Environmental regulations - Detailed guidance - GOV.UK

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- Department for Business, Innovation & Skills (https://www.gov.uk/government/organisations/department-for-business-innovation-skills)

Environmental regulations

Involved in the development, domestic implementation and enforcement of certain European waste and environmental legislation.

Too much detail?
See these quick guides
Get an environmental permit (https://www.gov.uk/get-an-environmental-permit)

Overview

The Environment Regulations team is responsible for a number of so-called 'extended producer responsibility' regulations that derive from European legislation.

These regulations ensure that producers of specific categories of products and equipment take full responsibility for the finance treatment, recycling and reprocessing of these items when they reach end of life and is consistent with requirements agreed in Europe. We also deal with legislation that is intended to encourage the eco-design of certain products.

Additionally the team works with the Department for Environment, Food and Rural Affairs (Defra) to ensure that the interests of business are taken into account in development of wider waste and recycling policy and on the natural environment in areas such as air and water quality.

For more information email: env.regs@bis.gsi.gov.uk

Review of UK's Producer Responsibility Regulations

The UK's Producer Responsibility Regulations deliver the legislative framework for meeting our EU obligations to recover and recycle a proportion of the waste batteries, packaging, electrical and electronic equipment (EEE) and vehicles placed on the UK market.

These Regulations deliver important environmental savings helping the UK to become more resource efficient.

https://www.gov.uk/environmental-regulations

18/03/2014
However, government believes that the way in which these Regulations work could be improved in order to optimise their effectiveness and reduce the administrative burdens they place on business. As part of the government's commitment to improving regulation, Defra and the Department for Business, Innovation & Skills (BIS) are currently reviewing all Producer Responsibility Regulations. Over the course of the next few months both departments will be listening to ideas from stakeholders on how these could be improved and considering ideas for how the departments can work better together. Formal consultations will take place later in the year.

For further information or to submit comments on the review, please contact Defra or BIS. Progress updates will also be posted online at the Environment Agency (http://npwd.environ agency.gov.uk/) in due course.

Batteries and Accumulators – collection and recycling

The Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) aims to improve the environmental performance of batteries and accumulators and minimise the impact that waste batteries and accumulators have on the environment.

The Directive places requirements on the design of all new batteries, and requires the separate collection, treatment and recycling of waste batteries and accumulators, reducing the disposal of batteries and accumulators in the municipal waste stream.

Key requirements of the Directive

The Directive calls for:

- restrictions on the use of cadmium and mercury in the design and manufacture of new batteries (subject to exemption and review)
- labelling requirements – all new batteries to be marked with a crossed out wheeled bin symbol and the appropriate chemical symbol where applicable and selected types of battery are also required to have a capacity label
- registration of all ‘producers’ e.g. manufacturers or importers of batteries
- collection targets for waste portable batteries of 25% of average annual sales in the UK by 2012, rising to 45% in 2016
- a ban on the disposal of untreated automotive and industrial batteries
- a requirement for producers or third parties acting on their behalf to arrange for the collection and recycling of waste industrial and automotive batteries

BIS is the lead UK government department for the Batteries Directive. Specifically, BIS leads on the internal market (or design) provisions of the Directive, and the environmental provisions of the Directive with respect to waste industrial and automotive batteries. Defra leads on policy relating to the waste provisions of the Directive with regards to waste portable batteries. There are two sets of UK regulations: the 2008 Regulations deal with internal market aspects, whilst the 2009 Regulations address waste battery collection and recycling issues.
Who is affected?

The UK Batteries Regulations place legal obligations on:

- Producers of batteries and products that contain batteries
- Distributors (retailers) of batteries
- Facilities that treat and/or export waste batteries, including products that contain waste batteries

The requirements apply to all businesses irrespective of size. However, there are some differences in obligations, depending upon the quantity and type of batteries that a business puts on the market or distributes.

The regulations also have some impact upon consumers and local authorities (when they deal with waste batteries).

BIS/Defra have produced detailed guidance to help you determine whether the regulations affect you and what you should do if you have obligations.

The Environment Agency also offers guidance on battery producer registration and associated collection obligations. It also provides guidance for waste battery treatment facilities and exporters.

