



Department
for Culture
Media & Sport

Waste Disposal of Obsolete Equipment

Digital Radio Action Plan Report

December 2013

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

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Section 1: Foreword

1.1 Introduction

1.1.1 The Digital Radio Action Plan (DRAP) sets out the process for allowing Government to make a well-informed decision on whether to proceed with a Radio Switchover, and if so how, it should be implemented.

1.1.2 The DRAP is delivered through four central working groups, covering technology, market preparation, coverage-planning and government policy. The Technology and Equipment Group (TEG) must identify, consider and make recommendations on issues relating to the development of digital radio technologies and equipment. The TEG, chaired by Laurence Harrison at Digital Radio UK, includes representatives from broadcasters, Intellect, radio equipment manufacturers, Government, Arqiva, Ofcom, Society for Motor Manufacturers and Traders and consumer groups.

1.1.3 A key task of the Technology and Equipment Group (TEG) is to consider the disposal of obsolete equipment.

1.2 Scope

1.2.1 Action 2.9 of the DRAP requires the TEG to give clear guidance to manufacturers (including car radio manufacturers) and retailers on their responsibilities within the European Waste Electrical and Electronic Equipment Directive (WEEE) on the disposal and recycling of redundant devices and identify strategies to reduce levels of equipment disposed of or recycled. Commission research into small WEEE devices and incorporate findings into the marketing strategy.

1.2.2 This paper covers four sections:

1. Describes the WEEE Directive
2. Guidance for producers and distributors on their responsibilities within WEEE
3. Consumer research on methods of disposal for obsolete equipment
4. Key recommendations

Please note: TEG has not commissioned research into small WEEE devices. Instead, this research will form part of the recommendations

Section 2: Steering Board Decision

The Steering Board considered the 'Waste Disposal of Obsolete' report in August 2013 and approved the document. The Board noted the need for the report to be updated in early 2014 following the introduction of new regulations.

Section 3: Waste Disposal Report

3.1 The WEEE Directive

3.1.1 The Waste Electrical and Electronic Equipment (WEEE) Directive 2002/96/EC is a producer responsibility Directive which aims to promote the re-use, recycling and recovery of WEEE in order to reduce the disposal of such wastes to landfill. The Directive requires producers (e.g. product manufacturers or importers) to become responsible for the costs of the collection, treatment, recovery and disposal of end of life products and in addition sets specific targets and treatment requirements for the recovery and recycling of WEEE.

3.1.2 All radio distributors and producers operating in the UK fall into the scope of this scheme and thus must comply with the WEEE Directive.

3.2 The WEEE Directive's recast

3.2.1 The existing WEEE Directive (Directive 2002/96/EC) has been in force since February 2003. Proposals for a recast (Directive) were issued by the European Commission in December 2008 and the final version of the revised Directive (2012/19/EU) was published in the Official Journal on 24 July 2012. Member States have until 14 February 2014 to transpose its requirements into their domestic legislation.

3.2.2 The Department for Business Innovation & Skills (BIS) are consulting on how Government should amend the existing UK WEEE regulations to ensure compliance with the recast WEEE Directive. The consultation is an essential part of the process leading towards the introduction of revised WEEE regulations that are expected to enter force from 1 January 2014. BIS have consulted on whether and how the current system needs to be changed (Note – the consultation was from 17 April to 21 June 2013). BIS aims to publish a response by the end of August. If there is support for reform of the UK WEEE system under the options set out in the consultation document, BIS will consult further on draft regulations. BIS aims to produce guidance notes on final regulations around the beginning of November.

3.2.3 The TEG notes the Government's consultation and going forward will monitor its outcome and the further steps in developing new regulations **with a view to incorporating any changes**, should there be any, into the guidance in this report to manufacturers and retailers on their responsibilities within the revised WEEE Directive.

3.3 Distributors' and Producers' responsibilities

3.3.1 . The definition of EEE in the regulations is intended to extend only to those products that are dependent on electric currents or electromagnetic fields to work properly. The regulations apply to all EEE put on the UK market, which falls within one of ten categories¹, including consumer equipment (such as radio sets). The regulations specify a voltage rating range with which products in the ten categories must fall in order to come within scope. This is up to and including 1,000 volts AC or up to and including 1,500 volts DC. In order for a producer or distributor to operate in the UK they must comply with the WEEE Directive.

