



The Waste Electrical and Electronic Equipment Regulations 2006

All universities and colleges procure and dispose of electrical equipment such as IT, audio-visual, white goods or laboratory instrumentation and will be affected by the Waste Electrical and Electronic Equipment (WEEE) Regulations 2006. It is an issue that all departments, including estates and purchasing, need to be aware of.

The WEEE Regulations make producers of electrical and electronic equipment responsible for the financing of the recovery and recycling of such equipment at the end of life. However, from 1st July 2007, in certain circumstances, the regulations also place responsibilities on end-users of WEEE to be responsible for the recovery and recycling of this equipment when it becomes waste. This has implications for the way institutions dispose of electrical and electronic waste. The WEEE regulations also raise issues concerning contract negotiations for the supply of new electrical and electronic equipment and who takes responsibility for financing the recovery and recycling when the equipment becomes waste.

Scope

The Regulations apply to equipment that uses electricity as its main power source. The categories of equipment (and examples) are shown below:

- Large & small household goods (cookers, fridges, vacuum cleaners, toasters etc.)
- IT and telecommunications (computer monitors, keyboards, printers etc.)
- Consumer equipment (televisions, radios, video cameras etc.)
- Lighting equipment (straight florescent lamps etc.)
- Electrical and electronic tools (drills, sewing machines, saws, lab equipment etc.)
- Toys, leisure & sports (treadmills and rowing machines)
- Medical devices (radiotherapy/cardiology equipment)

- Monitoring equipment (smoke detectors, thermostats)
- Automatic dispensers (dispensers for drinks/solid products/money)

A non-exhaustive list of examples is also given in Schedule II of the Regulations at <http://www.opsi.gov.uk/si/si2006/20063289.htm#sch2>.

There are specific exemptions from the legislation, however, the majority of these are unlikely to apply to the Further and Higher Education (FHE) sector. Exemptions that may be relevant cover:

- Stationary industrial tools
- Implanted or infected medical products
- Filament light bulbs and household luminaries

Who is the Producer?

In the UK, the Regulations define, a producer as any person who, irrespective of selling technique used (including internet and sales over a distance):

- Manufactures and sells his own brand
- Re-sells under his own brand
- Imports EEE into the UK*

** in the UK regulations this means anyone importing EEE into the UK from any other country. Those exporting goods to another EU country are not covered by the UK regulations, but will be caught by the equivalent legislation in that EU country.*

The Department for Trade and Industry (DTI) requires that all producers be registered with a WEEE Compliance Scheme. A list of Producer Compliance Schemes is available on the Environment Agency and SEPA websites (see the

Further Information Section). Each Compliance Scheme will register its members with the Environment Agency or SEPA. Compliance schemes carry out physical recovery/recycling activities and discharge these obligations on behalf of their members by sending WEEE to Approved Authorised Treatment Facilities (AATFs) or to Authorised Exporters (AEs). Producer responsibility for financing collection and recycling begins on 1st July 2007. Producers also have other responsibilities such as marking equipment with the date of manufacture and the crossed out wheeled bin symbol (see Diagram 1).



Diagram 1

Most FHE institutions are unlikely to be producers under these regulations, unless they are manufacturing/placing on the market any equipment that falls into the scope of the Directive. Any institution with such commercial activities may have compliance obligations as a producer and should further investigate this.

What is an FHE institution's responsibility for WEEE?

FHE institutions are considered to be business 'end users' and as such from 1 July 2007 institutions will be responsible for ensuring the recovery and recycling and for the financing of some WEEE:

- EEE placed on the market before 13 Aug 2005 ('historical WEEE')
 - If there is a 'like for like' replacement of the equipment the producer is responsible
 - If there is no 'like for like' replacement the institutional end user is responsible for disposal costs
- EEE placed on the market after 13 Aug 2005
 - The producer is responsible, unless otherwise agreed with the institution at the time of purchase.

The scenarios above are outlined in Diagram 2

Essential definitions

'Placed on the market'

Current DTi guidance suggests that this is the date on which the product was first sold.

'Like for like'

DTi guidance states that equipment need not be identical and can be equipment that fulfils the same function, taking account of technological developments and

improvements in functionality (e.g. replacing a VCR with a DVD player) .

