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WEEE Scope Guidance

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Summary

This guidance sets out the Environment Agency's view on the approach to be taken in assessing whether or not electrical and electronic equipment (EEE) is within the scope of the WEEE Directive and is **based on the law as it stands at the date of this guidance. Any changes in the law affecting the scope of the WEEE Directive will have to be considered when reading this guidance.**

If a dispute arises between a producer and the Environment Agency on the issue of scope, a detailed assessment on the facts of each case will have to be made using this guidance as the starting point for that assessment. This is non-statutory guidance based on our best interpretation of the Regulations. Any unresolved disputes will ultimately be decided by the courts.

Under the Restriction of Hazardous Substances in Electrical and Electronic Equipment (RoHS) Directive, new EEE containing more than the agreed levels of lead, cadmium, mercury, hexavalent chromium and two flame retardants (polybrominated biphenyl – or PBB – and polybrominated diphenyl ether – or PBDE) cannot be sold within the European Union.

The National Weights and Measures Laboratory (NWML) is the body responsible for ensuring UK businesses comply with the RoHS Directive. They have also provided guidance on which EEE products are covered by the RoHS Directive. You can find the guidance and other related information at the website www.rohs.gov.uk. Some products are specifically excluded from RoHS and not from WEEE, and vice versa.

Producers of electrical equipment should check with the NWML to see whether their products need to keep to the RoHS Directive. The Environment Agency is only responsible for ensuring compliance with the WEEE regulations and as such we cannot provide any advice or guidance on complying with the RoHS Directive.

1.0 Steps to take to decide if a product is EEE

To test whether a particular product is covered by the regulations, you should work through the following steps.

Step 1 Check whether the product or a comparable product is listed in schedule 2 of the regulations, (schedule 2 is reproduced at annex 1).

Step 2 Check whether the product is listed in annex 2 of this guidance document. This is a list of products on which we have already provided our interpretation as to whether or not they are covered by the regulations.

Step 3 Go through the 'decision tree', which is available on our website (www.environment-agency.gov.uk/weee) and in the Department for Business, Enterprise and Regulatory Reform's (BERR) guidance on the regulations (www.berr.gov.uk/sectors/sustainability/weee/page30269.html).

Sections 2 and 3 of this document provide more information, examples and general principles to help you answer the questions in the decision tree.

Step 4 If you are still not sure about a particular product after going through steps 1 to 3, you should raise a helpdesk query.

2.0 Decision tree

If you answer 'Yes' to the following two questions, the product will be covered by the regulations.

The only exceptions are where:

- the product is clearly exempt from the regulations;
- the product is a component part;
- the main function of the item does not depend on electricity; or
- the principles set out in this document lead to the conclusion that a particular product should be considered not to be covered by the regulations.

Q1 - Does the item need an electric current or electromagnetic fields to work?

Products that generate, transmit or use electric currents or electromagnetic fields to work and that fit within one of the **10 product categories** are covered by the regulations. Electrical products are not just those connected to a mains supply, but also include wind-up, battery-powered and solar-powered products.

Some products may contain electrical or electronic components, but will not use electricity as their main power source. In these cases, if the product depends on the electrical or electronic components to work, it will be considered to be covered by the regulations. For example, a gas catering oven that relies on electronic processors to control the temperature depends on the electronics to work, and so will be within the regulations. In contrast, a domestic gas cooker, which relies on gas as its main power

source, but which relies on electricity to power an electric clock and the ignition will be outside the regulations as it will still work as a cooker without electricity.

Q2 - Does the item's main function need electricity to work?

A product should be considered to be covered by the regulations if:

- its main function is powered electrically or electronically; **or**
- it is sold based on the idea that the functions that depend on electricity to work add an important feature and value to the product; **and**
- without the functions that depend on electricity, the equipment would not normally be used.

For example, a teddy bear whose main function is learning and entertainment and which relies on electricity to function is covered by the regulations. However, a talking teddy bear that speaks a few phrases or makes limited sounds would not be covered, as it would still carry out its main function without electricity. Novelty items that have an electrical component (for example, musical greetings cards) would not be covered by the regulations.

