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Date 6 August 2007

Dear Colleagues

### **Waste Electrical and Electronic Equipment Regulations 2007 - Letter to Lamp Producers**

It has been brought to the attention of the Department for Business, Enterprise and Regulatory Reform (BERR), formally the Department of Trade and Industry, that you are seeking to impose a surcharge or visible fee on lamps under the WEEE Regulations.

A notice recently circulated by yourself to your customers stated a requirement under the regulations for an additional charge to be added to each lamp and fitting, to cover the cost of treating and recycling under the Regulations.

This statement is not true for the following reasons and should be withdrawn immediately.

Regulation 40 (2) allows the producer of electrical and electronic equipment (EEE) (as defined by the WEEE Regulations) to show the purchaser (i.e. the consumer) at the time of sale of new EEE the cost of financing the collection, treatment and environmentally sound disposal of WEEE from private households. Regulations 40(4) make it an offence for a person to intentionally obstruct a producer from doing so. Regulation 40 applies only to the cost of financing WEEE from private households. The purpose of displaying such information is to help educate the consumer on the environmental impact of their purchase.

The no obstruction provision only applies to the producer's right to show the purchaser the cost of dealing with an equivalent item of WEEE. For example,

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through a sticker attached to a product, a statement on packaging or within user information leaflets.

Importantly Regulation 40 does not give a producer the right to unilaterally impose an additional charge on a purchaser to cover the cost of treatment and recycling as required by the regulations.

It should also be noted that where producers choose to exercise their right to show the cost of financing WEEE to the purchaser such costs should not exceed the actual costs incurred; and that such a right is only permissible until February 2011 in relation to category 2 to 10 products and February 2013 in relation to category 1 products.

I would be grateful if you could clarify this position with your customers and provide confirmation to [Kath.Barker@berr.gsi.gov.uk](mailto:Kath.Barker@berr.gsi.gov.uk) as soon as possible.

Kath Barker  
WEEEE Implementation Team