3.4 Summary of Distributor responsibilities²

3.4.1 As described in the WEEE Directive, a distributor of household EEE must:

- Provide information in writing to consumers including on the environmental impacts of EEE & WEEE and the separate collection of household WEEE;
- Facilitate the take-back of household WEEE from UK consumers free of charge, either by joining the Distributor Take-back Scheme (DTS) or collecting WEEE in-store or through local collection points;
- Make and retain records of the information they provide, and any household WEEE that they receive. These obligations relate to any sales of new EEE, and do not apply to sales of second-hand or reconditioned EEE that has been previously placed on the UK market.

Detailed guidance for distributors is set out at Annex A

3.5 Summary of Producer responsibilities

3.5.1 Producers of EEE (i.e. UK manufacturers, importers and re-branders), irrespective of company size and amounts placed on the UK market, are required to:

- Join a Producer Compliance Scheme (PCS);
- Register as a producer with the relevant environment agency (via their PCS);
- Provide data to their PCS on tonnages of EEE placed on the UK Market;

¹ To note – under the recast directive from 15 August 2018 the recast Directive moves away from the 10 categories to “open scope” - i.e. all Electrical and Electronic Equipment is included unless specifically exempted.

² To note - under the recast directive there is a requirement for retailers with a sales area relating to EEE above 400m² to provide facilities to collect small items of WEEE (where no external dimension is greater than 25cm), even if no sale is made, if they cannot show alternative methods of collection are at least as effective. This assessment should be made available to the public.

- Mark EEE placed on the UK market with the “crossed out wheeled bin” symbol;
- Provide information on reuse and environmentally sound treatment of new products
- Provide a producer registration number to distributors.

Detailed guidance for distributors is set out at Annex A

3.6 Further information

3.6.1 Further information on responsibilities and requirements of producers and distributors can be found online here:

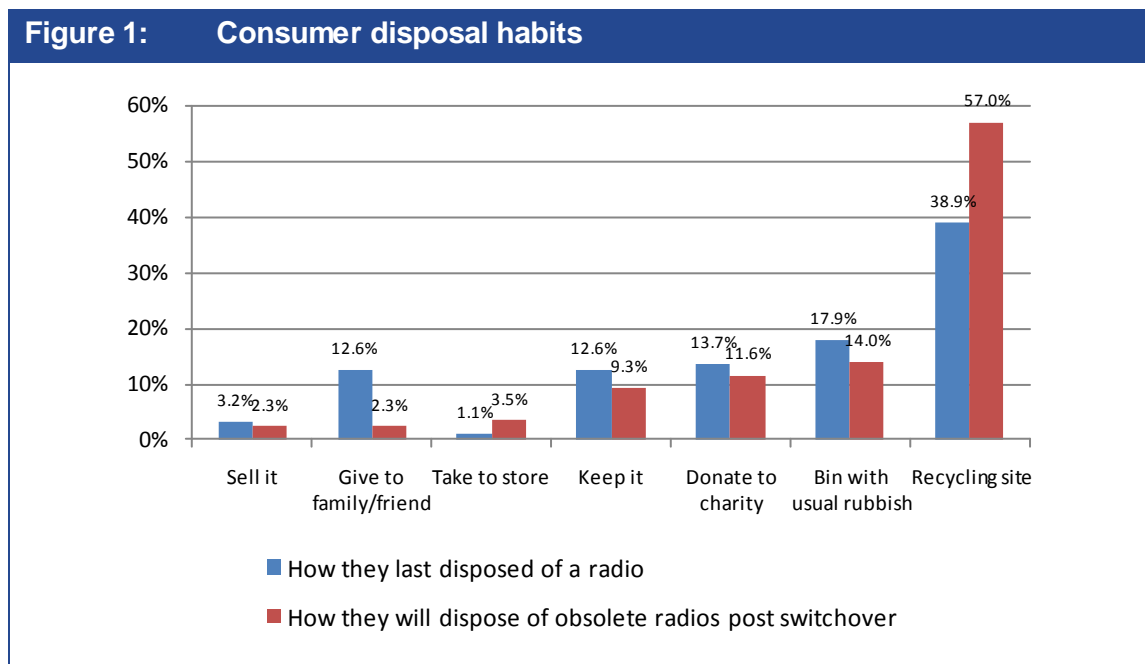
- <http://www.environment-agency.gov.uk/business/topics/waste/139283.aspx>
- www.environment-agency.gov.uk/business/topics/waste/145553.aspx
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/50815/09-1446-weee-regulations-2006-government-guidance-notes.pdf

