WEEE. Either the retailer scheme or the NCH will signpost you to the designated collection facilities offering separate collection.

You will also have an obligation to make available information on WEEE collection facilities to your customers – see the section of this guidance on information provision.

In-store take-back

144. Where retailers choose to comply with their take-back obligation in-store, this service should be offered for all of the electrical and electronic equipment sold from a particular retail premises.

145. It is recognised that large or bulky goods, like refrigerators or television sets, although marketed via retail premises, are often delivered to customers and an old product is collected when that delivery is made. Many retailers currently offer this arrangement as a service to their customers and this is taken into account in the Regulations. The Government appreciates that there will be continuing consumer demand for this service and that retailers will want to respond to this. These collection on delivery arrangements may be used in lieu of in-store take-back *provided the collection is free*.

146. Distance sellers based in the UK, such as internet sellers, who do not sell through retail premises, will be expected to offer an alternative free take back service in lieu of in-store take-back, or to join a retailer-distributor compliance scheme.

147. Some discarded electrical and electronic equipment will be classified as hazardous waste. DEFRA will soon be issuing, for consultation, new regulations setting out procedures for movements of hazardous waste in England and Wales. These will be available on DEFRA's website.

Retailer/distributor compliance scheme

148. The Regulations provide for retailers and distributors to comply with the take-back obligation by showing they are participating in an approved retailer compliance scheme.

149. A compliance scheme must be approved by the Secretary of State for Trade and Industry prior to registration. A proposal for approval of a scheme may be submitted at any time after the Regulations have entered into force.

150. The primary objective of a scheme should be to support an adequate UK-wide WEEE collection network - as an alternative to its members offering direct, in-store take-back services.
151. The Government aims, in the first instance, to build on the existing collection infrastructure for household waste in the UK. The network of local civic amenity sites is familiar to householders and the Government expects them to continue to take WEEE to these sites. The civic amenity sites will need a level of upgrading in line with the requirements of the Directive covering the handling/ storage of WEEE. See the section of this guidance on “Collection and Storage of WEEE” below
152. With this in mind, the Government expects any proposal for a retailer compliance scheme to include a business plan indicating how it will make funding available to meet bids on behalf of civic amenity sites for their upgrading. The Government indicated, in its previous consultation (November 2004) its expectations of the funding levels needed. It will be for the retailer scheme to say how it will organise funding for civic amenity site upgrades – bidding mechanism, bidding criteria, etc. The Government expects that all local authorities will have the opportunity to bid for funding for civic amenity site upgrades. These arrangements will be subject to Government approval.
153. Negotiations are continuing between the Government and the British Retail Consortium on a potential retailer/distributor compliance scheme.
154. The Government expects a retailer compliance scheme also to provide WEEE collection services UK-wide, as part of the alternative to its members directly offering free, like for like take-back. These services should complement the WEEE designated collection facilities in the civic amenity site network. In some areas there are no civic amenity sites to offer separate collection of WEEE. In others, local authorities or their site operators may choose not to bid for upgrades to their sites to offer these.
155. These retailer-led collection services may take the form of take-back points in major retail parks, or there may be other arrangements better suited to particular areas. It will be for the scheme to define optimum arrangements, consistent with achieving UK-wide coverage. Where facilities in major shopping centres are established, they must obtain the relevant waste management licence/permit or exemption and must be in accordance with local planning consents and tenancy agreements. The Government is concerned that the take-back services offered by the compliance scheme should not result in unnecessary road traffic journeys. Collection facilities should be accessible by public transport wherever possible.
156. A retailer/distributor compliance scheme would be expected to
- provide and resource WEEE take-back services to meet its members’ take-back obligations under the Regulations;

- provide an adequate UK network as an alternative to its members offering direct, in-store take-back), offering an equivalent level of availability compared to in-store take-back to last holders
- provide funding support for the upgrade of WEEE collection at civic amenity sites, in particular, but not exclusively to assist them to meet the minimum standards for designated collection facility status;
- provide plans for complementary WEEE collection services and facilities to be managed by the scheme itself, ensuring UK-wide coverage for the network
- maintain records of its membership and report this annually to the environment Agencies;
- take steps to ensure proportionate treatment of small retailers who want to join the scheme, particularly those whose principal business is not selling electrical and electronic equipment; and
- make available to householders information on WEEE collection facilities – see the section of this guidance on information provision.

