Draft Regulations laid before Parliament under section 143(5)(b) of the Environment Act 2021, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

ENVIRONMENTAL PROTECTION

The Waste Electrical and Electronic Equipment (Amendment, etc.) Regulations 2025

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 50, 51, 142(1) and (6) and 143(1) of, and paragraphs 1 to 5, 7 and 12 to 19 of Schedule 4 and paragraphs 1 to 9 and 11 to 17 of Schedule 5 to, the Environment Act 2021 ("the Act")(**a**).

The Scottish Ministers have consented to the making of these Regulations in relation to Scotland, the Welsh Ministers have consented to the making of these Regulations in relation to Wales, and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland has consented to the making of these Regulations in relation to Northern Ireland, in accordance with sections 50(3) and 51(3) of the Act(**b**).

In accordance with paragraphs 8 and 20 of Schedule 4 and paragraphs 10 and 18 of Schedule 5 to the Act, the Secretary of State has consulted persons appearing to the Secretary of State to represent the interests of those likely to be affected by these Regulations.

The Secretary of State is satisfied as to the matters set out in paragraph 9 of Schedule 4 to the Act.

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 143(5)(b) of the Act.

(**a**) 2021 c. 30 ("the Act").

(**b**) These Regulations are made under powers exercised by the Secretary of State as the "relevant national authority" in relation to England (see section 50(2) and 51(2) of the Act); and by the Secretary of State as the "relevant national authority" in relation to Wales, Scotland and Northern Ireland by virtue of the consent given by each of the other relevant national authorities (see section 50(3) and 51(3) of the Act). Those relevant national authorities are the Welsh Ministers in relation to Wales, the Scottish Ministers in relation to Scotland and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in relation to Northern Ireland.

PART 1

Introductory

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Waste Electrical and Electronic Equipment (Amendment, etc.) Regulations 2025.

(2) These Regulations come into force 21 days after the date on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations, "the principal Regulations" means the Waste Electrical and Electronic Equipment Regulations 2013(**a**), and in Part 3 means those Regulations as amended by Part 2, except where otherwise indicated.

PART 2

EEE Amendments

Amendment of the Waste Electrical and Electronic Equipment Regulations 2013

3. The principal Regulations are amended in accordance with regulations 4 to 25.

4. In regulation 2 (interpretation)—

(a) renumber regulation 2 as paragraph (1) of that regulation;

(b) in paragraph (1) (as renumbered)—

(i) in the definition of "appropriate authority", in paragraphs (i) to (v) of sub-paragraph (f) for "registered office or principal place of business" substitute "registered office or, if the producer does not have a registered office, their principal place of business";

(ii) in the definition of "distributor" after "on the market" insert "in the United Kingdom for distribution, consumption or use in the course of business,";

(iii) omit the definition of "making available on the market";

(iv) in the definition of "medical device" for "WEEE" substitute "EEE";

(v) after the definition of "medical device" insert—

""medicinal product" has the meaning given in regulation 2(1) of the Human Medicines Regulations 2012(**b**);";

(vi) after the definition of "non-road mobile machinery" insert—

""non-UK supplier" has the meaning given in regulation 2E;";

(vii) after the definition of "old scheme" insert—

""OMP producer" has the meaning given in regulation 2D(3);

(**a**) S.I. 2013/3113, amended by S.I. 2014/1771, S.I. 2015/1968, S.I. 2016/738 and 1154, S.I. 2018/102, 942 and 1214, S.I. 2019/188 (as amended by S.I. 2020/1540), S.I. 2020/904, S.I. 2024/221, S.I. 2025/82.

(**b**) S.I. 2012/1916, to which there are amending instruments which are not relevant.

"online marketplace" has the meaning given in regulation 2F(1);

"online marketplace operator" has the meaning given in regulation 2F(2);";

(viii) omit the definition of "placing on the market";

(ix) for the definition of "producer" substitute—

""producer" has the meaning given in regulation 2D";

(x) in the definition of "WEEE collection stream"—

(aa) after "means" insert "each of the following seven collection streams";

(bb) for sub-paragraphs (e) and (f) substitute—

"(e) photovoltaic panels;

(f) vapes and electronic cigarettes etc. (devices falling within category 7.1 of Schedule 3);

(g) all other WEEE that is separately collected at a designated collection facility during a compliance period;";

(c) after paragraph (1) insert—

"(2) In these Regulations, references to placing on the market (however expressed) mean the first sale or other supply of a product for distribution, consumption or use in the United Kingdom in the course of business and include facilitating the sale or other supply of a product on an online marketplace.".