Consumers' methods of disposing of obsolete equipment

3.7 In-home radio equipment

3.7.1 As part of the work to inform the Department's Cost Benefit Analysis, DCMS commissioned independent research³ from London Economics/You Gov, which in part focused on the methods households are likely to use to dispose of obsolete analogue radio sets after switchover. The research covered the disposal of in-home radio receivers and not in-vehicle audio equipment. The results are shown in figure 1 below.

3.7.2 According to the survey, a majority of households – 57% - stated they plan to take their old radios to a recycling site in a switchover scenario. Only 14% indicated they would dispose of radios in the bin alongside their usual rubbish and very few consumers (3.5%) reported that they would return their unwanted radios to a store. This is in line with current stated behaviour.



3.7.3 . TEG notes that based on the survey findings London Economics developed an estimate for the number of radios likely to be disposed of by various methods. London Economics estimated the total stock of in-home analogue radios at 44.5 million (note – figure was calculated by multiplying average number of 1.7 radios per survey respondent by 26.2m households

³ Digital Radio Switchover: consumer research to inform the cost benefit analysis – London Economics in association with YouGov April 2011

in UK) and assumed that as a result of a switchover all in-home radios will be disposed of through one of the nine channels listed in the table below.

Disposal method:	Share of radios disposed	Radios disposed of (000s)	Key area of impact
Bin with usual rubbish	14%	6,235	Local authorities
Store at same time as purchase	2%	1,036	DTS/Retailers
Store after purchase	1%	518	DTS/Retailers
Recycling site with an extra trip	4%	1,813	Producer schemes
Recycling site without an extra trip	53%	23,565	Producer schemes
Keep it and store it away	9%	4,143	
Sell it	2%	1,036	
Donate it to charity	12%	5,179	
Give it to family/friends	2%	1,036	
Total	100%	44,540	

3.7.4 TEG notes there is a question about how likely a device would be disposed of by consumers where radio is a secondary function of the device, for example alarm clock radio and hi-fis. In these instances people might continue to use the device (for its primary function) but no longer the radio element of it. This would therefore reduce the amount of WEEE being sent to landfill and/or being recycled. Similarly, since certain broadcast services will remain on FM consumers may regard FM radios as continuing to have some real or perceived value and may choose not to dispose of them. For the purposes of planning we have assumed a high number but it could be lower for those reasons.

3.7.5 It should also be noted that it is difficult to estimate the total stock of existing in-home analogue radios and hence the number that might be discarded. Ofcom has estimated the total in home radio set universe (including hi-fi and alarm clock radio) as between 66m-85million⁴ with analogue devices accounting for between 79%-83% of the total. In the same report⁵ Ofcom notes the analysis estimates the size of the radio set universe without reference to regularity of use and that consumer research indicates across the UK on average there are an estimated 1.3 radio sets (analogue and digital) per home that are used most weeks. It could be argued that it is those analogue devices which are used regularly by households that constitute the group most likely to be discarded.

3.7.6 At this point, in the absence of any data, all that can be reasonably assumed about the profile of when devices would be discarded is that the amount/numbers would increase following the point when a switchover date is confirmed; peak around the actual switchover and fall away quickly

⁴ Ofcom Digital Radio report October 2012

⁵ Ofcom Digital Radio report October 2012

afterwards. In current thinking there will be a minimum of a two year period from when a switchover date is confirmed to it taking place.

3.8 In-vehicle entertainment equipment

3.8.1 The old WEEE Directive (Directive 2002/96/EC) did not apply to in-car entertainment equipment as it was considered part of the vehicle and therefore was out of scope of the regulations. There is an indication this position may change to some extent with respect to the new Directive. The European Commission published draft FAQs on the new Directive on 12 July (http://ec.europa.eu/environment/waste/weee/events_weee_en.htm) and the document indicates in paragraph 1.12 that "other non-standard equipment intended to be fitted to an automobile such as hands-free phone systems and retrofit sat nav devices" should be considered in scope of the new Directive. Applying this principle means that "non-standard" car radios would also be included. This could be interpreted to indicate that a factory fitted car radio would be outside scope of the new Directive but others sold separately (i.e. those available on the aftermarket or through dealerships) would be included in scope. The Commission has asked for comments on the draft FAQs by end of August 2013. This situation will be monitored by TEG and followed up with BIS later in the year.