157. A retailer/distributor compliance scheme will need to register with the environment Agencies for the purposes of enforcement. A registration fee will be payable. (The level of this fee is currently under consideration, but it will be intended to cover the recovery of costs incurred by the Agencies in enforcement activity related to the scheme and the take-back obligation).

158. A retailer/distributor compliance scheme will be subject to approval by the Secretary of States. Registration will be contingent on prior approval.

159. A retailer/distributor compliance scheme would be approved for a period of at least three years. It would assume its members' take-back obligations when these begin on 13 August 2005.

160. Scheme approval and the Government criteria for this will be reviewed in the light of the review of the Directive at EC level, expected in 2008.

161. A proposal seeking approval of a retailer/distributor compliance scheme should ensure that the scheme meets the following criteria:

- it should set out an operational plan for a network of WEEE take-back services and facilities, which it will offer as an alternative to its members offering direct, in-store take-back. This network should offer an equivalent level of access and availability compared to in-store take-back to last holders;
- it should indicate how it will arrange appropriate funding support for upgrades to the civic amenity site network. Collection facilities within the scheme would be expected to meet certain minimum standards – see the section of Guidance on Collection and storage of WEEE below.
- it should provide plans for complementary WEEE take-back services and facilities to be managed by the scheme itself, taking

account of the considerations indicated above: ensuring UK-wide coverage;

- provide information on its management and membership fee structures; and
- provide a plan for how it will make available information on WEEE take-back facilities to householders.

162. Notification of a scheme's approval will be sent in writing within 28 days of approval being granted. A further application for approval must be submitted within 28 days in any of these cases:

- If the operator of the scheme should change
- If the operator of a scheme is convicted for an offence under these Regulations

Failure of a scheme

163. If the scheme fails to deliver significant elements of its original proposal, in particular, the provision of funding arrangements for civic amenity infrastructure and retailer take-back services UK-wide, its approval will be reviewed by the Secretary of State for Trade and Industry and may be withdrawn. Twenty eight days notice of withdrawal of approval will be given and, in those circumstances, the scheme's members would have to meet their take-back obligations directly (via in-store take-back) unless and until they join a new approved compliance scheme.

Provision of information to consumers

164. The Regulations require retailers and distributors offering take-back services to ensure that private householders are informed of the WEEE take-back facilities available to them. Householders should be encouraged to participate in the separate collection of WEEE. This information may cover retailers' own collection services or facilities and any other systems available for take-back of WEEE. Households should be informed of the meaning of the crossed out wheeled bin symbol on products covered by the Directive (i.e. that WEEE should not be co-disposed with other waste).

165. It may be appropriate for retailers to liaise with local authorities, charities, the waste management industry and others in discharging this obligation to make information available.

166. It will be for the parties concerned, either retailers complying individually or a compliance scheme, to determine the best ways to communicate this information to householders. The options for this may include:

- Posters and/or leaflets in stores/point of sale
- Notices at civic amenity and other collection sites
- Information on websites
- Advertisements on delivery vehicles or refuse collection vehicles

- Advertisements in the local media
- Collaborative information exercises with local authorities

Collection and storage of WEEE

167. Sites offering facilities for separately collecting WEEE may register with the NCH as “designated” collection facilities for the purposes of securing free collection by producers of separately collected WEEE.

168. These sites may be, for example;

- local authority civic amenity sites or transfer stations;
- retailer returns/bulking points associated with collection on delivery; or
- collection/bulking points associated with a retailer compliance scheme.

169. In some instances, designated collection facilities may be nominated as points for collections by producers, but do not offer collection facilities for householders. An example might be a waste transfer station operated as part of the local civic amenity infrastructure.

