

Waste Electrical and Electronic Equipment (WEEE) Regulations (SI 2006 No. 3289) - The Distributor Take Back Scheme



UK WEEE Regulations – the Distributor Take Back Scheme

The UK Waste Electrical and Electronic Equipment (WEEE) Regulations (SI 2006 No. 3289 - 11 December 2006), as amended by the Waste Electrical and Electronic Equipment (Amendment) Regulations 2007, (referred to hereafter as “the WEEE Regulations”) define a “distributor” to mean “any person who provides electrical or electronic equipment on a commercial basis to the party who is going to use it”, and the “Distributor Take Back Scheme” (“DTS”) to mean “a distributor take back scheme approved by the Secretary of State under regulation 54”;

The WEEE Regulations implement the majority of the provisions of the European Parliament and Council Directive on Waste Electrical and Electronic Equipment (2002/96/EC) (“the WEEE Directive”) and the subsequent European Parliament and Council Directive 2003/108/EC that amended the WEEE Directive.

The UK Government Guidance Notes (URN 07/1631) support the WEEE Regulations.

Members of the Distributor Take Back Scheme – exemption from instore take back

Regulation 35 of the WEEE Regulations states that “Where a distributor is a member of a distributor take back scheme, he shall be exempt from complying with the requirements of regulation 31 and 34(1) for the period during which his membership of that scheme subsists.”

All members of the DTS are therefore exempt from the requirement to “ensure that WEEE from private households can be returned to him free of charge and on a one-to-one basis” (regulation 31) or “maintain records of the number of units of WEEE from private households returned to him under that regulation” (Regulation 34(1)).

As stated in the UK Government Guidance Notes paragraphs 68 and 69, “The Distributor Take-back Scheme will collect a £10m fund from the retail community, the majority of which will be distributed to local authorities to assist in the development of a network of Designated Collection Facilities (DCFs) which will provide distributors with an alternative to in-store take-back of WEEE. The Distributor Take-back Scheme is responsible for registering DCFs for approval by the Secretary of State, who will ensure the availability of an adequate and accessible nationwide WEEE collection system.”. “Valpak Retail WEEE Services Ltd has been appointed to operate the Distributor Take-back Scheme for the first three compliance periods. The scheme’s performance will be kept under review, and delivery judged against an agreed operational plan, covering a range of activities including collection and distribution of retailer funding, compilation and maintenance of the DCF register, and the development and provision of consumer information to retail members to ensure that they meet all their obligations under the WEEE Regulations. A list of DCFs that will accept WEEE from householders can be accessed from www.recycle-more.co.uk/nav/page1768.aspx”.

Membership of the DTS is dependent on each retailer applying to join and making a financial contribution towards the improvement of the UK’s network of WEEE collection facilities. These facilities are predominantly based at Local Authority Civic Amenity sites.

Obligations placed on members of the Distributor Take Back Scheme – consumer information

Regulation 33 states that “A distributor who supplies new EEE shall make information available to users of EEE in private households on -

- the requirement on each Member State under Article 2 of the Directive to minimise the disposal of WEEE as unsorted municipal waste and to achieve a high level of collection of WEEE for treatment, recovery and environmentally sound disposal
- the collection and take back systems available to them
- their role in contributing to the reuse, recycling and other forms of recovery of WEEE under these Regulations
- the potential effects on the environment and human health as a result of the presence of hazardous substances in EEE and
- the meaning of the crossed out wheeled bin symbol”

Regulation 54 (5) states that “a distributor shall be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 33”.

To assist in meeting this obligation, DTS members have also contributed financially toward the establishment of a UK-wide WEEE recycling website, www.recycle-more.co.uk. This website includes information about all aspects of the WEEE directive, and in particular the capability to find the location of local WEEE collection facilities (known as “Designated Collection Facilities” or “DCFs”).

Obligations placed on a consumer who uses Electrical and Electronic Equipment (from WEEE Guidance Paragraph 17)

Members of the public who use Electrical and Electronic Equipment (EEE) and discard it as waste have no legal obligations under the WEEE Regulations. As a private householder who uses EEE, the WEEE Regulations encourage you to play your part in the separate collection of WEEE when you discard it as waste. You do not have to purchase EEE to take advantage of this. You will have the ability to deposit your WEEE in specific areas at DCFs, improvements at which have been funded by DTS members. You may also ask for information from a retailer of EEE about the options and collection facilities available to you in your local area for disposing of EEE; this information is available at www.recycle-more.co.uk.

The WEEE Regulations do not give you an entitlement to free collection of your WEEE from your home. Existing home collection on delivery services, Local Authority bulky waste collections and collection by the Charitable and Voluntary Sector remain unaffected.