Responsibilities for financing WEEE within FHE institutions

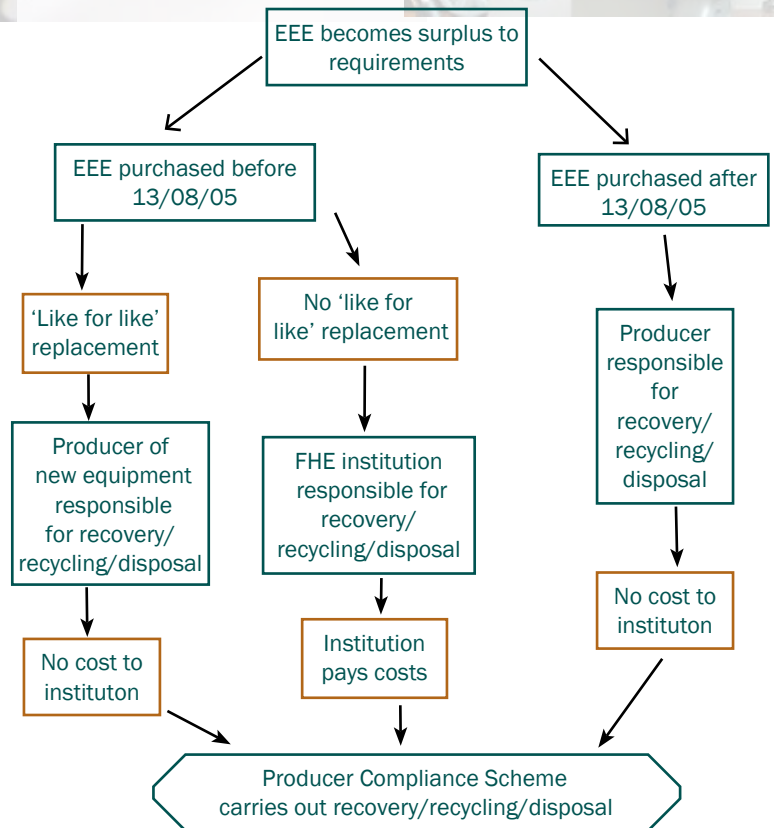


Diagram 2

Practical considerations

Establishing date of purchase

In order to work out their obligations, institutions will need to establish the date on which a particular piece of equipment was purchased. Institutions may hold this information as part of current purchasing systems. However, if this is not the case, institutions should take measures to ensure that this information is recorded for new purchases as soon as possible.

WEEE Storage, Disposal and the Duty of Care

WEEE should be separated from the main waste stream i.e. not combined with general waste in bins or skips. The Duty of Care for waste, e.g. safe storage and disposal also extends to WEEE.

If the equipment was purchased before 13th August 2005 and the institution does not wish to replace it with new 'like for like' equipment, the institution is responsible for arranging and financing the appropriate recovery/recycling of the equipment, once it becomes waste. Institutions requiring to dispose of non 'like for like' WEEE should do so through an approved compliance scheme that will arrange appropriate disposal or by contacting an AATF or AE directly. Institutions must be able to show evidence that equipment

has been sent to an accredited re-processor. This can be achieved through the system of transfer notes that is already required under Duty of Care. Compliance schemes arranging collection and disposal should provide institutions with this evidence.

In addition, some WEEE may also be hazardous waste and additional steps will be required to satisfy the Duty of Care. Further information on Duty of Care, waste classification and dealing with hazardous waste is available in the EAUC Waste Guide, available at www.eauc.org.uk.

Negotiating future supply contracts

The Regulations allow producers to negotiate alternative financing arrangements with their customers. This means that they can pass on the cost of recovering and recycling goods at the end of life to their customers. Institutions should be aware of this when negotiating contracts for future supplies of electrical and electronic equipment. Some producers may try and discharge their recycling obligation by writing into supply contracts that their customer is responsible for the cost of recycling WEEE at the end of its life. All staff involved in the purchasing of EEE need to be made aware of this and ensure that they read all the small print in future supply contracts.

In addition, negotiating who will pay for the disposal of new equipment when it becomes WEEE is a commercial decision and should form part of the supply contract negotiating process, as different suppliers may offer different services and charge varying amounts.

Distributors or suppliers have no direct obligations under WEEE. However, it would be prudent for institutions to ensure when purchasing equipment through a distributor that they have been supplied with relevant details about the producer and the compliance scheme of which they are a member so as to facilitate future disposal.