In addition, further advice to businesses is available at Battery Waste: Producer and Supplier Responsibilities (https://www.gov.uk/battery-waste-producer-supplier-responsibilities).

Latest developments

Details of the Commission Regulation setting out the rules for capacity labelling of portable secondary and automotive batteries can be found on the European Commission web site. BIS has published guidance which explains how this fits in with existing requirements.

Contact us

Please use the following email address if you wish to contact us:
batteries@bis.gov.uk

Documents


The Batteries and Accumulators Placing on the Market Regulations 2008: government guidance notes (PDF, 137KB, 21 pages)
Eco-design of energy-related products

Overview

The Eco-design Directive (2009/125/EC) has been transposed in the UK by the Eco-design for Energy-related Products Regulations 2010 (SI 2010 No.2617).

It aims to improve the environmental performance of products throughout the life-cycle, by integration of environmental aspects at a very early stage in product design.

The original Directive was recast in 2009 and was previously known as the Energy-Using Products (EuP) Directive 2005/32/EC. This was transposed into UK law under Statutory Instrument (SI 2007 No.2037) which is now revoked.

A large number of implementing measures are being made under the Directive and apply to individual products or groups of products. Defra leads on new regulations resulting from the initial studies which focus on energy efficiency gains. Regulations are enforced by the National Measurement Office (NMO).

Latest Information


January 2011 – study on revision of the Eco-design methodology launched. For more details see the Methodology for the Ecodesign of Energy-related Products (MEErP) (http://www.meerp.eu/) website.

Consultations

There are no current consultations.

UK consultation meetings

Quarterly UK stakeholder meetings discuss the latest developments in the implementation of the Directive. Jointly organised by Defra and BIS, they are an opportunity for interested parties to give views and stay informed.

If you would like to be added to the mailing list for these and other updates, please email: env.regs@bis.gsi.gov.uk

EC consultation meetings

The EC Consultation Forum allows a limited number of stakeholders to contribute to the discussions at the European level. The Commission invited nominations in 2006, from which 30 stakeholders were selected (published on the Commission website). The group also has one representative from each Member State (in the case of the UK, an official from Defra).

https://www.gov.uk/environmental-regulations
Eco-design Directive – policy background

Overview

The Directive provides an EU-wide framework for improving the environmental performance of energy-related products through eco-design. It allows for EU-wide rules on the environmental performance of these products to be made, preventing national legislation in these areas becoming obstacles to the intra-EU trade.

This should benefit both businesses and consumers, by allowing free movement of goods across the EU and by enhancing product quality and environmental protection.

Not all products will have obligations under the framework Directive, only those meeting criteria with significant environmental impact and volume of trade in the internal market which have clear potential for improvement, for example where market forces fail to make progress in the absence of a legal requirement.

Studies and development of measures

The European Commission has decided that the first step in considering whether and which eco-design requirements should be set for a particular product is a preparatory study. This is to recommend ways to improve the environmental performance of the product.

The output from the studies provides the Commission with the necessary information to prepare for the next phases (carried out by the Commission) – the Consultation Forum meetings, and a possible draft implementing measure.

They can take the form of 'daughter' Directives, Regulations or Commission Decisions. Depending on the type of implementing measure proposed, new legislation may be required in the UK although to date measures have been Commission Regulations which do not require transposition.

EC Eco-design Consultation Forum

Article 18 of the Directive provides for the establishment of a group of experts called a “Consultation Forum” which allows stakeholders to contribute to the implementation of the Directive at the European level.
The tasks of the group of experts is to contribute in particular to the definition and review of working documents, the efficiency of the established market surveillance mechanisms and to the assessment of voluntary agreements and other self-regulatory measures taken in the context of the Directive.

The Forum is also consulted by the Commission during the periodic modification of the Working Plan.

Evolution of the Directive

In 2009, the original 2006 Directive was recast (amended) as the Eco-design Directive (2009/125/EC) to cover a wider range of products, including energy-related products.

These include products which do not consume energy, but which impact on energy consumption, for example, windows, insulation materials or water-using devices such as shower heads or taps, which can reduce water consumption and therefore the amount of energy needed to heat water.

