

5th November 2014

Dear Scheme,

WEEE Regulations and dual use

The 2013 WEEE Regulations define WEEE from private households as follows:

“WEEE from private households” means WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households. Waste from EEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households;”

To date our interpretation of this definition has considered both nature and quantity in order to determine how WEEE should be classified. This position was supported by BIS and followed their policy intent. On the 16th October 2014 BIS announced that their guidance will be revised to reflect a policy position which now focuses solely on whether EEE is likely to be used by both private households and users other than private households. The effect of this is to remove any consideration of the quantities arising when considering whether WEEE is B2B or B2C. From 2015 EEE producers will be required to report their EEE data in line with this ‘dual use’ position, and from January 2016 producers will then attract a B2C financing obligation based on their market share of all dual use EEE placed on the market in 2015.

As a consequence of this change, the Environment Agency will be applying, with immediate effect, the revised interpretation for WEEE arisings and the type of evidence which can be issued against that WEEE.

Thus where an AATF receives WEEE and there is evidence to demonstrate that the material is likely to be used by both private households and users other than private households, then the evidence issued against that WEEE can be B2C evidence in the relevant category.

This position does not pre-empt the guidance that is currently being agreed with industry to assist producers and recyclers to correctly classify EEE and WEEE and should only be taken where an AATF is certain that material can be classified as ‘dual use’. We will keep this position under review and may seek to revise our approach at any stage.

Queries

Please contact the WEEE team on weee@environment-agency.gov.uk or call 03708 506 506 if you have any questions about what this means for you.