Clothing that has an added function which depends on electricity (for example, flashing trainers, spinning bow ties and heated gloves) would also be excluded.

Sports equipment that has electronic components or functions is still considered to be EEE, even if the electronic function is a secondary feature. This is because there is a specific sub-category in category 7 of the regulations to include 'Sports equipment with electric or electronic components'.

3.0 Exemptions

Items using more than 1,000 volts AC or 1,500 volts DC

Any EEE that uses more than 1,000 volts AC or 1,500 volts DC is exempt from the regulations.

The limits refer only to the input currents and do not apply to any alterations made later to the internal voltage of the product. Any equipment that connects to the normal electrical power supply or normal industry standard of a three-phase supply should be considered to be covered by the regulations, no matter whether the internal voltage of the equipment has been altered.

Items which are not in one of the 10 categories

If the product is not in one of the 10 product categories¹, it is not covered by the regulations. The 10 product categories listed in annex 1A of the WEEE Directive were created to cover all electrical and electronic equipment available at the time the directive was put together. Annex 1B then provided a list of the types of products or examples that may be found in each category.

¹ The regulations require the reporting of EEE and WEEE against these 10 categories plus 3 sub categories. For example fridges would fall into category 1, but must be reported in the sub category of Cooling Appliances. Further details on how data is to be reported can be found in the BERR guidance on the regulations (see link in section 1.0 under step 3)

As Annex 1B is not a full list, it may not always be clear if products new to the market, or products which use new technology, fit within the categories. In these cases, the purpose the product is used for will help decide which category it should be placed in.

The 10 product categories are:

- Large household appliances
- Small household appliances
- IT and telecommunications equipment
- Consumer equipment
- Lighting equipment
- Electrical and electronic tools
- Toys, leisure and sports equipment
- Medical devices
- Monitoring and control instruments
- Automatic dispensers

An example of equipment that would not be covered by one of the 10 categories would be electric vehicles. As a result, electric-powered cars and vans would be exempt from the regulations.

All 10 categories cover both household and non-household products. The first two categories include 'household' in the title, this does not mean that similar products used or designed for non household use are excluded. All products which fall into the above categories, regardless of whether they are used in a household or non household environment are covered by the regulations. For example industrial fridges in a retail outlet would be considered to be in category 1 (and reported in the sub category of Cooling Appliances).

Items which are not finished products

Component manufacturers are not considered to be EEE producers for components they make and supply to a producer or re-brander who uses them to form a finished electrical product. This includes manufacturers of transistors, motors, wiring, diodes, capacitors or sub-assemblies.

Components that are sold as finished products and sold separately to the business or consumer and installed by the user (for example, a replacement sound card or disk drive for a PC) will be covered by the regulations.

Accessory items such as audio headphones, computer keyboards, antennas and connecting cables are considered to be finished products when they are sold. As a result, they are EEE.

Finished products that form part of an electrical system of products where the components of that system may be produced by different companies would be considered to be covered by the regulations. For example, a security system made up of a camera, monitor and alarm box would all be covered, even if each component of the system was made by a different company.

Items meant for specific national security and military purposes

Arms, weapons, ammunition and other products used in warfare are exempt from the regulations. However, if a product is not specifically designed or meant for military purposes, the exemption does not apply. For example, computer, office or catering

equipment supplied to the military or the security services would still come within the regulations.

Items that form part of equipment not covered by the regulations

If EEE is built into another product or structure that is not covered by the regulations and, as a result, loses its identity, original character or function so that it no longer falls into any of the 10 categories, it will be considered to be outside the regulations.

For example, a car stereo is covered by the End of Life Vehicles (ELV) Directive and will not be within the WEEE Directive.

Items in category 5 – household lighting equipment

There is a specific exemption from the WEEE regulations for household luminaires. By 'luminaire', we mean lighting equipment, and this covers all domestic light fixtures and fittings, including table lamps, standard lamps, decorative and Christmas lights. This exemption also covers household garden and security lighting. Luminaires used in business or industry are not exempt. Torches are not considered to be 'lighting equipment' and should be included in category 2. This exemption covers light fittings only. Bulbs (also known as lamps within the lighting industry) are considered separately (see table 1).