Eco-Design of Energy-using products (EuP) Directive – regulations and studies

In the transition period between the Directive's entry into force and the first working plan being published, implementing measures were to be introduced for the product groups mentioned in Article 16(2) of the Directive.

These have focused on energy efficiency gains. In October 2008 the European Commission published the 2009 to 2011 Commission Working Plan, indicating the next set of priority product groups.

Product areas and the study website links are given in the table below, along with a guideline status. Once published in final form, a link to the implementing measure is given.

DG Enterprise Studies

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<th>Water using products</th>
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<td>End of Life Vehicles</td>
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Overview

The EC ELV Directive (2000/53/EC) aims to reduce the amount of waste from cars and light goods vehicles when they are scrapped. In particular it:

- includes tightened environmental standards for vehicle treatment sites
- requires that last owners must be able to dispose of their vehicles free of charge
- sets rising reuse, recycling and recovery targets
- restricts the use of hazardous substances in both new vehicles and replacement vehicle parts

The UK has transposed the Directive through its ELV Regulations 2003, 2005 and 2010. The 2003 Regulations put in place most of the requirements of the Directive, including the improved standards for vehicle treatment sites (enforced by the relevant environmental agency), some new technical standards that apply to new vehicles (enforced by the Vehicle Certification Agency) and the establishment of a Certificate of Destruction (CoD) system (administered by the DVLA).
The remaining provisions of the Directive were the subject of the 2005 Regulations which set out the requirements for vehicle producers to have available networks of facilities where last owners of their brands of vehicles may take them for treatment and recycling at the end of their lives (enforced by BIS).

These facilities are required to provide this service free of charge to the last owner (provided vehicles are largely complete and have not had extra waste added).

The two sets of 2010 Regulations make some amendments to the 2003 and 2005 Regulations.

Am I affected?

The ELV Regulations place legal obligations on:
- Producers of cars and/or light goods vehicles under European Whole Vehicle Type Approval categories M1 and N1 (ie manufacturers and professional importers of these types of vehicle)
- Producers of replacement components for such vehicles
- Facilities that treat end of life vehicles and materials/components from them (including vehicles not in the categories mentioned above). The requirements apply to all businesses irrespective of size. There are no exemptions for small and medium sized companies. However, there are some differences in the vehicle producers' obligations depending on the quantity of vehicles that a business places on the market. The Regulations also have some impact upon last owners of vehicles and local authorities (when they deal with abandoned vehicles).

Guidance
- BIS guidance on all of the UK ELV Regulations (http://www.bis.gov.uk/assets/biscore/business-sectors/docs/e/10-897-elv-regulations-guidance-june-2010.pdf) - to help you determine whether the Regulations affect you and what you should do if you have obligations
- Vehicle Certification Agency advice for vehicle producers
- ELV guidance for businesses (https://www.gov.uk/how-end-of-life-vehicle-regulations-affect-vehicle-producers)

Consumer Information
General advice on vehicle ownership, including disposing of vehicles, is available at GOV.UK - Driving, transport and travel (https://www.gov.uk/browse/driving). This explains the importance of using an Authorised Treatment Facility (ATF) to dispose of your vehicle and issue you with a Certificate of Destruction (CoD) which shows that the vehicle has been correctly dealt with and that you are no longer responsible for it.

Latest developments
- Form and guidance for ATFs and vehicle producers to report ELV target achievement for calendar year 2010 (http://www.bis.gov.uk/assets/biscore/business-sectors/docs/e/11-932-end-of-life-vehicles-reporting-table.pdf)

https://www.gov.uk/environmental-regulations 18/03/2014

Supplementary to this is an additional guide on removal of tanks from LPG powered vehicles (http://www.bis.gov.uk/assets/biscore/business-sectors/docs/r/11-849-removal-of-lpg-tanks-guidance.pdf).


Contact us:
elvregistration@bis.gsi.gov.uk

Fluorinated Greenhouse Gases


The principle objective of EC Regulation No 842/2006 on certain fluorinated greenhouse gases (F gases) (The EC Regulation) is to contain, prevent and thereby reduce emissions of F gases. As well as the EC Regulation, there are 10 Commission Regulations which establish fleshed out legal requirements for companies and qualifications for personnel working in five industry sectors covered by the EC Regulation as well as dealing with other requirements relating to leakage checking, reporting and labelling.

