



## The UK WEEE and RoHS Regulations

### Overview of the Regulations

#### What are the WEEE Regulations?

Waste Electrical and Electronic Equipment (WEEE) Regulations. Published in the UK as Statutory Instrument **2006 No. 3289**

#### What's involved?

The WEEE Regulations legally enforces the recovery and recycling of certain products at the end of their life. Products will also have to be marked in a defined way and provision of information relating to material content and recycling will also be required. 'Producers' of electrical and electronic items will be required to register as such.

#### Who's affected?

The legal and financial responsibilities lie with the 'producers'. A producer could be a manufacturer, brand owner or importer. There is no de-minimis threshold so, regardless of turnover, all 'producers' are affected.

#### When?

The WEEE Regulations came into force on the 1 July 2007

#### What are the RoHS Regulations?

Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations. Published in the UK as Statutory Instrument 2006 No. 1463.

#### What's involved?

Electrical and electronic equipment within the scope of the Regulations can only contain the following materials or compounds up to the published maximum concentration values, unless used in an exempted application.

lead	hexavalent chromium
cadmium	polybrominated biphenyl (PBB)
mercury	polybrominated diphenyl ether (PBDE)

#### Who's affected?

As with the WEEE Regulations the legal responsibilities lie with the 'producer' who could be a manufacturer, brand owner or importer.

#### When?

The material restrictions came into force on 1 July 2006. Any products or equipment 'placed on the market' in the EU after this date will have to comply with the restrictions.

#### Who is a producer?

A producer is someone who performs one or more of the following:

- Manufactures and sells their own products under their own brand
- Subcontracts the manufacture (or buys in manufactured products) and then sells them under their own brand.
- Imports products into the UK. Distributors and importers placing products on the UK market for the first time are considered producers.

## How will the WEEE and RoHS Regulations affect IT and Network Equipment?

### WEEE Regulations

**Who is responsible for compliance with WEEE and RoHS?** The 'producer' carries the main responsibilities. A producer is someone who performs one or more of the following:

- Manufactures and sells their own products under their own brand.
- Subcontracts the manufacture (or buys in manufactured products) and then sells them under their own brand.
- Imports products into the UK. Distributors and importers placing products on the UK market for the first time are considered producers.

There are other responsibilities for distributors/retailers and end user that are explained later in this document.

**Is IT and Network Equipment within the scope of the WEEE Regulations?** Yes. This type of equipment would come under

Category 3 of the WEEE Regulations which includes items such as:

*Centralised data processing: mainframes, minicomputers, printer units. Personal computing: personal computers (CPU, mouse, screen and keyboard included), laptop computers (CPU, mouse, screen and keyboard included). Notepad computers, printers and copying equipment. Electrical and electronic typewriters. Pocket and desk calculators, and other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means. User terminals and systems. Facsimile, telex, telephones, pay telephones, cordless telephones, cellular telephones, answering systems and other products or equipment of transmitting sound, images or other information by telecommunications*

**Will IT and Network Products have to carry the 'wheelie bin symbol'?** Yes. All products within the scope of the WEEE Regulations placed on the market after 1 April 2007 shall have the producer's brand or identifier clearly displayed and be clearly identifiable by the following mark:



**Who is responsible for covering the costs of recovery and recycling of IT and Network Equipment?**

The WEEE Regulations place a legal and financial responsibility on the producers of electrical and electronic equipment for the recovery and recycling of all separately collected waste equipment from household users. The responsibility for equipment from business users depends on when the products were placed on the market.

## RoHS Regulations

**Is IT and Network Equipment within the scope of the RoHS Regulations?** Yes. RoHS covers most equipment within the WEEE Regulations. It includes category 3 (IT and Telecoms) equipment.

**Which materials does RoHS Restrict?** The RoHS Regulations bans the placing on the UK market of new Electrical and Electronic Equipment containing more than the set levels of lead, cadmium, mercury, hexavalent chromium, polybrominated biphenyl (PBB) and polybrominated diphenyl ether (PBDE) from 1 July 2006.

**How does RoHS define 'network infrastructure'?** For the purpose of the RoHS Regulations, 'network infrastructure equipment for telecommunication purposes' is viewed as meeting one of the two following criteria:

1. Any system used for routing, switching, signalling, transmission, or network management or network security; or
2. Any system which can simultaneously enable more than one end user terminating equipment to connect to a network.