170. Collection facilities will be invited to register with the NCH details of their operators, locations, access arrangements, and to stipulate whether they offer facilities for all or some of the five WEEE collection “groupings”. These groupings are proposed as:

- WEEE Directive Annex 1A, categories 1 and 10 – large domestic appliances (this includes refrigerators, freezers, which are, in practice, collected and stored at collection sites separately already to facilitate adherence to the ozone depleting substances regulations)
- Annex 1A, categories 3 and 4 - IT/telecoms, consumer equipment
- Annex 1A categories 2,6,7,9 – small household appliances, electrical and electronic tools, toys, leisure and sports equipment, and monitoring and control equipment
- Annex 1A category 5 – lighting equipment

171. The WEEE Directive’s Annex III includes some technical requirements covering sites used for the storage of WEEE prior to treatment. These requirements are for impermeable surfaces (with provision for spillage collection facilities and, where appropriate, decanters and cleanser-degreasers) and weather-proofing *for appropriate areas*. Sites will be expected to meet these standards. The Regulations provide for designated collection facilities to meet these standards, as well as to have appropriate containers and suitable signage to guide users. Sites applying

for designated collection facility status should review their facilities in the light of these requirements.

172. The Government proposes that the National Clearing House should undertake registration of designated collection facilities for participation in its free collection service. The NCH should write to local authorities and waste management authorities as early as possible in Spring 2005 to invite this.
173. The Government understands that the NCH allocation mechanism should be able to assimilate new designated collection facilities into the system after Spring 2005.

Rural areas

Rural areas of the UK, such as the Highlands of Scotland, central Wales, western areas of Northern Ireland or the south west of England present their own challenges in terms of the separate collection of WEEE. However there should be operational solutions. It may be appropriate for local waste management authorities to apply to the NCH to designate several WEEE collection facilities together and to ask for a collection schedule which includes a “round robin” pattern of pick ups – as is commonly used for other services to such areas. The Government also expects retailers and distributors of electrical and electronic equipment to play their part in meeting these challenges to provide adequate take-back facilities across the whole of the UK.

Permitting of WEEE

174. WEEE treatment activities must be dealt with in accordance with the permitting system which is operated under the Waste Framework Directive (75/442/EEC). Any establishment or undertaking carrying out treatment operations must obtain a permit or licence from the competent authority.
175. However, the WEEE Directive imposes some additional requirements under Article 6 in respect of facilities that carry out treatment of WEEE which must be transposed to UK legislation. Treatment shall as a minimum include the removal of all fluids and selective treatment in accordance with Annex II of the Directive. Annex II lists various preparations and components that have to be removed and treated in such a way that environmentally-sound re-use and recycling of components or whole appliances is not hindered. Treatment should also use best available treatment, recovery and recycling techniques. Storage and treatment sites at treatment facilities have to meet the technical requirements set out in Annex III of the WEEE Directive.
176. The permitting requirements relating to the treatment of Waste Electrical and Electronic Equipment (WEEE) under Article 6 of Directive 2002/96/EC are expected to be transposed into law by the Environmental Permitting Regulations, being produced by DEFRA, which will replace the

majority of Part II of the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994.

177. In Northern Ireland, the permitting and treatment requirements of the Directive will be transposed through amendment of the current waste management licensing regime. The Northern Ireland Administration's proposals, including draft regulations and guidance, issued for consultation on 30 June 2004. The consultation paper may be viewed at www.doeni.gov.uk/epd.

178. These permitting regulations are to be the subject of separate consultation to the WEEE consultation and details may be found at www.defra.gov.uk/environment/waste/legislation/permitreview/

Guidance on the treatment of WEEE at Authorised treatment facilities

179. The Environment Agency is consulting on guidance for the treatment and storage of WEEE at treatment facilities. The purpose of the Agency guidance is to set out what constitute the minimum treatment operations at an authorised treatment facility necessary to comply with the requirements of Article 6 of the directive.

180. This draft guidance can be found at the following website: www.environment-agency.gov.uk/yourenv/consultations/830820/

181. Comments and views on this are sought from all interested parties and in particular, on the cost implications of the guidance. Producers and their compliance schemes are particularly encouraged to consider the implications of the treatment guidance for their overall compliance costs.

182. In the light of comments received both on the draft guidance and on the draft regulations, final guidance will be issued.

Transfrontier shipments

183. The WEEE Directive provides that treatment of WEEE may be carried out outside the UK or the Community provided that the shipment of WEEE is in compliance with Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community. This will be the subject of enforcement outwith the ambit of these Regulations.