3.8.2 From contacts with the sector, it is noted that, at present, automotive accessory retailers normally return in-vehicle entertainment equipment which has been replaced to consumers, chiefly because it has a residual value to the customer.

3.8.3 However, in a switchover scenario, it is reasonable to assume that any analogue in-vehicle radio equipment which has been replaced by digital kit would have little/no residual value to customers. Industry intelligence suggests there are signs from the sector of a willingness in future to offer customers the option of taking and disposing of their obsolete in-vehicle entertainment equipment

3.8.4 TEG believes there may be scope for automotive accessory retailers to dispose of customers' old analogue in-vehicle entertainment equipment by piggy backing on their existing methods/arrangements for disposing of other types of car parts/fittings e.g. old batteries. This could form part of the sales offer used by these retailers to incentivise customers to replace their old analogue equipment with digital and to promote good customer relationships. TEG recommends that a radio switchover Scheme Management Body undertakes further work to encourage the sector to adopt this approach.

3.8.5 In the absence of any research/information about how consumers would behave, it may be reasonable to assume that in a switchover scenario drivers will dispose of any unwanted analogue in-vehicle entertainment equipment by the same methods as their obsolete in-home equipment. With most taking it to a recycling site. TEG recommends further research about how vehicle owners would dispose of old in-vehicle entertainment equipment.

3.9 Recommendations

3.9.1 TEG recommends the following:

- The Scheme Management Body, in charge of managing the roll out of the Switchover Certification Mark, reminds distributors (and potentially producers) of their responsibilities to communicate information about the disposal of obsolete equipment at the point of sale, during the application process for the Switchover Certification Mark.
- The responsibilities of consumers, producers and distributors in disposing of obsolete equipment, in accordance with the WEEE Directive, are communicated as part of the Switchover Communications Plan.
- The Scheme Management Body develops a trade strategy to work with local authorities, operators of the distributor take back scheme and producer compliance schemes to ensure these organisations aware of the timetable and potential impact of a radio switchover and ensure there is a coordinated approach to dealing with the disposal of obsolete equipment.
- On cars, the Scheme Management Body to conduct research about how vehicle owners might dispose of old in-vehicle entertainment equipment and the Scheme Management Body to discuss whether there is scope, on a voluntary basis, for automotive accessory retailers to offer take back of old in-car entertainment equipment to customers.

3.9.2 TEG also notes the Government's consultation on the WEEE Directive recast and going forward will monitor its outcome and the further steps in developing new regulations with a view to incorporating any changes, should there be any, into the guidance in this report to manufacturers and retailers on their responsibilities within the revised WEEE Directive.

3.10 Conclusion

3.10.1 The infrastructure is in place for dealing with the disposal of WEEE as a result of a radio switchover and is managed by the supply chain. Consumer research indicates that in a switchover scenario a majority (57%) of households plan to take their old in-home analogue radios to recycling sites. This is in line with expressed current behaviour

3.10.2 TEG recommends that the public communications campaign for a switchover should contain appropriate messaging to remind consumers about their responsibilities and signpost appropriate methods for disposing of obsolete analogue radio equipment.

ANNEX A

Detailed guidance for distributors and producers

Glossary

EEE – Electrical and Electronic Equipment

WEEE – Waste Electrical and Electronic Equipment

DTS - Distributor Take-back Scheme

DCF – Designated Collection Facilities

PCS - Producer Compliance Scheme

AATF – Approved Authorised Treatment Facilities

AE – Approved Exporter

A1 Scope of the WEEE Regulations

The definition of EEE in the Regulations is intended to extend only to those products that are dependent on electric currents or electromagnetic fields to work properly, that is that either of these are the primary power source, and equipment for the generation, transfer and measurement of such currents.

The Regulations apply to all EEE put on the UK market, which falls within one of ten categories, including consumer equipment (such as radio sets; television sets; video cameras; video recorders; hi-fi recorders; audio amplifiers; musical instruments; other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications). The Regulations specify a voltage rating range with which products in the ten categories must fall in order to come within scope. This is up to and including 1,000 volts AC or up to and including 1,500 volts DC.