5. After regulation 2C insert—

"Meaning of producer

2D.—(1) A person is a "producer" for the purposes of these Regulations if one or more of the following applies—

(a) the person is established in the United Kingdom and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his own name or trademark within the United Kingdom;

(b) the person is established in the United Kingdom and resells within the United Kingdom, under his own name or trademark, EEE manufactured by other suppliers, a reseller not being regarded as the "producer" if the name or trademark of another person who is the producer appears on the EEE as provided for in sub-paragraph (a);

(c) the person is established in the United Kingdom and places on the market EEE from a country other than the United Kingdom;

(d) except where paragraph (2) applies, the person is a non-UK supplier supplying EEE directly to private households or to users other than private households in the United Kingdom.

(2) This paragraph applies where a non-UK supplier—

(a) supplies EEE to private households in the United Kingdom on an online marketplace; and

(b) is not the operator of the online marketplace on which the sale or other supply was facilitated.

(3) Where paragraph (2) applies the online marketplace operator is the producer (the "OMP producer") in relation to the EEE supplied by the non-UK supplier.

(4) In these Regulations, reference to a producer includes an OMP producer, except as provided for by regulations 24A and 74(3).

Meaning of non-UK supplier

2E. In these Regulations, a "non-UK supplier" means a person who—

(a) supplies goods in the course of business—

(i) on an online marketplace or any other website or mobile application, or

(ii) by means of communication other than on the internet; and

(b) is not established in the United Kingdom.

Meaning of online marketplace etc.

2F.—(1) In these Regulations, "online marketplace" means a website or mobile application which facilitates the sale or other supply of goods through the website or mobile application by persons other than the operator, whether or not the operator also supplies goods through the online marketplace, and for the purposes of this definition—

(a) references to a "website or mobile application" include any means by which information is made available on the internet;

(b) an online marketplace facilitates the sale or other supply of goods if it allows a person to—

(i) offer goods for sale or offer to supply goods otherwise than by sale; and

(ii) enter into a contract for the sale or other supply of those goods;

(c) "the operator" means the online marketplace operator.

(2) In these Regulations, "online marketplace operator" means, in relation to an online marketplace, the person who controls access to, and the contents of, the online marketplace provided that the person is involved in—

(a) determining any terms and conditions applicable to the sale or other supply of the goods supplied on the online marketplace;

(b) the processing, or facilitating the processing, of payment for those goods; and

(c) the ordering or delivery, or facilitating the ordering or delivery, of those goods.".

6. In regulation 14 (obligation to join a scheme)—

(a) in paragraph (1), for "puts EEE on to the market" (wherever it occurs) substitute "places EEE on the market";

(b) for paragraph (1A) substitute—

"(1A) Paragraph (2) applies to a producer who—

(a) is a non-UK supplier supplying EEE directly to private households or to users other than private households in the United Kingdom, or

(b) is established in a country other than the United Kingdom and is an OMP producer.";

(c) in sub-paragraph (2)(a) after "authorised representative" insert "who is established";

(d) after paragraph (4) insert—

"(4A) For the purposes of paragraph (4), a producer who discharges the obligation in paragraph (2) by complying with sub-paragraph (b) is to be treated as a producer who is required by paragraph (1) to be a member of a scheme.";

(e) in paragraph (5), for "puts or forms the intention of putting" substitute "places or forms the intention of placing".

7. In regulation 15 (registration of small producers), for "puts EEE onto the market for the first time" substitute "places EEE on the market".

8.—(1) In regulation 18 (information provided to operators of schemes) after paragraph (1) insert—

"(1A) In the case of an OMP producer or that producer's authorised representative, information provided under paragraph (1)(c) must be accompanied by confirmation that any amount reported for the purposes of regulation 38(1B) has been determined in accordance with—

(a) the methodology submitted for that purpose under paragraph 11A of Part 1 of Schedule 8; or

(b) where such confirmation is not possible, the methodology as it has effect following any material change which has been notified in accordance with paragraph (1C).

(1B) In paragraph (1A)(b) a "material change to the methodology" includes—

(a) any change as regards information submitted under paragraph 11A of Part 1 of Schedule 8 concerning the methodology to be used to collate information;

(b) any variation of a previous material change to the methodology notified under paragraph (1C).