184. WEEE may be exported for recycling and recovery outside the Community, but it must meet equivalent treatment and recovery standards to those required under the Directive.

Contaminated WEEE

185. The WEEE Directive notes that, when WEEE is collected or taken back, it may be the case that the equipment is returned in a state of "contamination". "Contamination" is regarded as a state which presents a health and safety risk to personnel handling it.

186. The Government is considering whether further guidance is needed. Responses to its previous consultations showed retailers' concerns about contaminated WEEE in the context of in-store take-back. The Government is concerned to have a proportionate approach. It is already the case that infected medical equipment is outside the scope of the WEEE Directive.

187. The Government will consider representations from those collecting or taking back WEEE about contaminated WEEE and will consider what, if any specific arrangements may be warranted, taking the advice of the environment Agencies.

Eco-design

188. The WEEE Directive requires the Government to encourage the eco-design of electrical and electronic equipment in order to make it easier to reuse, recycle and recover WEEE, its components and materials. It is also required to prevent the use of design techniques or manufacturing processes that prevent the reuse or recycling of WEEE, unless there are over-riding environmental or safety advantages.

189. The Government is, in the light of stakeholder consultation, applying a "light touch" approach to implementing these provisions via non-regulatory means. The WEEE Regulations therefore do not address these matters.

190. The Government is implementing the eco-design provisions of the Directive by convening an industry group to consider voluntary approaches for eco-design. This forum may include a subgroup for each WEEE Directive product category.

Enforcement

191. It is the statutory duty of the following organisations to enforce the Regulations within their area:

- In England and Wales, the Environment Agency (EA);
- In Northern Ireland, the Department of the Environment's Environment and Heritage Service (EHS); and
- In Scotland, the Scottish Environment Protection Agency (SEPA) enforce and monitor the regulations; prosecutions against infringement of the Regulations are brought by the Procurator Fiscal or Lord Advocate.

The Government is still considering the Agencies' powers to monitor compliance.

Offences and Penalties

192. These Regulations introduce the following offences:

For those obligated as producers

- Failure to register;
- failure to report, when asked by the Secretary of State (distance sellers only) information to show compliance with WEEE financing obligations in other EC Member States, where placing goods on the market there;
- failure to finance treatment of allocated WEEE according to the requirements of the Regulations;
- failure to finance recovery and recycling/reuse of allocated WEEE according to the target percentages in the WEEE Directive;
- failure to report accurate compliance evidence - in relation to financing treatment of allocated WEEE, or its recovery and recycling/reuse
- failure to provide information to treatment facilities on types of new equipment put on market after 13 August 2005
- showing a “visible fee” in a way which contravenes clause 25 of the Regulations
- and
- delay or obstruction to the enforcement authorities in their enforcement activities (including exercise of their powers of entry and inspection).

Additionally, for producer compliance schemes:

- Failure to register
- Failure to discharge obligations on behalf of its members in relation to treatment and recovery of allocated WEEE

For those obligated as distributors/retailers:

- Failure to comply with the take-back obligation, either directly or via membership of a retailer/distributor compliance scheme
- Failure to meet obligation to provide information to householders

Additionally for distributor/retailer compliance schemes:

- Failure to register

Contact points for further information

193. Enquiries regarding the WEEE Regulations should be referred to the Environment Agency in England and Wales, SEPA in Scotland and the Environment and Heritage Service in N.I.). Contact details are as follows:

Environment Agency
Rio House, Waterside Drive
Aztec West, Almondsbury
Bristol
BS32 4UD
Tel: 08459 333111
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk/

Scottish Environment Protection Agency (SEPA)
Erskine Court
The Castle Business Park
Stirling
FK9 4TR
Tel: 01786 457700
Fax: 01786 446885
www.sepa.org.uk

Producer Responsibility Unit
Environment and Heritage Service
Commonwealth House
35 Castle Street
Belfast
BT1 1GU
Tel: 028 9054 6484
Fax: 028 9054 6480
Email: weee@doeni.gov.uk
www.ehsni.gov.uk

Guidance documents are available from these addresses or your regional Environment Agency Office.

Environmental Helpline
0800 585 794

The Helpline is a Government telephone enquiry service providing a comprehensive information and signposting service for firms seeking advice on a wide range of environmental issues that may affect their

business. Case studies and guides to help with various issues are available.