The UK has transposed the EC Regulation through its 2009 GB F gas Regulation, which came into force in March 2009.

The Department for Environment, Food and Rural Affairs (Defra) is the lead government department on F gas policy. The Department for Transport (DfT) lead on the use of F gases in mobile air conditioning systems in motor vehicles through the Mobile Air Conditioning (MAC) Directive.

Documents:
The EC Regulation (No 842/2006) on certain F gases (http://www.bis.gov.uk/files/file30123.pdf)
The MAC Directive (http://www.bis.gov.uk/files/file30125.pdf)

Who is affected by the EC F gas Regulation?
The containment and recovery articles in the EC Regulation impact the commercial refrigeration, air-conditioning and heat pump sectors and the fire protection sector.
It also impacts the personnel involved in the installation, servicing and recovery of F gases from these systems, as well as from equipment containing F gas based solvents, high voltage switchgear and fire extinguishers.

Operators of relevant systems have a range of obligations including prompt leakage repair, leakage checking and record keeping and ensuring qualified personnel are used.

The EC Regulation will potentially impact a wider range of F gas users other than those set out above due to the recovery obligation in Article 4.3.

It will also impact upon producers, importers and exporters of F gases if they produce, import or export more than 1 tonne of F gases per annum as they will have to report to the Commission and Member States’ competent authorities on the amounts produced, imported and exported.

In addition, specified products and equipment that contain F gases will be subject to labelling requirements and specific uses of F gases and products that contain F gases are controlled or banned by the EC Regulation.

These cover certain uses of sulphur hexafluoride for magnesium diecasting, use of certain F gases in non-refillable containers, fire protection systems, tyres, one component foams, novelty aerosols, footwear and windows and self-chilling cans.

Guidance and interpretation:

The Commission has produced a guidance and interpretation document that provides the view of the Commission Services on various issues of the EC Regulation as a result of discussions with Member States. This should not be considered as a legally binding document.

The Commission will update the guidance and interpretation document as new issues arise.

Commission’s guidance and interpretation paper on certain issues arising from EC Regulation No. 842/2006 on certain fluorinated greenhouse gases (http://www.bis.gov.uk/files/file45069.doc)

UK government guidance and F-Gas Support

Key obligations in the Regulation have applied in the UK and the rest of the EU since 4th July 2007. The government is continuing to work with stakeholders to ensure that the EC Regulation is successfully implemented and its environmental objectives achieved.

Information sheets have been published which provide guidance on compliance with the EC Regulation in relation to individual industry sectors.

Defra is working closely with BSI, The Environment Agency, the Scottish Environment Protection Agency, LACORS (Local Authorities’ Coordinators of Regulatory Services) and the devolved administrations (DAs) to prepare for the implementation of a risk based enforcement approach to the EC Regulation and the 2009 GB Regulations that creates offences and penalties for failure to comply.

F-Gas Support is a government funded team set up to help organisations understand their obligations under both the EC F-gas and Ozone Regulations.

They will also be working with councils and national regulators to promote compliance with these important environmental regulations. F-Gas Support is being run on behalf of Defra and the DAs by LACORS and Enviros.

Future work relating to F gases:
There is to be a review of the EC Regulation in 2011 which will include an assessment as to the need for further activity by the European Community and its Member States in light of existing and new international commitments regarding the reduction of greenhouse gases.

Minutes of F gas industry stakeholder meetings:
10 October 2008: Stakeholder minutes, 16 January 2009: Stakeholder minutes

Contacts:
Anyone who would like to be included on our F gas stakeholder list for invites to stakeholder meetings or occasional mailings on the EC or GB F gas Regulations should send their details to:
stephen.cowperthwaite@defra.gsi.gov.uk

Enquiries relating to F gas should be sent to:
F-Gas Support: PO Box 481, Salford, M50 3UD
Telephone Helpline: 0161 874 3663
Email: fgas-support@enviros.com
Website: www.defra.gov.uk/fgas

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Packaging
Packaging and Packaging Waste Directive
The Packaging and Packaging Waste Directive (94/62/EC) is a single market measure, with environmental goals. The Directive applies to all packaging placed on the market within the EU, and all packaging waste—whether disposed of at industrial or commercial sites, or from private homes.

