

## **Current Thinking WEEE Directive and UK regulations**

AMPS Current Thinking advised the following in January 2017:

### WEEE Directive 2012/19/EU

Members are reminded that the transitional period for the European Waste Electrical and Electronic Equipment (WEEE) Directive ends on the 14th August 2018. The “open scope” nature of the Directive, coupled with the specific inclusion of “equipment for the generation of electric currents” in the scope of the Directive, means that power generation equipment placed on the European Market by members is likely to fall ‘into scope’ unless it can be shown that an exclusion clause applies.

Exclusions from the scope of the Directive are available for permanently installed larger products, chiefly those with rated outputs over 375 kW electrical and for those with rated outputs exceeding 1 000 V A.C. Products of any size that are not permanently installed are likely to fall into scope unless produced specifically for military use.

The WEEE Directive requires producers of electrical and electronic equipment to register with producer schemes in EU Member States in which the products are to be ‘placed on the market’, prior to the Directive becoming applicable to the products. The Directive does not affect the design of products, nor does it affect the ability to CE mark products. Members who feel their products are likely to fall into scope of the Directive are advised to seek advice from one of the producer schemes or consultants in this field.

## **From Technical Committee minutes July and October 2017:**

### WEEE Directive - Reminder

Transition period expires August 2018

The Directive does not affect the design, CE marking or the placing of products on the market, (‘placing on the market’) but can result in fines and adverse publicity for producers if not properly registered

First move will be to start the registration process in each EU country where product is placed on the Market, this will then establish the actions that will be required

Consultants are available to assist with advice / registration process

Don’t wait for 2018 – we are anticipating a high demand on consultants / registration schemes

## **Consultation**

Defra have now issued a consultation. The following is taken from the Consultation:

As this is an EU Directive then it has to be transposed into UK Law by the transition date. Other Member States will also transpose the directive into their domestic law. Basically, the Member States are free to amend the directive, provided that the objectives of the Directive are met.

It is currently UK government policy not to go beyond the minimum requirements of European Directives unless there are exceptional circumstances - as justified by a cost-benefit analysis and extensive consultation with stakeholders.

DEFRA want to know what you think about plans to amend the UK's 2013 regulations for waste electrical and electronic equipment (WEEE). The changes will include:

- introducing "Open Scope" requirements, which extends the regulations to all electrical and electronic equipment unless specifically exempt
- making membership to the Producer Balancing Scheme compulsory
- changing how producer fees are allocated in the UK

DEFRA also want to know what you think of the 2013 WEEE Regulations. Have they improved the environment at a proportionate cost to business? They will use these views to inform the Post Implementation Review next year.

There are two documents presenting the consultation:

1. Regulatory Triage Assessment of the WEEE Directive on WEEE Reporting Categories in the UK. This can be found [here \(DOC 1\)](#)
2. UK Waste Electrical and Electronic Equipment Regulations 2013 Consultation on proposed amendments October 2017. This can be found [here \[DOC2\]](#)

AMPS Members may find the existing regulations [here \[DOC3\]](#), and the UK guidance notes [here](#)

AMPS have also issued a FAQ which can be found [here](#)  
<http://www.amps.org.uk/node/31#overlay-context=faqs>

The WEEE Directive (Directive 2012/19/EU) introduced a number of changes to the original WEEE Directive (Directive 2002/96/EC) which included a move to 'open scope' from 15 August 2018. This brings all electrical and electronic equipment (EEE) within scope of the Directive and a requirement to categorise and report EEE and WEEE in six revised categories - a change from the current 10 Directive categories and our current UK 14 categories (10 plus 4 sub categories). The 2013 WEEE Regulations fully transposed the requirements of the WEEE Directive including the change from the UK's 14 categories to the 6 revised categories from 1 January 2019.

The current overall costs of WEEE collection and recycling will not change from a change in categories - though there will be some costs to regulators, producers and treatment facilities who will need to amend their existing reporting systems. A change in categories would, however, alter the distribution of the amount each producer of household equipment is required to pay. This being based on a producer's market share of EEE placed on the market by category. The current UK system ensures that EEE producers are broadly aligned into categories which attract similar collection and treatment costs and therefore pay an equitable proportion of the overall cost of recycling EEE in that category. The current UK regime of 14 categories of EEE was established to reflect the 10 categories under the WEEE Directive, with an additional 4 sub-categories, to comply with

treatment requirements due to the hazardous nature of the WEEE being treated. These categories also broadly reflect the cost of recycling different types of equipment. Any change in categories, for which producers have to declare their EEE placed on the market, will therefore have a knock on effect on their market share of EEE placed on the market in that category and, ultimately, the amount the producer has to pay for WEEE treatment and recycling. A change in categories would also have cost implications.

The government is considering three options to ensure implementation of open scope from 1 January 2019 minimises the costs to business as far as possible.

1. Do nothing - Allow the existing WEEE Regulations to take effect, with the requirement to categorise and report EEE and WEEE in the 6 revised categories.
2. Amend the 2013 WEEE Regulations to retain the current system of 14 categories with new flexibility to allocate products previously out of scope to one of the 14 categories. **This is the government's preferred option.**
3. Amend the 2013 WEEE Regulations to move to the 6 categories, but utilising three additional sub-categories

As the consultation only has a procedural effect and there will be no technical impact, the Technical Committee will not be responding to the consultation. AMPS Members are, of course free to respond directly to the consultation. [Here](#)

Any questions should be addressed to: [TechSec@AMPS.org.uk](mailto:TechSec@AMPS.org.uk)

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