Further Information

Higher Education WEEE National Working Group:

Procurement focussed sector guidance and advice
<http://weee.procureweb.ac.uk/guidance.html>

Department for Trade and Industry (DTI):

<http://www.dti.gov.uk/innovation/sustainability/weee/page30269.html>
Including the regulations and guidance

Environment Agency:

<http://www.environment-agency.gov.uk/weee>
Including details of business user obligations and a list of approved WEEE Compliance Schemes

Scottish Environmental Protection Agency:

This also contains links to authorised treatment facilities
<http://www.sepa.org.uk/producer/weee.htm>

Lists of Approved Compliance Schemes:

England & Wales

http://www.environment-agency.gov.uk/commondata/acrobat/approved_schemes_1734809.pdf?lang=_e
Scotland

http://www.sepa.org.uk/pdf/producer/weee/comp_scheme_approved.pdf

Information on Duty of Care and Hazardous Waste:

<http://www.eauc.org.uk/>

http://www.netregs.gov.uk/netregs/275207/275430/?version=1&lang=_e

Information on WEEE and Hazardous Waste:

<http://www.defra.gov.uk/environment/waste/topics/electrical/weee-hazwaste.htm>

FAQ'S

Can I still give my waste electronic goods to charity?

Yes – an objective of the WEEE legislation is to encourage the re-use of whole appliances where possible. Compliance Schemes are encouraged to use charities and state how they will encourage the re-use of whole appliances before they are approved by the EA/SEPA. Producers/Compliance schemes may also suggest nominated charities that you can take your waste to.

Do I need to register with the Environment Agency/SEPA as a business end user of WEEE?

No – only producers (those placing electronic goods on the UK market) need register, and they do this by joining a Compliance Scheme who will register each of their members with the EA/SEPA. As a business user your only obligation is to show evidence that you have sent waste electrical and electronic goods to an accredited re-processor where the recycling/recovery obligation falls to you (i.e. for waste goods sold to you before 13th August 2005 and which you are not replacing with like for like equipment).

What can I do if the Producer has gone out of business by the time my equipment becomes waste?

Current guidance is that if the producer goes out of business during a compliance period for which he has paid his fee to the compliance scheme, the scheme has a responsibility for taking the WEEE, assuming that it is WEEE and not historical waste. If the producer has gone out of business and you are in another compliance period for which no fee has been paid then responsibility will fall on the institution.

What can I do if the Producer refuses to take back WEEE?

You should contact the appropriate enforcement authority: The Environment Agency in England and Wales, the Scottish Environment Protection Agency, or the Department of the Environment in Northern Ireland.

What are the supplier's responsibilities?

Suppliers and distributors have no legal responsibilities for WEEE that arises from a business environment, including universities and colleges. Some may argue however that they do have a non-legal responsibility to inform purchasers about any appropriate compliance scheme. If you are purchasing equipment from an intermediary such as a distributor you should ensure that you obtain information about which producer is responsible for it, so that you can trace who to contact to arrange disposal at the end of its life, or in relation to historic WEEE that you are replacing with the 'like for like' equipment.

How do I check if the producer is part of a compliance scheme

Check the list of approved suppliers on the Environment Agency website (see links in the Further Information Section) or call the Environment Agency directly on 08708 506 506 or SEPA on 01786 457700.

I understand that from 1 April 2007 all equipment put on the market that will be subject to WEEE should be marked with a date. Will this date be considered as the date it was 'placed on the market'? What documentation would be acceptable to establish the date on which equipment was 'placed on the market'?

This is not clear yet but this may become clearer as the process is applied.

Some WEEE may also be hazardous/special waste. What are my obligations for this?

WEEE that is hazardous will be appropriately treated. Guidance will be forthcoming from the DTi on this in time.



AUPO
ASSOCIATION of UNIVERSITY PROCUREMENT OFFICERS
The voice of the procurement practitioner serving higher and further education

This EAUC insight was written by Waterman Environmental and AUPO, in partnership with Ann Galbraith, University of Glasgow and Alex McFarlane, Nottingham Trent University.



The Environmental and Sustainability Champion within Further and Higher Education in the United Kingdom

The EAUC provides training, advice and support to our members as well as providing a forum for best practice in the sector.

To join phone **01242 714321** www.eauc.org.uk info@eauc.org.uk

The Environmental Association for Universities and Colleges and the EAUC logo are registered trademarks. ©2007



Disclaimer: The information presented here provides an overview of legislation relevant to the management of WEEE Regulations. It does not constitute professional legal advice and in all cases where you intend to give an opinion or act on the content expressed here you should first obtain such advice.