A2 Distributors

A 'distributor' for the purposes of the Regulations means any person who provides EEE on a commercial basis to the party who is going to use it. This includes hire or leased equipment. Distributors include wholesalers, retailers, and distance sellers (e.g. internet retailers, mail order and tele-sale businesses) and producers who sell products direct to consumers of EEE. The Regulations place specific obligations on distributors that provide EEE to household end-users irrespective of the method of sale.

Distributors of EEE who also place EEE onto the UK market (including by manufacturing, re-branding or by importing on a professional basis) are also classified as a Producer of EEE and will have additional responsibilities under the Regulations.

A distributor of household EEE must:

- Provide information in writing to consumers including on the environmental impacts of EEE & WEEE and the separate collection of household WEEE;
- Facilitate the take-back of household WEEE from UK consumers free of charge, either by joining the Distributor Take-back Scheme (DTS) or collecting WEEE in-store or through local collection points;
- Make and retain records of the information they provide, and any household WEEE that they receive. These obligations relate to any sales of new EEE, and do not apply to sales of second-hand or reconditioned EEE that has been previously placed on the UK market

The VCA, an executive agency of the Department for Transport, is the enforcement body for EEE distributor obligations and the product marking of new EEE with the crossed out wheeled bin symbol. www.dft.gov.uk/vca/enforcement/weee-enforcement.asp

Distributors of household EEE must provide their customers with information in writing on:

- The environmental impact of hazardous substances in EEE;
- The positive benefits of separate collection and environmentally sound recovery, recycling and diversion from the landfill of WEEE, and the reasons why they should not dispose of WEEE with other forms of waste they produce;
- The meaning of the 'crossed out wheeled bin' product marking symbol;
- How they can contribute towards re-use, recycling and other forms of recovery of WEEE;
- The arrangements through which customers can dispose of WEEE free of charge – in particular if they are a member of the DTS; if they provide in-store take-back; or if they provide some alternative free take-back service.

Distributors must make the above information available to all consumers in writing. The information must be made available by means connected to the sale. Where a consumer visits a distributor's retail premises, the information should be made available to the consumer on the retail premises. This information can be in the form of a poster, leaflet, electronic display (or on demand) printed material. Where a consumer visits an online sales site, distributors should make the information available to the consumer on the website. If a distributor supplies EEE to consumers via several different means (for example, in store, on the internet, by catalogue), distributors must make this information available in writing to **all** consumers.

It is also expected that customer facing staff will have knowledge of the existence of the Regulations and what the company is doing to comply with them.

- Distributors offering in-store take-back must explain clearly that they offer in-store take-back, and how the customer may use it. They must also explain that this option remains available alongside any 'collect on delivery' service they may offer.
- Distributors who are members of the DTS must inform their customers of where and how they can discard their WEEE.
- Distributors providing alternative free take-back systems must inform their customers of where and how they can discard their WEEE.

A3 Record keeping

Information made available to customers must be retained by distributors for four years. Records of individual transactions with customers are not required.

Where WEEE is received through free take-back, records are required about the number of units received and the number returned to a PCS under Regulation 32 of the WEEE Regulations. These records should be retained for four years. The recommended format for this process can be accessed via the VCA website on: www.dft.gov.uk/vca/enforcement/weee-enforcement.asp

A4 Free take back of household WEEE

Distributors have a choice of how they discharge their take-back obligations. They must either:

- **Join the Distributor Take-back Scheme (DTS).** The scheme assists in funding a network of collection facilities where consumers can dispose of their household WEEE free of charge for environmentally sound treatment and recycling; or
- **Offer in-store take.** Distributors must accept free of charge an item of household WEEE equivalent to the new item of household EEE sold to the consumer. Where in-store take-back is offered it must be for all types of EEE that the distributor sells. The principle of free take-back is extended to distance sales as described below; or
- **Provide an alternative free take-back service,** which is available and accessible to customer.

A5 Take-back through the Distributor Take-back Scheme.

Members of the DTS must inform their customers of how they can dispose of the WEEE free of charge at a DCF. Membership of the DTS is an alternative to operating in-store take-back.