Overview
The Packaging and Packaging Waste Directive (94/62/EC) requires:
• packaging to be minimised
• packaging be designed for recovery and re-use.
• recovery targets to be met by the UK for waste packaging.
• heavy metals in packaging to be restricted

Responsibility for packaging is split between two government departments:
BIS leads on EU Directive single market and UK Packaging (Essential Requirements) Regulations. These are enforced by Trading Standards:
Trading Standards (http://www.tradingstandards.gov.uk/advice/consumer-advice.cfm)

Defra leads on broader UK waste and packaging policy and the UK Producer Responsibility Obligations (Packaging Waste) Regulations.

Latest developments


March 2012 INCPEN publication "Packaging and the Internet: a guide to packaging goods for multi-channel delivery systems" (http://www.incpen.org/docs/PackagingAndTheInternet.pdf) (with foreword from BIS, Defra and DCLG)


Am I affected?
The Packaging Essential Requirements Regulations require by law that the person responsible for packaging or filling products into packaging or importing packed or filled packaging into the UK, may only place that packaging on the market if it fulfils the Essential Requirements and is within the heavy metal concentration limits. UK guidance for business on the Regulations can be found below.


Consumer information
For advice and information on packaging reduction, disposing of waste packaging and how to report excess packaging to Trading Standards, see the Citizens Advice website.

Citizens Advice (http://www.adviceguide.org.uk)

Contact
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Packaging and Packaging Waste Directive – background
UK background

The Directive has been transposed into UK law by two regulations:

- The Packaging (Essential Requirements) Regulations 2003 (as amended)
- The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (as amended)

Packaging (Essential Requirements) Regulations

The regulations set out the requirements that all items of packaging must meet before being placed on the UK market. The essential requirements are, in summary:

- Packing volume and weight must be the minimum amount to maintain necessary levels of safety, hygiene and acceptance for the packed product and for the consumer
- Noxious or hazardous substances in packaging must be minimised in emissions, ash or leachate from incineration or landfill
- Packaging must be manufactured so as to permit reuse or recovery in accordance with specific requirements

The regulations are enforced by Trading Standards on behalf of BIS. They can investigate complaints of excessive packaging and can offer guidance on specific packaging products and proving compliance.

Methodological Standards have been developed which can be used to help comply with essential requirements. Full details of the standards are available from the British Standards Institute (BSI) [link](http://shop.bsigroup.com/en/Browse-by-Sector/Manufacturing).

Producer Responsibility Obligations (Packaging Waste) Regulations

The UK meets the Packaging Directive’s recycling and recovery targets for packaging waste through these regulations, which are based on the principle of the producer responsibility.

Companies above the threshold of a £2 million annual turnover and handling more than 50 tonnes of packaging a year pay for a certain proportion of the UK obligations to recycle packaging.

Companies fulfil their obligation by buying Packaging Waste Recovery Notes (PRNs) or Packaging Waste Export Recovery Notes (PERNs).

These have a market value which can fluctuate in relation to demand for the notes in relation to the supply of recycled material; the UK recycling targets set for that year; and the amount of PRNs/PERNs companies or compliance schemes already purchased.

Companies can join a compliance scheme to deal with their obligation for them, or directly register with enforcement authorities: the Environment Agency (in England and Wales), Scottish Environmental Protection Agency (Scotland) or Environment & Heritage Service (Northern Ireland). Further information is available on the Defra website.

Advisory Committee on Packaging (ACP)

[Link to Environmental regulations - Detailed guidance - GOV.UK](https://www.gov.uk/environmental-regulations)
The government set up the ACP to advise Defra and BIS on policy development relating to the Packaging Waste Regulations. The ACP is chaired by, and composed of industry representatives from across the packaging chain, with enforcement agencies and other government officials taking part.

Details of the ACP, appointments and details of sub-committees and working groups are available on the Defra website.

EU Background

The Packaging Directive aims of:

- harmonise national measures so as to prevent or reduce the impacts of packaging on the environment of all Member States and Third Countries and to remove obstacles to trade and distortion and restriction of competition; and
- prevent the production of packaging waste, and reduce the amount of waste for final disposal through packaging re-use, recycling and other forms of recovery.