(1C) A material change to the methodology must be notified to the operator of the scheme within 28 days of the occurrence of any such change and the notification must include the date on which the change took place.".

(2) For paragraph (3) substitute—

"(3) In paragraph (2)(b), the meaning of "material change" includes—

(a) any change as regards information provided under paragraph 10A of Part 1 of Schedule 8 regarding whether the producer is an OMP producer including the date on which that change occurred;

(b) the details of any incapacity, bankruptcy, or entry into liquidation, receivership or administration, including the date on which the event occurred and, if applicable, the date on which it concluded.".

9. In regulation 20 (record keeping)—

(a) after paragraph (2) insert—

"(2A) For the purposes of paragraphs (1) and (2), a producer who discharges the obligation in regulation 14(2) by complying with paragraph (2)(b) of that regulation is to be treated as a producer to whom the obligation in regulation 14(1) applies.";

(b) in paragraph (3)(i), after "private households" insert "including, as regards any EEE placed on the market by scheme members in their capacity as OMP producers, how much of that amount comprises EEE originating from non-UK suppliers".

10.—(1) In regulations 22(1), 23(1) and 24(1) insert at the beginning "Subject to the application of regulation 24A,".

(2) In regulations 22(1) and 23(1) for "puts" substitute "places".

11. After regulation 24 insert—

"Exception for OMP producers

24A.—(1) This regulation applies where a requirement imposed on a producer under regulation 22, 23 or 24 would apply to a producer who is an OMP producer.

(2) Where this regulation applies—

(a) references in regulations 22, 23 or 24 to "a producer or authorised representative" are to be read as though they referred to the non-UK supplier or that person's authorised representative supplying the EEE on the online marketplace of the OMP producer;

(b) for the purposes of any obligation placed on a non-UK supplier under sub-paragraph (a)—

(i) in sub-paragraph (f)(v) of the definition of "appropriate authority" in regulation 2—

(aa) the reference to the producer in relation to that obligation is to be read as though it referred to the non-UK supplier, and

(bb) the reference to the Environment Agency is to be read as though it referred to the Secretary of State;

(ii) the non-UK supplier may appoint an authorised representative as though the non-UK supplier were a producer making the appointment under regulation 14(2);".

12. In regulation 26 (application to register producers and authorised representatives) in paragraph (10) for "regulation 18(2)" substitute "regulation 18(1C) or (2)".

13. In regulation 38 (reporting: EEE placed on the market) after paragraph (1A) insert—

"(1B) As regards EEE placed on the market by each scheme member in their capacity as an OMP producer, the information referred to in paragraph (1) must include a breakdown of how much of the total amount comprises EEE originating from non-UK suppliers.

(1C) Any information reported for the purposes of paragraph (1B) must be accompanied by—

(a) confirmation that the relevant amount has been determined in accordance with the methodology submitted for that purpose under paragraph 11A of Part 1 of Schedule 8; or

(b) where such confirmation was not provided by the scheme member, confirmation that the relevant amount has been determined in accordance with a material change to the methodology notified in accordance with regulation 18(1C).".

14. In regulation 51 (prohibition on showing the costs of financing the collection, treatment and environmentally sound disposal of WEEE from private households)—

(a) renumber regulation 51 as paragraph (1) of that regulation;

(b) in paragraph (1) (as renumbered) after "producer" insert ", non-UK supplier";

(c) after paragraph (1) insert—

"(2) For the purposes of any obligation placed on a non-UK supplier under paragraph (1), reference to the producer in sub-paragraph (f)(v) of the definition of "appropriate authority" in regulation 2 is to be read as though it referred to the non-UK supplier.".

15. In regulation 53 (notification of an intention to retain WEEE falling within certain WEEE streams)—

(a) in paragraphs (1)(a) and (2)(d) for "six" substitute "seven";

(b) in paragraphs (3) and (6)(b) for "WEEE stream" substitute "WEEE collection stream";

(c) in paragraph (4) for "WEEE streams" substitute "WEEE collection streams".

16. In regulation 74 (product design), after paragraph (2) insert—

"(3) Where the reference to "producers" in paragraph (2)(b) would apply to a producer who is an OMP producer, it is to be read as though it referred to the non-UK supplier supplying EEE on the online marketplace of the OMP producer.".