The WEEE Regulations 2004 S.I.[] are available from the Stationary Office and online:
[<http://www.hmsso.gov.uk/>]

Further copies of these guidance notes are available from:
DTI Publications Orderline

Admail 528
London
SW1W 8YT
Tel: 0870 1502 500
Fax: 0870 1502 333
<http://www.dti.gov.uk/> (?)

Comments on these guidance notes should be addressed to DTI's Sustainable Development Unit.

Department of Trade and Industry
Sustainable Development Unit
151 Buckingham Palace Road
London
SW1W 9SS
Tel: 020 7215 1036
Fax: 020 7215 5835
www.dti.gov.uk/sustainability/weee/index.htm

Department for Environment, Food and Rural Affairs
Producer Responsibility Unit
Zone 7/F9 Ashdown House
123, Victoria Street
London SW1E 6DE
Tel: 020 7082 8778
Fax: 020 7082 8764

Annex A

Electrical and electronic equipment covered by the WEEE Directive

Illustrative lists of products included (not exhaustive)

1. Large household appliances

Large household appliances

Large cooling appliances

Refrigerators

Freezers

Other large appliances used for refrigeration, conservation and storage of food

Washing machines

Clothes dryers

Dish washing machines

Cooking

Electric stoves

Electric hot plates

Microwaves

Other large appliances used for cooking and other processing of food

Electric heating appliances

Electric radiators

Other large appliances for heating rooms, beds, seating furniture

Electric fans

Air conditioner appliances

Other fanning, exhaust ventilation and conditioning equipment

2. Small household appliances

Vacuum cleaners

Carpet sweepers

Other appliances for cleaning

Appliances used for sewing, knitting, weaving and other processing for textiles

Irons and other appliances for ironing, mangling and other care of clothing

Toasters

Fryers

Grinders, coffee machines and equipment for opening or sealing containers or packages

Electric knives

Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances

Clocks, watches and equipment for the purpose of measuring, indicating or registering time

Scales

3. IT and telecommunications equipment

Centralised data processing:

Mainframes

Minicomputers

Printer units

Personal computing:

Personal computers (CPU, mouse, screen and keyboard included)

Laptop computers (CPU, mouse, screen and keyboard included)

Notebook computers

Notepad computers

Printers

Copying equipment

Electrical and electronic typewriters

Pocket and desk calculators

and other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means

User terminals and systems

Facsimile

Telex

Telephones

Pay telephones

Cordless telephones

Cellular telephones

Answering systems

and other products or equipment of transmitting sound, images or other information by telecommunications

4. Consumer equipment

Radio sets

Television sets

Videocameras

Video recorders

Hi-fi recorders

Audio amplifiers

Musical instruments

And other products or equipment for the purpose of recording or reproducing sound or images, including signals

or other technologies for the distribution of sound and image than by telecommunications

5. Lighting equipment

Luminaires for fluorescent lamps with the exception of luminaires in households

Straight fluorescent lamps

Compact fluorescent lamps

High intensity discharge lamps, including pressure sodium lamps and metal halide lamps
Low pressure sodium lamps
Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs

6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)

Drills
Saws
Sewing machines
Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials
Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses
Tools for welding, soldering or similar use
Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means
Tools for mowing or other gardening activities

7. Toys, leisure and sports equipment

Electric trains or car racing sets
Hand-held video game consoles
Video games
Computers for biking, diving, running, rowing, etc.
Sports equipment with electric or electronic components
Coin slot machines

8. Medical devices (with the exception of all implanted and infected products)

Radiotherapy equipment
Cardiology
Dialysis
Pulmonary ventilators
Nuclear medicine
Laboratory equipment for in-vitro diagnosis
Analysers
Freezers
Fertilization tests
Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability

9. Monitoring and control instruments

Smoke detector

Heating regulators

Thermostats

Measuring, weighing or adjusting appliances for household or as laboratory equipment

Other monitoring and control instruments used in industrial installations (e.g. in control panels)