Note: household lighting equipment is **not** exempt from the RoHS regulations.

Table 1

	Filament bulbs	Lighting units (for example, chandeliers, standard lamps and table lamps)	Fluorescent tubes	Compact fluorescent lamps (CFL)	Decorative lamps (for example, lava lamps, fibre-optic lamps and garden lighting)	Decorative string lights (for example, Christmas tree lights and fairy lights)	Torches, bicycle lamps, electric lanterns
Household	Out	Out	In (declared as sub category gas discharge lamps)	In (declared as sub category gas discharge lamps)	Out	Out	In category 2 (not considered household lighting equipment)
Non-household	Out	In category 5	In category 5 (declared as sub category gas discharge lamps)	In category 5 (declared as sub category gas discharge lamps)	In category 5	In category 5	In category 2

In = covered by the regulations

Out = not covered by the regulations

Items in category 6 – electrical and electronic tools (except for large-scale industrial tools)

Large-scale stationary industrial tools (LSIT) are excluded from category 6. They can be defined as **tools** that are:

- a combination of several pieces of equipment, systems, finished products or components designed to be used in an industrial environment only;
- put together by an assembler or installer at a given place and designed to be permanently fixed; and
- put together at a given place to be used in a specific environment to perform a specific task.

Single, stand-alone tools would not be covered by this exemption. For example, lathes, milling machines and packing machines would be classed as EEE.

Separate equipment that forms part of a LSIT (for example, display screens, control panels and so on) would still be classed as EEE.

There are not many examples of LSIT, but an offshore drilling platform, a wind farm or a car-manufacturing production line or similar purpose-built production line sold as a complete and specific piece of equipment would qualify.

Items in category 8 – medical devices (except for all implanted and infected products)

The producer should decide if the product will become contaminated during the course of being used. If they decide this may happen and can justify it, the product can be considered to be outside the regulations.

If there is more than one item that together make a medical device, and only part of that device is likely to become infected, the non-infected part could still be classed as EEE. An example would be a transcutaneous electrical nerve stimulator (TENS) machine with an attachable probe. The TENS machine could be classed as EEE, but the probe would not be included as it is likely to become infected.

Medical devices only covers devices used in human medicine. Veterinary medical devices and electrical equipment is likely to fall under a different category, depending on its function and purpose.

4.0 Orgalime guidance

The Orgalime guide is a document companies sometimes quote to prove they are not covered by the regulations. The Environment Agency, Scottish Environment Protection Agency and Northern Ireland Environment Agency have published the following statement about the Orgalime guide.

“The Orgalime guide has been produced by representatives from industry and reflects their views on the interpretation of the directives associated with EEE. It attempts to cover the widest possible scope of EEE scenarios for both RoHS and WEEE.

It is not a European Commission (EC) or national government sponsored document and it should be made clear that using such a document in isolation may draw organisations into conflict with others who have sought more authoritative or official views.

Whilst it contains a lot of useful information and the interpretations of the trade bodies involved, it does not agree on all matters with the interpretations being applied by national governments and enforcement agencies.

The primary sources of interpretative information in the absence of directly or indirectly applicable case law are documents issued by the EC and other official documents issued by government.

In trying to use this document for WEEE (and RoHS) compliance it would be necessary to draw on other sources of complementary and authoritative information before coming to a decision to help determine whether your products might be within the scope of the WEEE or RoHS directives or not.

We support industries that have demonstrated a positive approach to this new directive, attempting to provide information that will help individual companies better understand its requirements. As experience of implementing the directive and enforcement activity across the EU begins to increase it is hoped that those areas where interpretations are not the same can be further addressed. It is hoped that they will also be addressed by the EC in the preparation of its review of the directives later in 2008.”