17. In regulation 88(1) (enforcement notice)—

(a) at the end of paragraph (1)(a) insert "(including, in the case of regulation 22, 23 or 24, that regulation as modified by the application of regulation 24A)";

(b) for sub-paragraph (d)(i) substitute—

"(i) in a case under sub-paragraph (a)—

(aa) the producer or an authorised representative, or

(bb) where regulation 22, 23 or 24 is modified by the application of regulation 24A, the non-UK supplier or an authorised representative;".

18. After regulation 90(2) (offences) insert—

"(2A) In a case where regulation 24A applies, the non-UK supplier or that person's authorised representative will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 22, 23 or 24.".

19. In regulation 91(2) (penalties) after "90(2)," insert "(2A),".

20. In Schedule 3 (categories of EEE) after category 7 insert—

"7.1. Any device (with the exception of a medical device or a medicinal product) which is intended to be used for the consumption of tobacco products, nicotine or any substance containing nicotine, non-nicotine liquids, herbal smoking products, vaping substances, nicotine-containing vapour or any other such products and EEE which is intended to form part of such a device".

21. In Schedule 4 (non-exhaustive list of types of EEE which fall within the categories set out in Schedule 3) after category 7 insert—

"7.1 VAPES AND ELECTRONIC CIGARETTES ETC.

Vapes or any item of EEE which is intended to form part of a vape

Electronic cigarettes or any item of EEE which is intended to form part of an electronic cigarette

Heated tobacco products or any item of EEE which is intended to form part of a heated tobacco product".

22. In Part 1 of Schedule 8 (information to be included in an application for registration of producers or authorised representatives and notification of new scheme members)—

(a) at the end of paragraph 5 insert "or, where there is no registered office in the United Kingdom, the principal place of business of each scheme member";

(b) at the end of paragraph 10 insert ", except in a case where the EEE was placed on the market by a producer who is an OMP producer";

(c) after paragraph 10 insert—

"10A. Whether the producer is an OMP producer in relation to any of the EEE which the producer has placed on the market.";

(d) at the end of paragraph 11 insert "including, where the producer is an OMP producer, any information required under paragraph 11A";

(e) after paragraph 11 insert—

"11A. In the case of an OMP producer required to provide a figure for the amount in tonnes of EEE placed on the market originating from non-UK suppliers for the purposes of regulation 38(1B), or paragraph 19B of this Schedule, a description of the methodology to be used to collate the information required with a view to ensuring that information provided is as complete and accurate as reasonably possible.";

(f) after paragraph 19A insert—

"19B. As regards EEE placed on the market by a producer in their capacity as an OMP producer, a breakdown of how much of the total amount referred to in paragraph 19A comprises EEE originating from non-UK suppliers, also within 28 days of the information becoming available.".

23. In Schedule 9 (minimum requirements for shipments of used EEE suspected to be WEEE), in paragraph 2(a), after "his behalf" insert ", or to the non-UK supplier supplying the EEE on the online marketplace of an OMP producer or a third party acting on the non-UK supplier's behalf,".

24. In Part 3 of Schedule 10 (requirements for approval of a proposed scheme and for continued approval of a scheme), in paragraph 17(a) for "putting" substitute "placing".

25. In Part 2 of Schedule 11 (conditions of approval of authorised treatment facilities), in paragraph 24(c), after "7," insert "7.1,".

PART 3

Transitional provisions

Chapter 1

Interpretation

Interpretation

26. In this Part—

(a) any expression which is also used in the principal Regulations has the same meaning as it has in those Regulations;

(b) reference to a part-year compliance period means the period commencing with the date on which these Regulations come into force and ending on 31st December 2025.

Chapter 2

OMP producers

OMP producers

27.—(1) This regulation applies in respect of a person who—

(a) immediately before the coming into force of these Regulations, was supplying EEE originating from a non-UK supplier to private households in the United Kingdom, and

(b) on the coming into force of these Regulations, is an OMP producer in respect of that activity.

(2) Where immediately before the coming into force of these Regulations the person was registered as a scheme member, or an authorised representative of that person was so registered, the scheme member must provide information to the scheme operator as set out in the following provisions of Part 1 of Schedule 8 to the principal Regulations—

(a) paragraph 10A (confirmation of whether the producer is an OMP producer); and

(b) paragraph 11A (description of the methodology to be used by an OMP producer).

