

# GUIDANCE TO THE UK WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) REGULATIONS 2013

## INTRODUCTION/BACKGROUND:

The revised UK WEEE Regulations come into force from 1<sup>st</sup> January 2014 and cover two areas:

- Implementing the requirements of the revised WEEE Directive into UK law
- Implementing improvements in the UK WEEE system, particularly for household products, to make it more efficient and less costly for producers.

However, there are several subtle changes that will affect LIA members and they are:

- the interpretation of LED light sources
- the de minimis
- the guidance on alternative arrangements
- reduction in the number of schemes

## THE MAIN CHANGES RELEVANT TO PRODUCERS OF LIGHTING EQUIPMENT:

1. One immediate scope change is the introduction of a definition for “LED light sources”; a full definition is yet to be finalised. But LIA and Lumicom are arguing for LED luminaires to remain classified as luminaires rather than lamps otherwise they will attract extra red tape and incur additional treatment costs. Lumicom/LIA will provide a further update on this definition once it is finalised

So we would urge you either to become a member of or stay with our own scheme that lobbies for interpretations that are in your interest, ie will keep costs down.

### 2. Introduction of a De Minimis for Low Volume Producers

The 2013 Regulations allow for producers, who place less than 5 tonnes of EEE products on the UK market in each year, to be exempt from a large part of the WEEE Regulations in regard to household WEEE. However, there will still be several requirements that they will have to fulfil. For such producers it will no longer be a mandatory requirement to join a PCS and instead they will have two options:

- a) to register directly with the Environment Agency (EA) for a fee of £30,
- b) or to continue their membership of a PCS, eg Lumicom, so that they can continue to use the value-added services of Lumicom.

In the latter case the EA fee of £30 still applies and there will be a cost from the Compliance Scheme for their services, in the case of Lumicom, £70.

The exempt B2B producers still have to take care of the following requirements, hence the choice given to register directly or to stay with Schemes:

- a) Provide information to the EA on quantities put on the market each year, split between household and non-household.
- b) Continue to fulfil their financing obligations in respect of non-household WEEE ie. arranging and financing collection and treatment.
- c) If sales go above the 5 tonnes level during a year, to join a PCS as a full member immediately.

If you fall into that category of a small B2B producer and are not in our scheme, Lumicom, come and talk to us. For £70 pa we can help you with all the laborious administration that you will still have to do.

### **3. Alternative Arrangements**

One change specific to non-household is a clearer transposition from the WEEE Directive of the “alternative arrangements” option, emphasising that where they are used they need to be supported by written agreements between the Producer and the end-user. The BIS Guidance offers the following example:

For example:

- Producer A is a member of a collective PCS but wishes to continue his relationship with a long-standing business customer. Producer A provides new equipment to its customer and arranges the treatment and reprocessing of historic replaced WEEE directly with an AATF.
- The Producer must still supply their PCS with all relevant sales data on a quarterly basis and ensure all evidence of treatment and reprocessing is passed to the PCS to enable it to submit a Declaration of Compliance at the end of each compliance period.
- Alternatively, Producer A may have an agreement with his customer that the business end-user will take responsibility for the equipment when it reaches its end of life. The Regulations do not place obligations or requirements on what form any commercial arrangements may be in this regard. The business end-user is obliged to deal with the WEEE in accordance with the Regulations in relation to the collection, treatment, recovery and environmentally sound disposal of the WEEE. If adopting such an agreement both parties should ensure they have documented and auditable proof that such an agreement has been reached.

If you are with a scheme that offers alternative arrangements, allow our scheme, Lumicom, to audit you to make sure you are compliant and have all of the supportive agreements between yourselves and the end-user in place.

### **4. Reduction in the Number of Producer Compliance Schemes:**

WEEE evidence notes cannot be traded between B2C compliance schemes, with each scheme being responsible for meeting their own obligation. It is possible that the ending of the trade in WEEE Evidence Notes may indirectly affect B2B producers in so far as schemes that have benefitted from the trade in the past, no longer do so, and may not wish to continue as a B2C and B2B producer compliance scheme in the future

So, in order to ensure your future compliance, join our scheme that has never traded in WEEE Evidence and will always be there for you, part of LIA and a scheme that you can trust.

## **5. Other Changes that may be of interest**

This aspect affects the PCSs more than the individual manufacturers; however you may like to be aware of the main changes:

- a) The previous current national collection target for household WEEE of 4 kgs per head of population continues until end 2015.
- b) From January 2016 this changes/increases to 45% of average weight of EEE put on the market in the 3 previous years.
- c) From January 2019 it further increases to 65% of average weight of EEE put on the market in the 3 previous years.

It is not certain how this will affect B2B luminaires and lamps because the government is exploring how it can capture business WEEE that is treated by AATFs but which does not arrive at their door via producer compliance schemes.

Treatment targets for AATFs are also being increased for some categories in 2016 and 2019. For example:

From 1 January 2014 until 31 December 2015 WEEE treated at the relevant AATF will meet the following targets:

- a) For luminaires:
  - At least 70% recovery by the average weight in tonnes of the equipment;
  - Excluding gas discharge lamps and LED light sources, at least 50% reuse and recycling of components, materials and substances by the average weight in tonnes of the equipment;
- b) For gas discharge lamps and LED light sources:
  - At least 80% reuse and recycling of components, materials and substances by the average weight in tonnes of the lamps

## **6. Timing and Scope:**

Initially the changes to scope are limited, but photovoltaic panels have been added.

With effect from January 2019 for the UK, household luminaires will come into scope (they are currently out of scope) and the product categories change. Lighting products are all in Category 5 with the exception of Gas Discharge Lamps, which are in Category 13, due to their classification as hazardous waste, but from January 2019:

- a) Lamps (including “look alike” LED lamps) will be in Category 3
- b) large luminaires external dimension over 50cm) will be in Category 4 and

c) small luminaires (external dimension 50 cm or less) will be in Category 5

If you would like a face to face update, either Lumicom or LIA would be happy to oblige. Please contact Simon Cook of Lumicom on 07880 382391 ([simon@lumicom.co.uk](mailto:simon@lumicom.co.uk)) or Peter Hunt of LIA on 01952 290905 (PeterH@thelia.org.uk).