

The Environment Agency's priorities for enforcing the WEEE regulations

This note summarises the Environment Agency's priorities for enforcing the Waste Electrical and Electronic Equipment (WEEE) Regulations 2006. Any action we take will be in line with our published Enforcement and Prosecution Policy. You should read this note in conjunction with the policy.

Background

Every year, the UK throws away around two million tonnes of waste electrical and electronic equipment. It is one of the fastest growing waste streams in the UK and the EU. In January 2003, the EU adopted the WEEE Directive to deal with this waste. The directive will improve the way WEEE is managed and reduce its effect on the environment. Also, more waste will be collected for treatment and recovery and less will go to landfill.

The regulations

The UK regulations came into force on 2 January 2007. Any business that manufactures, re-brands or imports electrical and electronic equipment (EEE) is known as a 'producer' and is affected by the regulations. Producers have to pay for the treatment, recovery and disposal of WEEE. Businesses who sell electrical items, or who store, treat or dismantle WEEE are also affected.

How the regulations affect different groups

Producers

We expect all producers of electrical and electronic equipment to comply with the regulations by joining a producer compliance scheme. They also need to give details of EEE placed on the market and meet their obligation to pay for the collection, treatment, recovery, recycling and disposal of WEEE.

In return, producers can **expect of us:**

- guidance on what products fall within the definition of 'electrical and electronic equipment';
- information about approved producer compliance schemes that they can join;
- a programme of activities to raise awareness among producers and identify free-riders.

Producer compliance schemes

We expect all approved producer compliance schemes to comply with the WEEE regulations. They particularly need to:

- give timely and accurate information in the format that we ask for;
- pay any charges promptly;
- work with other compliance schemes so we have an effective system for meeting the UK's WEEE obligations;
- meet their treatment, recovery, recycling and disposal obligations.

In return, compliance schemes can **expect of us**:

- guidance on what information we need and the format we need it in;
- up to date lists on our website of registered producers and approved ATFs and exporters;
- a programme of activities to raise awareness among producers and encourage compliance with the regulations.

Authorised treatment facilities

We expect the operators of all authorised treatment facilities to:

- comply with the conditions of their permit, waste management licence or exemption.

We also expect operators of Approved Authorised Treatment Facilities to:

- comply with the conditions of their approval;
- give us timely and accurate information in the format we've asked for;
- only to export WEEE using Approved Exporters.

In return, ATF and AATF operators can **expect of us**:

- guidance on the information required and the format we need it in;
- a list on our website of approved producer compliance schemes and their members;
- up-to-date details on our website of all approved ATFs;
- monitoring their facilities and systems to ensure they comply with conditions.

Approved exporters

We expect approved exporters to:

- comply with all legislation that controls waste exports from the United Kingdom;
- comply with the conditions of their approval;
- give us timely and accurate information in the format we ask for.

In return, approved exporters can **expect of us**:

- we won't interfere with legitimate trade in second-hand or re-furbished electrical and electronic goods¹;
- guidance on what information we need and the format we need it in;
- a list on our website of approved producer compliance schemes and their members;
- up-to-date details on our website of all approved exporters.

All groups can expect vigorous action if we identify deliberate non-compliance. This includes activities which are causing (or are likely to cause) pollution of the environment or harm to human health as well as deliberately giving us misleading information.

Retailers (distributors)

We expect retailers to comply with the duty of care when they store WEEE and pass it on to others. They need to make sure they are authorised to accept it. Storing WEEE that has been returned by customers buying new products is unlikely to need a waste management licence or exemption.²

Designated Collection Facility (DCF) operators

We expect DCF operators to comply with the requirements of their waste management licence or exemption and not cause any pollution of the environment or harm to human health.

In return, they can **expect of us** that we will continue to monitor how they comply with their permit and enforce the conditions in a proportionate way.³

Our enforcement priorities

Our overall priority for 2007 is to ensure that everyone affected by the law change is aware of their new responsibilities and is able to meet them. We will focus our efforts during the first compliance period on raising awareness and we'll normally only take formal enforcement action where we believe that the law has been broken deliberately (eg providing false information) or when the breach has caused pollution of the environment or harm to human health. When we do act, this will be in line with our published Enforcement and Prosecution Policy. We also publish guidance which sets out what enforcement response is normally taken for offences where we are the regulator. All our usual responses are influenced by public interest factors.

As people become more aware of the new laws, we expect compliance with the regulations to improve. We will use the results of our compliance monitoring to review

¹ guidance on how to distinguish between waste and second-hand items can be found at http://ec.europa.eu/environment/waste/shipments/pdf/correspondents_guidelines.pdf

² NB retailers have other obligations under the WEEE Regulations but these are enforced by the Vehicle Certification Agency (VCA). More details can be found at <http://www.vca.gov.uk/enforcement/weee-enforcement.asp>

³ the Distributor Takeback Scheme is operated by Valpak on behalf of the Department of Business, Enterprise and Regulatory Reform. Operators of sites wishing to register them as DCFs should contact the company at <http://www.valpak.co.uk/dts>

our approach and we'll maintain an up-to-date version of this document on our website.

Where to find out more

DBERR website:

<http://www.dti.gov.uk/innovation/sustainability/weee/page30269.html>

Environment Agency website: <http://www.environment-agency.gov.uk/weee>

Environment Agency helpline: 08708 506 506

NetRegs website: <http://www.netregs.gov.uk/netregs/275207/1631119/?lang=e>

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