European targets

The recovery and recycling targets set by the original Directive for packaging waste were revised in 2004 by an amending Directive 2004/12/EC, increasing the recycling targets to be by Member States by 2008 to 60% overall recovery of packaging waste; 55% minimum to 80% maximum recycling of packaging waste.

The amending Directive also set material specific recycling targets by weight, as follows: glass (60%), paper and board (60%), metals (50%), plastics (22.5%), and wood (15%). The UK achieved these targets at the end of 2008 and in some cases exceeded them, but must now at least maintain these levels.

Commission reports on implementation of the Directive

In December 2006, the European Commission announced that the recycling and recovery targets contained on the Packaging Directive are currently optimal and proposed these should remain stable to enable all the Member States to catch-up with these targets.

A study by Commission appointed consultants on the implementation of the Directive's Essential Requirements was published in 2010.

Article 21 Committee

The Article 21 Committee is the Directive's Technical Adaptation Committee (TAC) established by Article 21 of the Packaging Directive. It is chaired by the European Commission and its members are national experts of each Member State.

The committee meets once every 12-18 months to discuss issues on harmonisation and implementation of the Directive.

BIS makes public its unofficial notes from these meetings which are distributed via an BIS electronic mailing list. To be added to this list please email env.regs@bis.gsi.gov.uk Copies of the latest meeting notes can also be downloaded from the related documents section.

Restrictions on Hazardous Substances in Electrical Equipment

Restriction of Hazardous Substances in Electrical and Electronic Equipment
Directive

The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) Directive has single market goals and environmental aims, restricting the use of certain substances and reducing the environmental impact of waste.

Overview

The RoHS Directive (2011/65/EU) aims to minimise the environmental impact of waste electrical and electronic equipment, by restricting the quantities of 4 heavy metals and 2 brominated flame retardants that they may contain. It is implemented in the UK by the RoHS Regulations SI 2012/2032.

Previous RoHS Directive (2002/95/EC) for products placed on the market between 1 July 2006 and 1 January 2013

Current RoHS Directive (2011/65/EU) for products placed or made available on the market from 2 January 2013

Products placed on the EU market on or after 1 July 2006 up to and including 1 January 2013 may not contain more than the specified limits of lead, cadmium, mercury, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE).

This is limited to only certain categories of EEE, additionally with some exclusions and exemptions. For further advice see the BIS Guidance Notes, February 2011 (https://www.gov.uk/government/publications/rohs-regulations-government-guidance).

The new Directive applies to the same restricted substances as the original Directive. There is a transition period for additional categories of EEE which are coming into scope of the Directive. There are also changes to exclusions, exemptions procedures and new obligations for conformity, including CE marking for economic operators throughout the supply chain. For further advice see the BIS Guidance Notes, September 2013 (https://www.gov.uk/government/publications/restriction-on-the-use-of-certain-hazardous-substances-in-electrical-and-electronic-equipment-regulations-government-guidance-notes-rohs-2).

Latest developments


• July 2012 - BIOIS Final Report (http://rohs.biois.com/announcements-1/finalreport) for Commission Measures to be implemented and additional impact assessment with regard to scope changes, pursuant to the new RoHS Directive

• July 2012 - Commission RoHS2 (http://ec.europa.eu/environment/waste/rohs_eee/events_rohs3_en.htm) FAQ published

• June 2012 - European Commission consultation (http://rohs.exemptions.oeko.info/index.php?id=76) on 11 new RoHS exemption requests (closes 4 September)

January 2012 - European Commission stakeholder consultation to provide data and background information to define rules for complying with the RoHS concentration limits (http://rohs.biois.com/consultations)

January 2012 - European Commission consultation on 18 new RoHS exemption requests (http://rohs.exemptions.oeko.info/)

October 2011 - Commission Impact Assessment Study on final RoHS text. Stakeholders are urged to contribute to this study through the consultant’s website at (http://rohs.biois.com/)


Am I affected?

UK guidance for business on the Regulations can be found in our disposal of hazardous waste section (https://www.gov.uk/dispose-hazardous-waste)

Consumer information

Consumers should find that all products on sale are RoHS compliant, however they can report suspected non-compliance to the National Measurement Office (NMO) (http://www.bis.gov.uk/nmo/enforcement)

Advice on recycling products can be found in our recycling rubbish section (https://www.gov.uk/browse/housing/recycling-rubbish).