(3) The information referred to—

(a) in paragraph (2)(a) must be provided within 28 days of the coming into force of these Regulations;

(b) in paragraph (2)(b) must be provided by 15th November 2025.

(4) Any information received by the scheme operator under paragraph (2) must be provided to the appropriate authority—

(a) within 28 days of receipt, in the case of information provided under paragraph (2)(a);

(b) by 30th November 2025, in the case of information provided under paragraph (2)(b).

(5) Where immediately before the coming into force of these Regulations the person was not a "producer" within the meaning of regulation 2 of the principal Regulations as they then had effect, that person must—

(a) no later than 15th November 2025, join a scheme or appoint an authorised representative to join a scheme by that date, in compliance with regulation 14 of the principal Regulations, or

(b) where regulation 14(11) of the principal Regulations applies, no later than 31st January 2026 make an application to register as a small producer in compliance with regulation 16 of the principal Regulations or appoint an authorised representative to make the application by that date.

(6) Where a person or their authorised representative joins a scheme in compliance with paragraph (5)(a)—

(a) for the purposes of regulation 14(1) of the principal Regulations, that person may continue to place EEE on the market during the part-year compliance period as though that person or their authorised representative had been a scheme member from the commencement of that period;

(b) the information required to be provided by that person or their authorised representative under regulation 18 of the principal Regulations is deemed to include information relating to the part-year compliance period as though that person or their authorised representative had been a scheme member from the commencement of that period;

(c) that person's membership of the scheme, or the membership of their authorised representative, is deemed to subsist both for the part-year compliance period and for the

compliance period commencing on 1st January 2026 for the purposes of regulations 14(7), 25(1), 28(1) and (3) and 33(1) and (2) of the principal Regulations;

(d) any registration of that person or their authorised representative as a scheme member under regulation 26 of the principal Regulations is deemed to have effect both for the part-year compliance period and for the compliance period commencing on 1st January 2026 and for these purposes regulation 26 applies as though—

(i) the date for the application to register that person or their authorised representative under paragraph (1) is on or before 30th November 2025;

(ii) the date for confirming any grant of the application and for issuing any producer registration number under paragraph (6) is on or before 15th January 2026;

(iii) paragraph (4)(b) does not require that person or their authorised representative to submit information under paragraph 19A of Part 1 of Schedule 8.

(7) The information falling within regulation 38(3)(a) of the principal Regulations (including any information concerning category 7 and category 7.1 EEE for which transitional provision is made under regulation 28) must be—

(a) provided by the producer or their authorised representative in accordance with regulation 18(1)(c) as an accumulated amount for the part-year compliance period as regards each category of EEE placed on the market during any quarter period (or part of a quarter period) falling within the part-year compliance period; and

(b) reported as an accumulated amount by the scheme operator to the appropriate authority on or before 31st January 2026.

(8) Where a person or their authorised representative applies to register as a small producer in compliance with paragraph (5)(b)—

(a) for the purposes of regulation 15 of the principal Regulations, that person may continue to place EEE on the market during the part-year compliance period as though that person or their authorised representative had been registered as a small producer from the commencement of that period;

(b) the tonnage data for the preceding compliance period which is required to be provided under regulation 16(2)(d)(i) of the principal Regulations is deemed to mean the data for the part-year compliance period;

(c) for the purposes of regulation 16 of the principal Regulations, any registration of that person or their authorised representative as a small producer is deemed to have effect both for the part-year compliance period and for the compliance period commencing on 1st January 2026 and for those purposes regulation 16 applies as though—

(i) the date for the application to register under paragraph (1)(a) is by 31st January 2026; and

(ii) the date for notifying the outcome under paragraph (4)(a) is no later than 28th February 2026.

(9) Where, immediately before the coming into force of these Regulations, the person was a producer who was required to join a scheme by virtue of regulation 14(5) of the principal Regulations but had not done so—

(a) subject to paragraph (b), the information required to be provided to the scheme operator in connection with the application to register that person as a scheme member does not include the information set out in paragraph 11A of Part 1 of Schedule 8 to the principal Regulations;

(b) where the information which is provided to the scheme operator in connection with the application to register does not include the information set out in paragraph 11A of Part

1 of Schedule 8 to the principal Regulations, that information must be provided to the scheme operator by 15th November 2025.

(10) Any information received by the scheme operator under paragraph (9)(b) must be provided to the appropriate authority by 30th November 2025.