10. Automatic dispensers

Automatic dispensers for hot drinks

Automatic dispensers for hot or cold bottles or cans

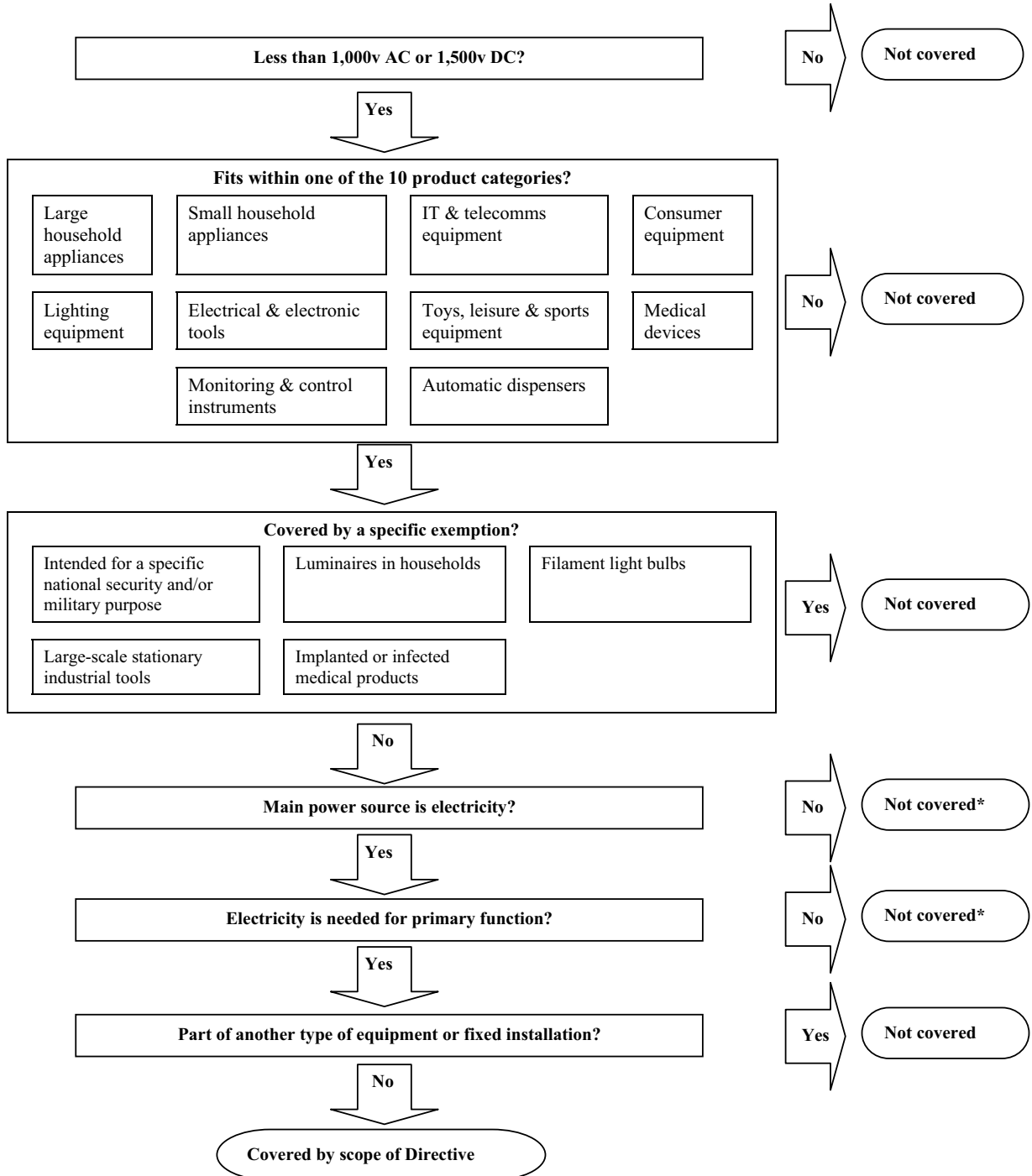
Automatic dispensers for solid products

Automatic dispensers for money

All appliances which deliver automatically all kind of products

Annex B

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



*While these exclusions are not expressly provided for in the Directive, it is the UK view that they apply. Producers should rely on independent legal advice on compliance.

Annex C

Marking – the crossed out wheeled bin symbol

The symbol indicating separate collection for electrical and electronic equipment consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly.