A6 In-store take-back

Distributors choosing to implement in-store take-back of household WEEE must do so free of charge and for all types of EEE they sell. In-store take-back applies irrespective of when and where the original item brought for disposal was originally purchased and without regard to "collect on delivery" services.

In-store take-back should be on a “like-for-like” basis in cases where a consumer is purchasing a new product to replace a similar product that they wish to discard. Distributors are expected to adopt a reasonable and practical approach to the equivalence of products. A distributor insisting on exact equivalence would run counter to the spirit of the Regulations.

A7 Alternative free take-back arrangements

Distributors may also offer alternative arrangements for take-back of WEEE e.g. individually via in-store take-back or collectively establishing facilities close to a group of stores. WEEE deposited at such facilities must be managed in accordance with the Regulations and other waste management legislation and local planning requirements. Distributors should either establish their facilities as private DCFs or make arrangements with PCSs to return the WEEE direct into the system by delivery to an appointed AATF. This requires agreement between a distributor and PCS.

A distance seller (e.g. an internet, mail order or a tele-sales retailer) also needs to fulfil the obligation of providing free take-back facilities for consumers of EEE. This can be done by:

- Joining the DTS which assists in funding a national network of collection facilities; or
- Allowing sales to qualify for in-store take-back through one of their local stores (where these exist); or
- Providing the customer with an alternative route for free take-back (e.g. Inclusion of a pre-addressed envelope for items for return).

The distributor must comply with the requirements described above on record keeping and provision of information to householders’ e.g. through their mail-order adverts, on-screen during on-line sales, and/or through leaflets included with purchases. It should be noted that offering “collection on delivery” does not release distance sellers from their take-back obligations under the Regulations in the event of a customer choosing to return WEEE themselves.

A8 Management of WEEE Received by Distributors

Receiving or handling WEEE should be done in a way that optimises the re-use and recycling of components or whole appliances. This can be done by ensuring the WEEE is passed through a DCF or by making arrangements with a PCS for the direct return of WEEE under Regulation 32 and 40A to an AATF.

Distributors can dispose of WEEE collected through take-back or collection-on-delivery by passing it on to a PCS who cannot charge for accepting it. But Distributors are not entitled to free collection from stores. Arrangements should be made with a PCS either for them to collect it (a possible transport fee may be charged) or for the distributor to consign the WEEE to an AATF. Arrangements to transport WEEE should be made with a registered waste carrier. A distributor may require appropriate waste management licences to transfer WEEE themselves. Records must be kept of all WEEE collected and managed this way.

More information for distributors about how to dispose of collected WEEE can be found on the VCA website. www.dft.gov.uk/vca/enforcement/weee-enforcement.asp.

A9 Distributor Take-back Scheme (DTS)

The DTS collects funds from members which are distributed to local authorities to assist in the development of the network of DCFs which provide distributors with an alternative to in-store take-back of WEEE.

The DTS is operated by Valpak Retail WEEE Services Ltd. Their activities include collection and distribution of member's 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 Regulations.

Membership of the DTS is entirely separate from membership of a PCS. These schemes have different roles and obligations. Further information on the DTS and details of joining fees are available at <http://dts.valpak.co.uk/dts/Default.aspx> or by contacting Valpak Retail WEEE Services Ltd on 0845 0682572 or info@valpak.co.uk.

A10 Producers

"Producer" means anyone who, irrespective of the selling technique used, including by means of distance selling:

- Manufactures and sells EEE under their own brand;
- Resells under their own brand equipment produced by other suppliers, a reseller not being regarded as the "producer" if the brand of the producer appears on the equipment; or
- Imports or exports EEE on a commercial basis into a Member State.

Here "sell" means placing on the UK market for the first time according to the European Commission's "Guide to the implementation of directives based on the New Approach and the Global Approach" (commonly referred to as the "Blue Book" and can be found here: http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic_en.pdf). This definition will be used by the agencies to help determine producers within the UK and their market share obligations

Regulation 27 requires producers to report EEE placed on the market. They are required to report (via their Producer Compliance Scheme):

- The weight of EEE in tonnes that are placed on the UK market;
- The weight of the whole electrical or electronic product itself and any electrical or electronic accessories supplied with it excluding any batteries, either loose or built-in;

- Any non-electrical accessories that are specific to the product or likely to be regarded by the purchaser as part of the overall product and therefore likely to be discarded with it. Packaging, instructions and other paperwork should not be included.