(11) Part 13 of the principal Regulations (enforcement) applies, where an enforcement authority has reasonable grounds for suspecting that a requirement of paragraph (3), (4), (9)(b) or (10) has not been complied with, as that Part applies to the provisions specified in regulation 88(1) and for these purposes—

(a) a requirement under paragraph (3) or (9)(b) is to be treated as though it were specified in regulation 88(1)(a);

(b) a requirement under paragraph (4) or (10) is to be treated as though it were specified in regulation 88(1)(b).

(12) Part 14 of the principal Regulations (offences and penalties) applies to a contravention or failure to comply with a requirement of paragraph (3), (4), (9)(b) or (10) as it applies to a contravention or failure under regulation 90 of the principal Regulations and for these purposes—

(a) a requirement under paragraph (3) or (9)(b) is to be treated as though it were specified in regulation 90(1)(a) and (b);

(b) a requirement under paragraph (4) or (10) is to be treated as though it were specified in regulation 90(3)(a).

Chapter 3

Vapes and electronic cigarettes etc.

WEEE amounts for producers and scheme operators

28.—(1) This regulation applies to regulations 11 and 28 of the principal Regulations (financing: WEEE from private households) as those provisions have effect in respect of the compliance period commencing on 1st January 2026—

(a) in determining —

(i) the amount of WEEE in tonnes to be collected by each producer or authorised representative under regulation 11(3);

(ii) the amount of WEEE in tonnes for which the operator of a scheme will be responsible under regulation 28(4);

(iii) the amount of WEEE in tonnes falling within each category of EEE to be financed by all producers under regulations 11(7) and 28(5);

(b) as regards the categories of EEE listed in Schedule 3 falling within categories 7 and 7.1 respectively.

(2) The provisions referred to in paragraph (1) are to be treated as though they applied in respect of two separate compliance periods as follows—

(a) a period commencing on 1st January 2026 and ending on the date which is twelve months after the date on which these Regulations come into force ("the first compliance period");

(b) a period commencing immediately after the end of the first compliance period and ending on 31st December 2026 ("the second compliance period"),

and, for these purposes, references to a previous compliance period in regulations 11 and 28 are to be read as though they applied in respect of the two previous compliance periods set out in paragraph (3).

(3) The two previous compliance periods are—

(a) the period in 2025 falling within the corresponding dates for the first compliance period; and

(b) the period in 2025 falling within the corresponding dates for the second compliance period.

(4) In making a determination under the provisions referred to in paragraph (1)(a)(i) and (ii), the appropriate authority must—

(a) in respect of the first compliance period assess the amount of EEE falling within category 7 of Schedule 3 to the principal Regulations, as that category had effect before the coming into force of these Regulations;

(b) in respect of the second compliance period assess—

(i) the amount of EEE falling within category 7 of Schedule 3 to the principal Regulations; and

(ii) the amount of EEE falling within category 7.1 of Schedule 3 to the principal Regulations.

(5) For the purposes of enabling a determination to be made by the appropriate authority under paragraph (4)—

(a) the information required to be provided by the producer or authorised representative under regulation 18 of the principal Regulations must be provided to the scheme operator as needed to enable that operator to comply with paragraph (b);

(b) the information required to be reported under regulation 38(3)(a) of the principal Regulations is as follows—

(i) for paragraph (4)(a) of this regulation, the amount of category 7 EEE placed on the market during the period beginning with the commencement of the quarter period within which these Regulations come into force and ending with the date on which these Regulations come into force;

(ii) for paragraph (4)(b) of this regulation, as it applies in the case of EEE placed on the market by a producer who is not an OMP producer, the total amount of category 7 and the total amount of category 7.1 EEE placed on the market—

(aa) during the period beginning immediately after the coming into force of these Regulations and ending with the close of the quarter period within which these Regulations come into force, and

(bb) during any quarter period in 2025 subsequent to the quarter period referred to in paragraph (aa),

each total to be provided on or before the last day of the month that immediately follows the end of the quarter period concerned;

(iii) for paragraph (4)(b) of this regulation, as it applies in the case of EEE placed on the market by an OMP producer in respect of whom the provision in regulation 27 applies, the total amount of category 7 EEE and the total amount of category 7.1 EEE placed on the market during the part-year compliance period referred to in regulation 27(7), to be provided in accordance with regulation 27(7).