Contact us

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Directive on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) – background

Background information on the RoHS Directive, scope, implementation, exemptions and exclusions,
Enforcement, compliance and the Technical Adaptation Committee.

Scope

The Directive applies primarily to manufacturers, importers and distributors of Electrical and Electronic Equipment (EEE), including those who import these goods into the EU; those who export these goods to other Member States; and those who rebadge equipment that has been produced by others.

Previous RoHS Directive (2002/95/EC)

The previous RoHS Directive (2002) draws its scope from the Waste Electrical and Electronic Equipment (WEEE) Directive and applies to categories 1-7 and 10 that are listed under Annex 1A of the WEEE Directive, with the addition of electric light bulbs (lamps) and household luminaires. The 8 categories covered by RoHS are:

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer equipment
5. Lighting equipment
6. Electrical and electronic tools
7. Toys, leisure and sports equipment
8. Automatic dispensers

Categories 8 and 9

Two categories within Annex I of the WEEE Directive are currently excluded from the scope of the current RoHS Directive. These are category 8 (medical devices) and category 9 (monitoring and control instruments).

Current RoHS Directive (2011/65/EU)

The new RoHS Directive was published on 1 July 2011. It has its own scope. Initially this will cover the same categories as the 2002 Directive (categories 1-7 and 10). The scope is then expanded through staged increases as follows to introduce categories 8 and 9, as well as a new category 11.

From 22 July 2014, medical devices and monitoring and control instruments into scope.

https://www.gov.uk/environmental-regulations
From 22 July 2016, in vitro medical devices into scope.

From 22 July 2017, industrial monitoring and control instruments into scope.

Until 1 July 2016, reuse of recovered EEE spare parts in closed loop are exempt.

From 22 July 2019,
i) any product with any electrical function is brought into scope (new category 11).

ii) 2 wheel vehicles which are not type approved enter into scope.

All this is subject to an impact assessment and review due to be carried out by the Commission no later than 22 July 2014 which could recommend changes to scope.

Exclusions

Both the old and newDirective provide for certain exclusions from the scope of RoHS. Detailed information is provided in the Government Guidance Notes and for the new Directive in Article 2.

Exemptions

Previous RoHS Directive (2002/95/EC)

Article 5 of the RoHS Directive sets out the process for exemptions to be granted on the grounds that the use of alternative substances are either technically or scientifically impracticable.

Exemptions are for specific applications of the restricted substances and once agreed by qualified majority through a vote in the TAC, followed by publication of a Commission Decision in the EC's official journal, apply to all uses of the substance in that application: there is no requirement to register particular products or those companies taking advantage of the exemption.

The EC has put each batch of exemption requests it receives out to public consultation and then contracted independent technical consultants to make recommendations. Details of those consultations are available from the Commission's website (http://ec.europa.eu/environment/waste/rohs_eee/studies_rohs1_en.htm).

All exemptions agreed can be found by looking at the Annex to the RoHS Directive and subsequent Commission Decisions amending the Annex. Copies of both the text of the Directive and the current Decision (consolidating all earlier ones) can be found on the main RoHS page.

Current RoHS Directive (2011/65/EU)

Two list of exemptions are given in the Directive (Annex III and IV).

The new Article 5 sets out the process for exemptions to be granted on the grounds that such inclusion doesn't weaken the environmental and health protection of Regulation EC 1907/2006; and that their elimination or substitution via changes do not require use of items listed in Article 4(1) is scientifically or technically impracticable, the reliability of substitutes is not ensured; and finally, the total negative environmental, health and consumer safety impacts caused by substitution are enough to outweigh the total benefits of these.

Anyone can apply for an exemption, however as they are application rather than company specific, many choose to do so through their trade association on behalf of a sector or group of companies across Europe.

You can apply for exemptions under the new Directive, at any time after, the Directive’s into force date, 22 July 2011.
At EU level, the Technical Adaptation Committee (TAC), chaired by the European Commission and comprising of Member State representatives, considers follow up issues related to the RoHS Directive.