*It is also any such system in a network, except for end user terminating equipment such as voice terminals and facsimile machines.*

*This would include all servers, power suppliers, display devices and similar electronic units that are incorporated into network infrastructure equipment. It would also include all cables and cable assemblies, and all connectors and connector assemblies used to provide interconnections for network infrastructure equipment but is not intended to include desktop or notebook computers, telephones, fax machines or consumer – type modems or switches etc.*

**Are there any specific exemptions that apply to IT and Network Equipment?**

The UK RoHS Regulations contain a number of exemptions which are agreed at an EU level. Two such exemptions are:

- Lead in solders for network infrastructure equipment for switching, signaling, transmission as well as network management for telecommunication.
- Lead solder in servers, storage/storage array and telecommunications infrastructure (switching, routers and gate ways).

The exemptions listed for servers and network infrastructure is only for lead in solder in the EEE. Lead used elsewhere in the product; lead in solder in ancillary devices and limits on other restricted materials still apply. This type of equipment is not exempt from RoHS.

**Do Products have to be labeled as RoHS complaint?** No. There are no labelling requirements under RoHS. However many producers are beginning to label products as such. No standard has been set and different producers use different labels.

**What do you need to do?**

**Are you a Producer?**

Do you:

- Manufacture and sell electrical and electronic equipment under your own brand, or
- Resell another supplier's electrical and electronic equipment under your own brand, or
- Import electrical and electronic equipment into the UK

If Yes to any of these: then you are deemed a producer under the WEEE and RoHS Regulations.

If No to all of these: then you are not deemed to be a producer, however you may still be obligated as a distributor or end user.

## What are your obligations as a producer under WEEE?

### 1. Registration and data submission.

Producers are required to register with the appropriate agency through a compliance scheme. See the [Environment Agency](#) website for further information.

### 2. Financing for collection, treatment, recovery and environmentally sound disposal of a proportion of WEEE dependent upon the category of products produced.

The amount of WEEE producers are required to finance depends on whether they sell to business or household users. If your products are eventually sold to household (retail) users then will also be required to provide a financial guarantee. All this will be dealt with through your compliance scheme.

### 3. Certificate of WEEE recycling compliance to prove the above.

Producers will be required to furnish the Government with a certificate or certificates to prove they have reprocessed the target amount of WEEE allocated to them. Again this will be done through your compliance scheme.

### 4. Marking of products

Producers will be required to indelibly mark products to show they are categorised as EEE. BSI have issued a standard for WEEE marking – BS EN 50419

### 5. Information provision for re-processors and recyclers

Producers will be required to provide information on how to re-process products that they have placed onto the market. This could take numerous forms such as paper-based or electronic information. This does not have to be issued with every product sold but the information should be available on request.

## What are your obligations as a producer under RoHS?

As a 'producer' you are legally responsible for RoHS compliance of products.

There are no labelling or registration requirements under RoHS.

The UK RoHS Regulations require 'producers' to keep technical documentation or other information showing compliance for a period of 4 years from the date that each individual product is put on the market. The type of documentation is not specified and there is no required standard format or certificate.

The compliance regime is one of 'self-declaration', whereby the action of putting products on the market constitutes an implicit declaration of conformity.

National Weights and Measures Laboratory (an executive agency of the DTI) will enforce the RoHS Regulations through market surveillance. They have a dedicated website: [www.rohs.gov.uk](http://www.rohs.gov.uk)

## Are you a Distributor or Retailer?

Do you;

- Provide electrical or electronic equipment on a commercial basis to the party who is going to use it

If Yes: then you are deemed a distributor or retailer by the WEEE Regulations

If No: then you are not deemed a distributor or retailer by the WEEE Regulations

## What are your obligations?

### 1. Consumer take-back (historic & new WEEE)

Distributors and retailers who sell to household consumers are required to provide take-back of a similar old electrical item when selling a new electrical item. This can be either in-store or as part of the UK's Distributor Takeback Scheme (DTS) run by the BRC. The cost of re-processing the collected items will be the responsibility of 'producers'. For more information on the DTS can be found on its [website](#)

### 2. Business take-back (historic & new WEEE)

Distributors and retailers who supply to businesses could become involved in the take back of old electrical items. 'Producers' are responsible for paying for the recovery and recycling but as the channel to market distributors will inevitably become involved. See the section below on Business End Users of EEE.

### 3. Educational obligations for users of EEE in private households

Distributors and retailers are required to provide information to household users about where and how to recycle electrical and electronic waste.