For WEEE arising at local authority DCFs the costs producers are responsible for are those incurred from the DCF onwards but these should not include on-site or DCF operational costs. Civic Amenity (CA) site handling costs; CA site infrastructure costs; and Administration costs (where these are local authority or a waste management contractor costs where the latter acts on behalf of the local authority) are **excluded**. The costs of bulky pick-ups from households to DCFs or collection on delivery costs are not the responsibility of producers.

The remaining items **do** fall within the remit of producer responsibility:

- Container costs;
- Collection and transport costs to transfer point/AATF/AE;
- Transfer point costs (provided these are not site handling/site operational costs);
- Haulage costs from transport point to AATF;
- Gate fee charged by the AATF to which the WEEE has been delivered;
- The necessary Duty of Care paperwork; (Defra Guidance can be found at (<http://www.defra.gov.uk/environment/waste/controls/documents/waste-man-duty-code.pdf>))
- A factoring to take account of protocol losses where appropriate.

A11 Producers' obligations are as follows. They must:

- **Join an approved Producer Compliance Scheme (PCS):** PCSs register their Producer members with UK authorities, report the EEE placed on the UK market, arrange collection, treatment and environmentally sound disposal of an amount of WEEE deposited at DCFs or returned under Regulation 32 and 40A, and declare this, supported by evidence, to the appropriate authorities. Producers who enter the UK EEE market after the registration deadline for a compliance period must join a PCS within 28 days (see Regulation 10(3)).
- **Pay Producer Compliance Schemes:** according to their published fee structure and membership rules. The PCS undertakes producer obligations to finance the collection, treatment, recovery and environmentally sound disposal of:

- Household WEEE arising in each compliance period, as a proportion of the producers share of the UK market for EEE in each category; and
 - Non-household WEEE arising in each compliance period from;
 - EEE a producer placed on the market on or after **13 August 2005**; and in addition;
 - EEE that was placed on the market before **12 August 2005**, regardless of the producer, which the user is replacing with equivalent new EEE.
- **Provide information to their Producer Compliance Scheme:** about its business and amounts of EEE placed on the UK market broken down by compliance category and its household or non-household nature. PCSs are required to report this information to the appropriate authorities (Regulation 28 lists the information that must be provided). For household EEE the information must be provided quarterly. For non-household EEE it must be provided annually.
 - **Mark EEE placed on the UK market** with the “crossed-out wheeled bin” symbol and the producer identification mark as reported with the producer registration number (see Regulation 20(6)). Details of the crossed-out wheeled bin and date markings can be found in British Standard BS EN 50419:2006 or later. This is available for purchase from BSI online, and may be available for reference through public libraries.
 - **Provide information** on reuse and environmentally sound treatment for new products. This includes information about the different materials and components of the EEE, and the location of any dangerous substances and preparations in the EEE. A producer must make this information available to any one carrying out treatment activities in the form of manuals or by means of electronic media This obligation started for products first placed on the market from **1 April 2007**. Information must be provided within one year of EEE being placed on the market.
 - **Provide a producer registration number to distributors.** This confirms that they are purchasing EEE from a registered producer in the UK. The registration number may be incorporated into letterheads, or provided in writing by other means when EEE is transferred. The registration number should remain unchanged between compliance periods, even if a producer changes PCS. It will be the same for household and non-household EEE.
 - **Retain records** for at least four years, including the amounts of EEE placed on the UK market, broken down by compliance category and household/non-household.
 - **Retain records of sales direct, via means of distance communication, to end users in other Member States**, for a period of at least four years,

including how they have complied with their obligations in those other Member States (See Regulation 18).

A12 Compliance Periods

Compliance periods run from **1 January** to **31 December** each year. PCSs arrange for the collection, treatment, recovery and environmentally sound disposal based on WEEE arising in each compliance period. This must be reported on a quarterly basis to the UK authorities, no later than one month in arrears to allow for data collection and collation.

A13 Evidence of Compliance

PCSs must provide the relevant environment agency with `Declarations of Compliance` to show they have discharged their producer member's obligations during that compliance period. The deadline is **30 April** following the end of the compliance period.

