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Dear

## **The Role of Distributors under the Waste Electrical and Electronic Equipment (WEEE) Regulations 2006**

### **Distributor Obligations<sup>1</sup>**

As a distributor of electrical and electronic equipment you will be aware that from the 1 July 2007 you have obligations under the WEEE Regulations to provide facilities for your consumers to return WEEE free of charge. If you are a producer under the regulations you will also have financial obligations for the collection, treatment, and reprocessing of WEEE. This letter sets out how the Government wishes to see the WEEE system work in practice and aims to address some of the outstanding issues which have been raised since the publication of the Non-statutory Guidance on the 28 February 2007.

As a distributor you have two avenues in which to discharge your obligations to “take-back” WEEE from private households.

- You are able to take-back WEEE into your premises when selling a replacement or equivalent item to a consumer. As it is unlikely the majority of consumers will have with them at the time of the sale the waste item, we encourage a common sense approach to a reasonable time limit after the replacement item has been purchased when it will be accepted by your staff. In taking this option you will also be required to keep records of the equipment you take-back in-store; or

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<sup>1</sup> For the purposes of the WEEE Regulations distributor is defined as any person who provides electrical or electronic equipment on a commercial basis to the party who is going to use it.

- You can join the Distributor Take-back Scheme (DTS) which will give your customers access to locally operated designated collection facilities (DCFs). This will remove the requirement for you to accept any WEEE in-store or keep records of returned products. You will however be required to signpost your customers to DCFs in the area as appropriate.

Although the regulations require you to provide facilities as above, neither option prevents you from offering collection on delivery services from households and making an appropriate charge. The charge would typically cover the transportation from the household to your premises but should not include storage, treatment, recycling or the transportation costs from your premises to the treatment facility.

### **Distance Sellers**

Under the Regulations distance sellers (for example, internet or catalogue based distributors) are also required to offer take-back services. These obligations can be discharged by establishing systems for the collection of WEEE from customers on the purchase of a replacement item. This can be achieved in a number of ways. For example:

- Membership of the Distributor Take-back Scheme;
- A network of private collection facilities where customers can return their WEEE on production of proof that they have purchased a replacement product from you;
- A free collection on delivery service (any charges for this service can only cover the cost to delivery the new item – ie transportation – it should not include the cost of collecting an old item)

### **Distributor Take-back Scheme (DTS)**

Distributors wishing to discharge their obligations via the Distributor Take-back Scheme should contact Valpak Retail WEEE Services direct via [www.valpak.co.uk/dts](http://www.valpak.co.uk/dts)

By joining the DTS, distributors will be required to:

- Display appropriate signs to inform consumers of their membership of DTS and supply information on the location of the DCF sites in the locality. The DTS will advice and assist in meeting this obligation;
- Supply information to consumers in line with Regulations 33; again the DTS will assist in meeting this obligation.

## **Regulation 32**

Distributors opting for the in-store take-back option will not be able to register their premises as DCFs. All WEEE collected via in-store take-back should be dealt with under Regulations 32.

Distributors offering in-store take-back have the right under Regulation 32 to return collected WEEE to producer compliance schemes (PCS). In practice this will mean the distributor making contact with a PCS and returning the WEEE either direct to the PCS or an AATF working on their behalf.

Under Regulation 32 the distributor is required to meet any costs arising from the transportation of the WEEE to the AATF. The cost of treatment, recycling and recovery will however remain the obligation of the PCS.

A PCS can arrange with the distributor to collect the WEEE from the distributor but this is purely a commercial decision between the two parties.

### **In-store Take-back**

Distributors wishing to discharge their obligations via in-store take back will be required to:

- Display appropriate signage to inform their customers of the service being offered;
- Supply information to their customers in line with Regulation 33;
- Keep records of the number of items returned to them for a period of four years and make such records available to the Secretary of State or the appointed enforcement body, on demand;
- Develop relationships with producer compliance schemes to return the collected WEEE either direct to the scheme or an AATF working for the scheme. The distributor is responsible for all costs associated with the transportation of the WEEE but not for the cost of treatment, reprocessing or recovery.

### **Retail Platforms**

Distributors offering collection on delivery services to their customers for large or bulky WEEE, for example large household appliances or large electrical tools, will need to put forward their sites as private DCFs. These sites will be for collection on delivery services only not WEEE collected via in-store take-back.

Such sites must be registered with Valpak Retail WEEE Services for approval by the Secretary of State as private designated collection facilities in order for any WEEE returned via this route to be counted into producer obligations. There will be a fee payable to the DTS for registering retail platforms.

In seeking approval, you must demonstrate you have:

- Appropriate storage capacity;
- Any permits or exemptions from licensing as required by either the environment agencies or local authorities;
- Systems to open your facilities to Producer Compliance Schemes to collect any WEEE. (If are also a producer you can use WEEE collected to help discharge your producer obligations before making any surplus available to other PCSs)

Approval for such sites to be DCFs will be granted up to December 2009.

Approval will be withdrawn if:

- Any permits or licences required by the environment agency or local authorities are cancelled;
- There is evidence that WEEE is not being made available to Producer Compliance Schemes;
- There is evidence that any WEEE collected or returned is diverted outside of the system for financial gain.

Distributors wishing to register their premises, via [www.Valpak.co.uk/dts](http://www.Valpak.co.uk/dts) should do so no later than the 4 May 2007.

Any distributor who chooses not to work with producer compliance schemes will still be required to meet their take-back obligations under the regulations.

The DTI cannot enter into discussion with individual retailers to explore each “what if scenario” which may arise. We will however update and amend the Non-Statutory Guidance and FAQs in light of experience as the system settles.

Debra Huntington  
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