**What are your obligations as a Distributor or Retailer under RoHS?** You do not have any legal responsibilities under RoHS. However it would not be good practice to be selling equipment that was not RoHS compliant. If products are found not to comply with RoHS it may be removed from the market by the authorities. This could affect your sales and profits as well as causing problems for your customers. You should request RoHS compliance declarations or certificates from producers on all products you stock.

#### **Are you a Business end user of Electrical and Electronic Equipment?**

Do you;

- Operate as a business and use and dispose of electrical and electronic equipment

#### **What are your obligations as a business user of EEE under the WEEE Regulations?**

As a business that uses electrical and electronic equipment you could have responsibilities under the WEEE Directive. This is known as business to business (B2B) WEEE.

##### **New WEEE** (equipment originally purchased *after* 13th August 2005)

Producers are required to finance the collection, treatment, recovery and environmentally sound disposal of **all** electrical and electronic equipment within the scope of WEEE they sell to business users after the 13th August 2005.

##### **Historic WEEE** (equipment originally purchased *before* 13th August 2005)

As a Business End User if you are replacing historical WEEE with new EEE then you can ask the producer of the new EEE to take back the WEEE being replaced on a like-for-like basis. If you are not replacing old product and simply disposing of it you will be responsible for the disposal of WEEE under the Waste Duty of Care.

#### **As a business end user can a producer pass any responsibility onto me for WEEE?**

The above explanations with respect to New WEEE and Historic WEEE are the 'legal defaults' in the Regulations. Producers of business EEE and business users of EEE can legally use contractual agreements to make alternative arrangements for dealing with WEEE, i.e. these contracts can be used to shift the legal and financial responsibility for WEEE recovery and recycling to either the end user or producer regardless of whether the WEEE is new or historical. The regulations may have an impact on contractual relationships with your suppliers. Make sure you understand the implications.

**What are your obligations as a Business End User under RoHS?** Legally you have no obligation under RoHS. However it may not reflect well on your company if you are found to be purchasing non-RoHS compliant product. You should request RoHS compliance declarations or certificates on all products you purchase.

#### **Further Information**

For Further information on the WEEE and RoHS Regulations please see the following sites:

##### **DTI**

The WEEE and RoHS Web pages can be accessed via:

[DTI WEEE and RoHS Pages](#)

##### **Office of Public and Statistical Information**

The OPSI website contains copies of the UK WEEE and RoHS regulations which you can download free of charge as PDF files.

[www.opsi.gov.uk](http://www.opsi.gov.uk)

##### **Environment Agency**

The Environment Agency handles producer registrations and waste management licensing under the WEEE Directive and also provides guidance on scope.

[Environment Agency WEEE Pages](#)

##### **National Weights and Measures Laboratory**

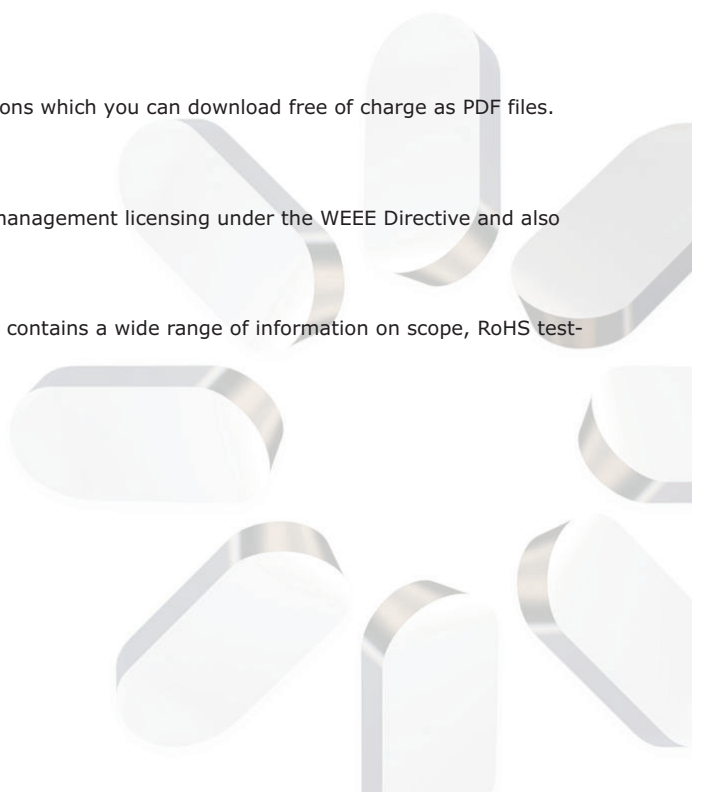
The NWML is the RoHS Enforcement Agency in the UK. Their website contains a wide range of information on scope, RoHS testing and enforcement within the UK.