5.0 B2B and B2C

Under the regulations, there are two types of EEE, depending on who uses or buys that equipment. One type of EEE is meant for use in private households (known as household or ‘business to consumer’ or ‘B2C’) and the other type is meant for use anywhere other than private households (known as non household or ‘business to business’ or ‘B2B’).

Producers must declare the total weights of both types of EEE that they place on the market. In many cases, this will be straightforward for example, a domestic washing machine will be of a different capacity and design than a washing machine used in an industrial laundry. The former would be reported as B2C and the latter as B2B.

Products that are identical for both users are initially defined as household EEE, unless there is evidence to prove that the EEE is for users other than households. This is because household EEE has different responsibilities under the regulations, and the costs of treating household WEEE must be paid by the producer and their compliance scheme, based on the producer’s market share of that product.

In order for a producer to support a claim that EEE which is the same or similar to household EEE is in fact non household EEE they must meet one of the following 2 conditions.

- 1 There must be evidence, in the form of signed contract between the producer and the business user (or someone representing the producer – for example, a reseller under contract), that clearly sets out who is responsible for the costs of collecting and treating the EEE at the end of its life, making sure that the equipment will not be disposed of with normal waste.

or

- 2 There must be evidence that the EEE will not be used in private households and disposed of with normal waste. This should be supported by either one or a combination of the following conditions.
- The EEE must be operated by specialised software (for example, an operating system that needs to be set up in a special way for professional use).
 - The EEE must be operated at a voltage, or use an amount of power, outside the normal range available in private households.
 - The EEE must only be operated by someone who has a professional licence to do so. (For example, base stations can only be operated by someone who is licensed by the telecommunications regulator.)
 - The EEE must be a large size or weight, or need to be installed and taken apart or transported by specialists.
 - The EEE must need to be used in a professional environment or by someone with a professional education (for example, medical X-ray equipment).
 - The EEE must fall within category 10 of annex 1A.
 - The EEE must fall outside the General Product Safety Directive for consumer products.
 - The producer must provide statistics to show that a particular type of EEE is not disposed of with normal waste.

Annex 1 – List of products from schedule 2 of the regulations

1. Large household appliances

Large cooling appliances

Refrigerators

Freezers

Other large appliances used for refrigeration, conservation and storage of food

Washing machines

Clothes dryers

Dish washing machines

Cooking

Electric stoves

Electric hot plates

Microwaves

Other large appliances used for cooking and other processing of food

Electric heating appliances

Electric radiators

Other large appliances for heating rooms, beds, seating furniture

Electric fans

Air conditioner appliances

Other fanning, exhaust ventilation and conditioning equipment

2. Small household appliances

Vacuum cleaners

Carpet sweepers

Other appliances for cleaning

Appliances used for sewing, knitting, weaving and other processing for textiles

Irons and other appliances for ironing, mangling and other care of clothing

Toasters

Fryers

Grinders, coffee machines and equipment for opening or sealing containers or packages

Electric knives

Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances

Clocks, watches and equipment for the purpose of measuring, indicating or registering time

Scales

3. IT and telecommunications equipment

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)
Notebook computers
Notepad computers
Printers
Copying equipment
Electrical and electronic typewriters
Pocket and desk calculators
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
Other products or equipment of transmitting sound, images or other information by telecommunications

4. Consumer equipment

Radio sets
Television sets
Videocameras
Video recorders
Hi-fi recorders
Audio amplifiers
Musical instruments
Other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications

5. Lighting equipment

Luminaires for fluorescent lamps with the exception of luminaires in households
Straight fluorescent lamps
Compact fluorescent lamps
High intensity discharge lamps, including pressure sodium lamps and metal halide lamps
Low pressure sodium lamps
Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs

6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)

Drills
Saws

Sewing machines

Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials

Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses

Tools for welding, soldering or similar use

Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means

Tools for mowing or other gardening activities

7. Toys, leisure and sports equipment

Electric trains or car racing sets

Hand-held video game consoles

Video games

Computers for biking, diving, running and rowing

Sports equipment with electric or electronic components

Coin slot machines

8. Medical devices (with the exception of all implanted and infected products)

Radiotherapy equipment

Cardiology

Dialysis

Pulmonary ventilators

Nuclear medicine

Laboratory equipment for *in-vitro* diagnosis

Analysers

Freezers

Fertilization tests

Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability

9. Monitoring and control instruments

Smoke detector

Heating regulators

Thermostats

Measuring, weighing or adjusting appliances for household or laboratory equipment