Implementation of the previous RoHS Directive (2002/95/EC)

The most recent set of RoHS Regulations (Statutory Instrument 2008 No. 37) implementing the first directive was laid before the UK Parliament on 11 January 2008 and came into force on 1 February 2008. These Regulations were updated in 2009, when amendng Regulations were laid before Parliament on 11 March and came into force on 6 April 2009. The Regulations were revoked on 2 January 2013 when the new Regulations entered into force.

Waste Electrical and Electronic Equipment


The scope covers a wide range of products intended for household and/or commercial use that are dependent on electrical currents or electromagnetic fields to work properly. You can find the UK regulations here:


Overview

The WEEE Directive is one of a small number of European Directives that implement the principle of 'extended producer responsibility'. Under this principle, producers are required to take financial responsibility for the environmental impacts of the products that they place on the market, specifically when those products become waste.

The Directive seeks to reduce the amount of such waste going to landfill by encouraging separate collection and subsequent treatment, re-use, recovery, recycling and environmentally sound disposal.

Am I affected?

The WEEE Regulations place legal obligations on the following types of organisations that handle electrical equipment:

- producers of household and non-household equipment (ie, manufacturers, professional importers or re-branders)
- distributors to household-end users (eg retailers, internet and other distance sellers)
- business end-users of electrical equipment
- WEEE treatment facilities
- exporters of WEEE

https://www.gov.uk/environmental-regulations
The requirements apply to all businesses irrespective of size. There are no exemptions for small and medium-sized companies. In addition, the Regulations also impact local authorities, waste management companies, and household consumers of electrical and electronic equipment.

BIS has produced detailed guidance (https://www.gov.uk/government/publications/weee-regulations-2013-government-guidance-notes) to help you determine whether the Regulations impact on you and where necessary what you must do to meet your legal obligations.

Producers of EEE

The obligations placed on producers of EEE and waste treatment facilities are enforced in England by the Environment Agency (http://www.environm ent-agency.gov.uk), in Wales by Natural Resources Wales (http://naturalresourceswales.gov.uk/splash?orig=/%20%20), in Scotland by the Scottish Environmental Protection Agency (SEPA) (http://www.sepa.org.uk/) and in Northern Ireland by the Northern Ireland Environment Agency (NIEA) (http://www.doeni.gov.uk/niea/). More information can be found on their websites.

The Vehicle Certification Agency (VCA) (http://www.dft.gov.uk/vca/enforcement/weee-enforcement.asp) enforces the obligations placed on producers to mark their equipment with the ‘crossed out wheeled bin’ symbol.

Distributors of EEE

The VCA enforces the obligations placed on distributors. More information can be found on the VCA website (http://www.dft.gov.uk/vca/enforcement/weee-enforcement.asp).

Advice to consumers

All retailers of electrical equipment support the recycling, recovery, and reuse of WEEE. Some retailers provide funding for your local authority recycling centre, other retailers take back waste electrical equipment in their stores for treatment. Your retailer should be able to advise you which of these two options they offer.

PAS 141

BIS worked with industry to establish PAS 141—a process management specification for the reuse of electrical and electronic equipment. Valpak are the administrator for the scheme. View the Valpak website (http://www.valpak.co.uk/NewsAndEvents/Events/Pas141Launch.aspx) for more information.

PAS 141 encourages the reuse of WEEE as promoted by the WEEE Directive and reduces the amount of WEEE sent to landfill. It will assure consumers that used equipment has been tested, is prepared and safe to use, is functional, free of protected data and backed by a warranty.

WEEEE latest developments

This section provides up-to-date information on current policy developments in Europe and the UK that are likely to impact on companies and organisations that have an interest in the UK Regulations on Waste Electrical and Electronic Equipment.

New WEEEE regulations

Following extensive consultation, new WEEEE regulations were laid before Parliament in December 2013 and came into force on the 1st January 2014.


Contact us
Email envregs@bis.gsi.gov.uk for further information on the UK WEEE Regulations.

More like this

All detailed guidance about

- Environmental regulations (https://www.gov.uk/browse/business/waste-environment/environmental-regulations)
- Manufacturing regulations (https://www.gov.uk/browse/business/manufacturing/manufacturing-regulations)