(6) In making a determination under the provisions referred to in paragraph (1)(a)(iii)—

(a) in respect of the first compliance period —

(i) the Secretary of State must, after consultation with such persons or bodies as appear to him to be representative of the interests concerned, set an amount of WEEE in tonnes as regards EEE falling within category 7 of Schedule 3 to the principal

Regulations, as that category had effect before the coming into force of these Regulations; and

(ii) no amount is to be set as regards WEEE falling within category 7.1 of Schedule 3 to the principal Regulations.

(b) in respect of the second compliance period, the Secretary of State must, after consultation with such persons or bodies as appear to him to be representative of the interests concerned, set an amount of WEEE in tonnes as regards—

(i) EEE falling within category 7 of Schedule 3 to the principal Regulations; and

(ii) EEE falling within category 7.1 of Schedule 3 to the principal Regulations.

Payment of a compliance fee

29.—(1) This regulation applies where the operator of a scheme has chosen to pay a compliance fee under regulation 33 of the principal Regulations in respect of WEEE for which an amount in tonnes has been set under the provision in regulation 28(6) for the first and second compliance periods referred to in that regulation.

(2) In the formula for the calculation of the amount of WEEE under regulation 33(2) of the principal Regulations, the "C" element of the formula is to be calculated by reference to the aggregate amounts of WEEE set by the Secretary of State under—

(a) the provisions in regulation 28(6)(a)(i) and (b)(i) in respect of category 7;

(b) the provisions in regulation 28(6)(a)(ii) and (b)(ii) in respect of category 7.1.

WEEE amounts for approved authorised treatment facilities and approved exporters

30.—(1) This regulation applies where, under regulation 66(8A)(i) of the principal Regulations, an operator of an AATF or an approved exporter is required to provide details of the amounts in tonnes of WEEE falling within a category of Schedule 3 to the principal Regulations.

(2) As regards any duty to provide such information in respect of a period which ends before the date which is twelve months from the date on which these Regulations come into force—

(a) those details must, as regards category 7, be determined by reference to that category as it had effect before the coming into force of these Regulations; and

(b) the requirement to provide details as regards WEEE falling within category 7.1 does not apply.

Name
Parliamentary under Secretary of State
Department for Environment, Food and Rural Affairs

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Waste Electrical and Electronic Equipment Regulations 2013 (S.I. 2013/3113) ("the principal Regulations").

Regulation 5 amends the meaning of "producer" in the principal Regulations to include an "online marketplace operator" in circumstances where that person supplies EEE to private households in the United Kingdom which originate from a person who is not established in the United Kingdom (a "non-UK supplier"). There are corresponding amendments to the definition of "placing on the market" (regulation 4(c)).

The online marketplace operator is also defined as an "OMP producer" in those circumstances in respect of EEE originating from the non-UK supplier, with exceptions from certain requirements otherwise applicable to producers under the principal Regulations. These are the requirements under regulations 22 to 24 to mark EEE and give information on new types of EEE (regulations 10 and 11); regulation 74 concerning product design (regulation 16); paragraph 10 of Schedule 8 concerning brand names of EEE (regulation 22(b)); and Schedule 9 concerning minimum requirements for shipments (regulation 23).

OMP producers are required to keep records of how much of the amount of EEE placed on the market in their capacity as OMP producers comprises EEE originating from non-UK suppliers (regulation 9) with corresponding amendments for reporting requirements (regulation 13). They must submit a description of their methodology for calculating this amount (regulation 22(e)) and confirm that the calculation is made in accordance with that methodology (regulations 8 and 13). Their status as OMP producers must be reported in an application for registration as a producer (regulation 22(c)). OMP producers who are not established in the United Kingdom must join a scheme or appoint an authorised representative to fulfil their producer obligations (regulation 6).

Schedule 3 to the principal Regulations is amended to introduce a separate category 7.1 in respect of devices intended to be used for the consumption of various substances. These devices are identified as a category of EEE subject to producer and scheme obligations (regulation 20), with a corresponding amendment to Schedule 4 to the Regulations to non-exhaustibly list some of the types of EEE concerned such as vapes, electronic cigarettes and heated tobacco products (regulation 21). Such devices are included as a new stream within the definition of "WEEE collection stream" (regulation 4(b)(x)).

Part 3 makes transitional provision.

No impact assessment has been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-827251-2

£8.14

http://www.legislation.gov.uk/id/ukdsi/2025/9780348272512