[www.RoHS.gov.uk](http://www.RoHS.gov.uk)

##### **British Standards Institute**

The BSI issues a recognised WEEE marking standard – BS EN 40519

[www.bsonline.bsi-global.com](http://www.bsonline.bsi-global.com)



1. Any system used for routing, switching, signalling, transmission, or network management or network security; or
2. Any system which can simultaneously enable more than one end user terminating equipment to connect to a network.

It is also any such system in a network, except for end user terminating equipment such as voice terminals and facsimile machines.

This would include all servers, power suppliers, display devices and similar electronic units that are incorporated into network infrastructure equipment. It would also include all cables and cable assemblies, and all connectors and connector assemblies used to provide interconnections for network infrastructure equipment but is not intended to include desktop or notebook computers, telephones, fax machines or consumer – type modems or switches etc.

#### Are there any specific exemptions that apply to IT and Network Equipment?

The UK RoHS Regulations contain a number of exemptions which are agreed at an EU level. Two such exemptions are:

- Lead in solders for network infrastructure equipment for switching, signaling, transmission as well as network management for telecommunication.
- Lead solder in servers, storage/storage array and telecommunications infrastructure (switching, routers and gateways).

The exemptions listed for servers and network infrastructure is only for lead in solder in the EEE. Lead used elsewhere in the product; lead in solder in ancillary devices and limits on other restricted materials still apply. This type of equipment is not exempt from RoHS.

**Do Products have to be labeled as RoHS compliant?** No. There are no labelling requirements under RoHS. However many producers are beginning to label products as such. No standard has been set and different producers use different labels.



## What do you need to do?

### Are you a Producer?

Do you:

- Manufacture and sell electrical and electronic equipment under your own brand, or
- Resell another supplier's electrical and electronic equipment under your own brand, or
- Import electrical and electronic equipment into the UK

If Yes to any of these: then you are deemed a producer under the WEEE and RoHS Regulations.

If No to all of these: then you are not deemed to be a producer, however you may still be obligated as a distributor or end user. What are your obligations as a producer under WEEE?

#### 1. **Registration and data submission.**

Producers are required to register with the appropriate agency through a compliance scheme. See the Environment Agency website for further information.

#### 2. **Financing for collection, treatment, recovery and environmentally sound disposal of a proportion of WEEE dependent upon the category of products produced.**

The amount of WEEE producers are required to finance depends on whether they sell to business or household users. If your products are eventually sold to household (retail) users then will also be required to provide a financial guarantee. All this will be dealt with through your compliance scheme.

#### 3. **Certificate of WEEE recycling compliance to prove the above.**

Producers will be required to furnish the Government with a certificate or certificates to prove they have reprocessed the target amount of WEEE allocated to them. Again this will be done through your compliance scheme.

#### 4. **Marking of products**

Producers will be required to indelibly mark products to show they are categorised as EEE. BSI have issued a standard for WEEE marking – BS EN 50419

#### 5. **Information provision for re-processors and recyclers**

Producers will be required to provide information on how to re-process products that they have placed onto the market. This could take numerous forms such as paper-based or electronic information. This does not have to be issued with every product sold but the information should be available on request.

## What are your obligations as a producer under RoHS?

As a 'producer' you are legally responsible for RoHS compliance of products.

There are no labelling or registration requirements under RoHS.

The UK RoHS Regulations require 'producers' to keep technical documentation or other information showing compliance for a period of 4 years from the date that each individual product is put on the market. The type of documentation is not specified and there is no required standard format or certificate.

The compliance regime is one of 'self-declaration', whereby the action of putting products on the market constitutes an implicit declaration of conformity.

National Weights and Measures Laboratory (an executive agency of the DTI) will enforce the RoHS Regulations through market surveillance. They have a dedicated website: [www.rohs.gov.uk](http://www.rohs.gov.uk)

This document was prepared by Leigh Holloway eco3 ltd [www.eco3.co.uk](http://www.eco3.co.uk)

For more info about RoHS & WEEE please go to [www.gocomsys.com](http://www.gocomsys.com)