Other monitoring and control instruments used in industrial installations (for example, in control panels)

10. Automatic dispensers

Automatic dispensers for hot drinks

Automatic dispensers for hot or cold bottles or cans

Automatic dispensers for solid products

Automatic dispensers for money

All appliances which deliver automatically all kind of products

Annex 2 List of previous guidance

The following table sets out how we have interpreted the regulations for a number of products we have been asked about. These products are not listed specifically under schedule 2 of the WEEE regulations. The purpose of listing these interpretations here is to provide some examples which underpin the decision tree and help illustrate the principles of determining what is covered by the regulations and what is not.

Product	In or out?	Category	Comments
Air conditioning	In (see comment)	Category 1 (declared as category 12 if it contains substances used for refrigeration)	Portable air conditioning units are covered. Air conditioning installed as part of equipment that is not EEE (for example a building) is exempt. This decision may be reviewed by the European Parliament in the future.
Air filtering and extracting systems	In	Category 6	Portable units are covered. Units installed as part of equipment that is not EEE (for example a building) as exempt.
Air fresheners, perfume sprayers (the 'plug-in' or battery types)	In	Category 2	
Battery chargers	In	See comment.	The charger should be in the same category as the item that it charges (for example, a mobile-phone battery charger would be in category 3, while a camera battery charger would be in category 4). General battery chargers should be included in category 2.
Batteries	See comment.		Batteries are included in the weight of EEE if they are supplied with an item of electrical equipment. Batteries sold separately are not EEE.
Car-park and traffic management electric barriers	In	Category 9	
Car diagnostic equipment	In	Category 3	Equipment that is plugged into the car's central processing unit to diagnose and record faults depends on electricity to work, and so is classed as equipment that is used to process information electronically.
Chip and PIN credit or debit cards	Out		

Decorative lights, festive lights, lava lamps, fibre-optic lights, night lights and so on	Out	Does not apply	All household light fittings are exempt from the regulations. However, they are not exempt from the RoHS regulations.
Display equipment	In	Category 11	All display equipment (including CRT TVs, plasma screens, LCDs and so on) should be declared as category 11 – display equipment. TVs should not be included in category 4 and computer screens should not be included in category 3. Display screens that are a vital part of another product (for example, laptop screens, mobile-phone screens and mp3 player screens) should be declared in the category for the relevant equipment – laptops (category 3), mobile phones (category 3), mp3 players (category 4) and so on.
Disposable cameras	In	Category 4	Disposable cameras that are recycled should be declared as non-household EEE. Such cameras are normally returned to a film processor, who will either recycle the camera or discard it.
Electric showers, immersion heaters, hot-water cylinders	In	Category 1	Some producers have argued that these types of products are ‘fixed installations’, as they are part of systems that are not electrical. However, they are finished products that rely on electricity and do not lose their identity, character or function when fitted.
Extension cords, multi-terminals, adaptors and leads	In	Category 2	If these products are not sold in relation to a specific product, they should be declared as category 2.
Electric fences	In	Category 6	
Fire-alarm systems	In	Category 9	Finished products that rely on electricity and form part of a fire-alarm system are included as EEE. This could include smoke detectors, alarm bells, lighting, sprinklers and so on.
Fish tanks	In	Category 7	A fish tank that has a built-in light, heater and pump and is sold as a single commercial unit is classed as EEE. The whole weight of the item should be included.
Fixed installations	See comment.		The term ‘fixed installation’ is used in an EU guidance document on the WEEE and RoHS directives. This guidance is not enforced by law and there is no reference to the term in the UK regulations. The term has been widely used by companies who want exemptions for their products. There is no exemption for a ‘fixed installation’. The only exemptions are those listed in section 3. The term

