



## IMPORTANT: Solar panels now caught by WEEE regulatory regime

Solar PV panels are now subject to the European producer responsibility regime for the safe disposal of waste electrical and electronic equipment ("WEEE").

Under the new regime, those who manufacture, import or rebrand PV panels must ensure that they register with a Producer Compliance Scheme ("PCS") and distributors are required to take back old equipment free of charge. This briefing note summarises the changes to the WEEE regime and provides an overview of how these changes affect producers of PV panels, with a particular focus on those importing PV panels for large scale solar developments.

### Changes to the WEEE Regulations

The Waste Electrical and Electronic Equipment Regulations 2013 ("the 2013 Regulations") came into force on 1 January 2014, implementing the recast WEEE Directive 2012.

The original WEEE Directive 2002 covered a range of electrical and electronic equipment ("EEE") used by consumers and businesses. The implementing WEEE Regulations 2006 placed responsibility on EEE producers to fund the management of WEEE that arises from products placed on the UK market.

The 2013 Regulations extend the ten original WEEE categories to cover a wider range of EEE, and this now includes solar PV panels. Although some EEE is not caught by the new regulations until 1 January 2019, PV panel producers and distributors must comply with its requirements from 1 January 2014.

### Are you a 'producer'?

Under the 2013 Regulations, 'producer' refers to:

- UK-based manufacturers of EEE (i.e. those who physically produce EEE);
- those who import EEE into the UK market (either for on-sale or direct installation); and
- those who re-label EEE to place on the UK market under their own brand.

### How does this affect the solar PV panel supply chain?

The definition of 'producer' under the 2013 Regulations is broad and those businesses importing PV panels for installation on large-scale commercial and renewable developments are likely to be caught.

The waste disposal and financing obligations for producers of non-household WEEE are directly linked to individual purchases and discards by users.

All producers of EEE are legally required to register with an approved Producer Compliance Scheme ("PCS"), an industry managed take-back and recycling scheme. Through registration with a PCS, producers finance the cost of collection, treatment, recycling and disposal of:

- Their own EEE placed on the UK market; and
- Any WEEE that their products replace.

The new regime also allows producers and non-household EEE users to conclude independent agreements for the treatment of WEEE using other financing methods. Producers must inform the PCS provider of the amount of EEE, in the business-to-consumer and/or business-to-business category, which they place onto the UK market in each compliance year.

A *de minimis* threshold has been introduced, such that producers who place less than five tonnes of EEE onto the UK market in a compliance year will meet their obligations through registration with the relevant environment agency and are not required to join a PCS for the following compliance year.

The anticipated lifespan of PV panels used in new projects means that many panels are not due to come out of use for another 25 to 30 years, and therefore the financing of safe disposal may not be a significant financial concern for some time. However, compliance with the regulatory scheme is still required now.

*continued overleaf*

## Producers: what you need to do now

From 1 January 2014, all manufacturers, importers and re-branders of PV panels must:

- ensure that PV panels are marked with the WEEE symbol (a crossed-out wheeled bin);
- keep records for at least four years of amounts of EEE placed on the UK market, broken down by categories listed under the regime;
- sign up to an approved PCS; and
- provide their customers with information as to the treatment and disposal arrangements they provide for EEE once it reaches its end-of-life.



## How we can help?

Burges Salmon has a dedicated environment and energy team and regularly advises on compliance with environmental regulation within the energy sector and throughout the energy supply chain. We are familiar with many of the key compliance schemes and can assist your business with understanding the effect of the 2013 Regulations on the EEE market in the UK and support your compliance with its provisions and registration with an approved PCS.

Producers of household PV panels have slightly different compliance obligations under the new regime, which we can also advise on.

## Contacts



**Ross Fairley**  
Partner

0117 902 6351  
ross.fairley@burges-salmon.com



**Simon Tilling**  
Senior Associate

0117 902 7794  
simon.tilling@burges-salmon.com

Burges Salmon LLP, One Glass Wharf, Bristol BS2 0ZX Tel: +44 (0) 117 939 2000 Fax: +44 (0) 117 902 4400  
6 New Street Square, London EC4A 3BF Tel: +44 (0) 20 7685 1200 Fax: +44 (0) 20 7980 4966

[www.burges-salmon.com](http://www.burges-salmon.com)

Burges Salmon LLP is a Limited Liability Partnership registered in England and Wales (LLP number OC307212) and is authorised and regulated by the Solicitors Regulation Authority. A list of members, all of whom are solicitors, may be inspected at our registered office: One Glass Wharf, Bristol BS2 0ZX.

© Burges Salmon LLP 2014. All rights reserved. Extracts may be reproduced with our prior consent, provided that the source is acknowledged. Disclaimer: This briefing gives general information only and is not intended to be an exhaustive statement of the law. Although we have taken care over the information, you should not rely on it as legal advice. We do not accept any liability to anyone who does rely on its content.

Data Protection: Your details are processed and kept securely in accordance with the Data Protection Act 1998. We may use your personal information to send information to you about our products and services, newsletters and legal updates; to invite you to our training seminars and other events; and for analysis including generation of marketing reports. To help us keep our database up to date, please let us know if your contact details change or if you do not want to receive any further marketing material by contacting [marketing@burges-salmon.com](mailto:marketing@burges-salmon.com).