

WEEE and Batteries Regulations

June 2013

Placed on the market – reporting ‘put on the market’ data for Batteries and WEEE

The definition of “Placed on the Market” does not appear in the WEEE or Batteries Regulations. We therefore rely on the definition given in the Blue Book, (European Commissions Guide to the implementation of directives based on the New Approach and the Global Approach). Placing on the market is taken as the initial action of making a product available for the first time with a view to distribution on the UK market.

This is considered to take place when a product is transferred from the stage of manufacture or by import, with the intention of distribution or use in the UK. The product is transferred either when the physical hand-over or the transfer of ownership takes place.

Examples of transfer include:

- sale, loan, hire, leasing and gift;
- from a UK manufacturer to a distributor in the UK;
- from a UK manufacturer to the final consumer or user in the UK;
- from a manufacturer outside the UK to an importer in the UK, or to the person responsible for distributing the item in the UK;
- direct from a manufacturer, or authorised representative, to the final user or consumer. These principles apply to each individual item, not to a type of product.

The WEEE and Batteries Regulations both state that producers must declare the amount of goods they “put on the market in the United Kingdom”.

Therefore it is clear that it is not the act of supplying or selling the EEE or batteries on that is the point of obligation, it is where the item is made available for sale in the UK, and should include any EEE or batteries imported into the UK or those that are manufactured in the UK and available for sale. The ‘sales’ and ‘available for sale’ data sets may be different for instance if stock is held in a warehouse over an extended period of time.

Both the Batteries and WEEE Regulations ask for “in-year” data so producers could import products and not know whether the products will be sold to users in the UK or exported for use abroad. Producers are not required to report products that are known to be going for export at the time of import or products where there is evidence they were always destined for export such as those with non-UK voltages, specifications, packaging or instruction booklets.

We have previously taken a pragmatic approach, to allow actual sales figures to be used where they accurately reflect the tonnage of EEE or batteries made available for sale. Where the two data sets are different the producer should declare the tonnages based on the 'placed on the market' data. We would consider enforcement action if we suspected that the producer was deliberately misrepresenting the data for financial gain.

Therefore it is the responsibility of the producer to accurately report their tonnage of items placed on the market, and if using sales figures as opposed to placed on the market figures to explain why their activities result in two data sets which are broadly similar.

To the extent that the sales data reflects all EEE or batteries put on the market in the UK by the company, the company would be compliant with the Regulations if they report this figure.

Data on EEE or batteries that are subsequently exported by a 3rd party after being sold in the UK must be included in the data and should not be deducted. Where products are imported and made available for sale either in the UK or overseas, the data must include the products that are exported as they have initially been placed on the UK market and could be purchased by someone in the UK. Using sales figures in these circumstances would not be appropriate as they would not accurately reflect the amount of batteries put on the market.

If batteries and EEE are imported and held in a warehouse or not made available for distribution in the UK then they wouldn't have to be declared as placed on the market.

With regards to battery data reporting there is a currently a voluntary scheme whereby producers can declare information on battery exports allowing government to make an assessment of the proportion of batteries sold abroad and not becoming waste in the UK.