			'fixed' is often used to describe products which may be fitted to or within a building (for example, a machine that is bolted to the floor), in such cases the 'fixing' does not exempt the product.
Furniture with electrical components	Out		Items of home furniture with electrical components (for example, an electric bed, electric chair and so on) are considered not to be covered by the regulations. The main function of the item is 'furniture', which is not a category in the regulations, and the electrical component becomes part of equipment that is not electrical.
Gas turbines	Out		Gas-powered turbines used to create electricity are outside the regulations as they do not rely on electricity to work.
Hearing aids	In	Category 8	
In-car entertainment	In	Category 4	Portable DVD players, radios and stereos that rely on a 12-volt power supply and are not permanently installed in the vehicle are covered by the regulations. A car radio that is purchased separately to be permanently installed in a vehicle and wired into the car's electrical system, and likely to remain with the car until it is sold or scrapped, would be considered out of scope.
Illuminated fire-exit sign	In	Category 5	
Loadbanks (testing systems for electric power supplies)	In	Category 9	
Loft ladders with electronic controls	In	Category 2	
Massage chairs and massage appliances	In	Category 1 or 2	Large massage chairs should be included as category 1. Massage pads that fit onto chairs and other massage equipment is category 2.
Memory cards, USB sticks, SIM cards	In	Category 3	
RFID (radio-frequency identification devices) radio tracking devices, including pet ID chips, anti-theft devices and electronic tags for	In	Category 9	The only exception is where a RFID is a security feature which forms part of the packaging of a product.

criminals			
Power-supply units	In	See comment.	These act as transformers to alter the voltage or current, and so are finished products in their own right. They should be included in the same category as the products they come with (for example, mobile phone, laptop and so on).
Pumps, filters, fountains and so on for garden ponds	In	Category 6	
Roller screen with electronic winder functions	In	Category 2	
Satellite navigation (sat nav) systems	In	Category 3	Portable 'sat nav' systems are covered. 'Sat nav' systems that are permanently fixed and wired into a vehicle or yacht would be part of the vehicle, and are not be covered by the regulations.
Security systems including CCTV	In	Category 4	Security systems which include motion sensors, video cameras or still cameras and display equipment and so on are classed as category 4 – equipment for recording or reproducing sound or images.
Spa baths, hydrotherapy baths, computerised massage baths	In	Category 1	Although the main function of these items is a bath, a large part of the function and feature of the product is based on the added value provided by the electrical functions.
Solar panels	Out	Does not apply	Solar panels on their own are not considered to be covered by the regulations. However, under article 13 of the WEEE directive, there is an option to have them included at a later date if this is recommended by the Technical Adaptation Committee.
Spare parts	Out		Spare parts supplied to repair EEE are not covered by the regulations, as they are not considered to be components or finished products. Note: spare parts may have to meet RoHS regulations. Producers should make sure their products keep to the requirements.
Solar-powered items such as calculators, watches, garden pumps, phone chargers and so on	In	See comment.	The category will depend on the product.
Stairlifts	Out	Does not apply	Stairlifts and other lifts (for example, escalators) are not in any of the EEE categories and so are considered to be outside the regulations.
Sunbeds	In	See comment.	Sunbeds are classed as category 2 and fluorescent bulbs should be included in category 5.

Taps with built-in lights	Out	Does not apply	The main function of the item is a tap, and does not need electricity.
Torches	In	Category 2	
Traffic lights	In	Category 9	
Under-floor heating systems (if powered by electricity)	In	Category 1	
Utility meters – powered by electricity	In	Category 9	
Water coolers – bottle or mains supply	In	Category 1 (or category 12 if it contains substances used for refrigeration)	
Wind turbines	See comment.	Category 6	Large wind turbines would qualify as large-scale industrial tools and so would be exempt from the regulations. Small-scale wind turbines that could be used by a household, smallholding or at the roadside should be included in category 6.
Wind-up torches and radios	In	See comment.	These still rely on electricity to work, no matter whether the electricity is generated by the wind-up system. The category will depend on the product.