A14 Producer Compliance Schemes

Producers must discharge their obligations under the Regulations through an approved PCS. Producers must join a PCS for a full compliance period. However, producers may join a PCS for household WEEE and another for non-household WEEE. The appropriate authorities maintain and publish lists of approved PCSs which can be accessed via their websites.

Producers may join a PCS that has been approved by an appropriate authority other than the authority in its location. A producer located in England may join a PCS which was approved by and reports to SEPA in Scotland.

PCS membership is per compliance period. Producers can change membership of PCS, but not during the course of a single compliance period.

PCSs may set their own membership conditions, e.g. specialising in household or non-household obligations, smaller producers or a group of trading partners. These will be scrutinised during the approvals process to ensure that they do not hinder the intent of the Regulations.

A15 Choosing a PCS – Fees and Charges

PCSs will differ in the services they provide and in their fee structures. Some may specialise in particular categories, non-household or in services for smaller producers. Producers are advised to discuss their requirements with several PCSs for comparison.

The producer registration charge is set out in Regulation 45 for England, Wales and Scotland. For Northern Ireland this is set out in "The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006.

Charges made by PCSs cover the appropriate agency registration fee (as a producer of EEE), a fee for their administrative services and fees for the collection, treatment, recovery and recycling of WEEE in line with producer obligations.

Registration charges are tiered in relation to producer turnover. The scheme will ask for evidence to support any claim for one of the lower charges. Without this evidence the scheme (and producer) will be charged the highest fee. Joining separate

Schemes for household and non-household WEEE will incur two producer registration charges.

A16 Joining a PCS

Producers enter into a contractual agreement with operators of PCSs. The agreement will require producers to abide by the PCSs' published rules for members and pay the associated fees. It is a producer's responsibility to join an approved PCS.

A17 Producers becoming PCSs

The Regulations set out the process, timescale, conditions and application fee for approval of a PCS. Producers may apply to establish their own PCS of which that producer would be the only member. The requirements for registering a PCS are set out in Regulation 41 and Schedule 7 of the Regulations.

A18 Failure of a PCS

Producers will be notified if the UK authorities revoke the approval of their PCS. If this occurs, producers must join another PCS within 28 days of the remainder of the compliance period. In the meantime, the appropriate authority will notify producers of their individual obligations based on sales of household EEE and the overall amounts of EEE placed on the market and WEEE arising by compliance category. Joining another PCS under these circumstances will incur a further registration fee. It is an offence for producers otherwise not to be a member of an approved PCS. Producers are responsible for their own compliance with the Regulations for any period where they are not members of a PCS.

A19 Overview of the system for household WEEE

PCSs will receive household WEEE from a DCF or returned under Regulation 32 and/or 40A. This WEEE should be considered for re-use as whole appliance. PCSs may arrange for WEEE to be cleared from DCFs to either Approved Authorised Treatment Facilities (AATF) or Approved Exporters (AE) for treatment in the UK or abroad. It will also arrange for WEEE to be received for treatment by AATFs or AEs direct from distributors.

A20 Obligations for Household WEEE

Producer obligations for household WEEE are calculated separately for each category. Each producer is responsible for a proportion of the WEEE arising in each category in which they place EEE on the UK market calculated by reference to the producer's market share of this EEE. Obligations are calculated and notified to a PCS for its collective membership. The calculations and notification of individual producers will only be made where the appropriate authority has removed PCS approval

A21 Obligations for non-household WEEE

Obligations are directly related to the amount of non-household EEE put on the market by a producer.

Producers are obliged to finance the collection, treatment, recovery and environmentally sound disposal of WEEE:

- arising during a compliance period from EEE placed on the market on or after **13 August 2005**; and in addition;
- arising from EEE that was placed on the market before **13 August 2005** (historic WEEE), regardless of the producer, where the producer is supplying equivalent new EEE which is intended to replace the historic WEEE. Producers are advised to agree with users what if any historic WEEE they wish to be collected under this obligation when negotiating the sales contract. It is acceptable to agree an appropriate period during which the user should make the replaced WEEE available in order for it to be considered to have been `replaced`. Users may legitimately seek a reasonable period in order to configure new equipment ahead of its introduction into service.

These obligations will be discharged through a PCS. The sales of non-household EEE reported to the environment agencies via a PCS will not contribute to the calculations of obligations for household WEEE.

Alternative arrangements may be agreed with the end user provided they are in accordance with the Regulations.