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# Chapter 1 – Introduction

1. This interim guidance applies from 1 January 2014. It will be reviewed once the European Commission publish a final version of their own guidance, a draft copy of which is currently available at:  
[http://ec.europa.eu/environment/waste/weee/pdf/faq\\_weee2.pdf](http://ec.europa.eu/environment/waste/weee/pdf/faq_weee2.pdf)
2. This guidance aims to provide specific advice over and above EU level guidance, and needs to be read in conjunction with that document.
3. This guidance is intended primarily for use by businesses, public and third sector organisations and individuals involved in the sale, purchase and disposal of electrical and electronic equipment (EEE). There are specific chapters in this guidance covering different groups. The guidance applies to those businesses and individuals conducting such activities from the 1 January 2014. It should be read in conjunction with the [draft Waste Electrical and Electronic Equipment Regulations](#) published on 11 October 2013
4. This guidance is not intended to cover every situation and you may need to carefully consider how the regulations (and any other relevant legislation) applies in your specific circumstances. However, following this guidance should help you to understand how to comply with your obligations under the regulations and the law.
5. The environment agencies established in England, Wales, Scotland and N Ireland enforce to the regulations insofar as they relate to producers, producer compliance schemes and treatment facilities. The VCA is responsible for enforcing the distributor obligations and the requirement to mark products with the crossed-out wheeled bin symbol. These agencies have produced more detailed guidance and information on some aspects of the regulations.
6. This guidance has been designed to comply with the “Code of Practice on Guidance on Regulation 2009”. This was published in October 2009 and a copy can be downloaded from the [www.gov.uk](http://www.gov.uk) website.

# Chapter 2 - Scope of the WEEE Regulations from 1 January 2014

7. The Waste Electrical and Electronic Equipment (WEEE) Regulations apply to all Electrical and Electronic Equipment (EEE) placed on the market in the UK covered by the scope of the Regulations. There are three questions to ask when considering the scope of the WEEE Regulations.

1. Is the item EEE? The Regulations contain a definition of EEE in Part 1, regulation 2 - Interpretation.
2. Does the item of EEE fall into 1 of the 10 categories listed in Schedule 1 of the Regulations?
3. Is the item specifically exempt under Regulation 8 or excluded in Regulation 9?

## **New Products in Scope from 1<sup>st</sup> January 2014**

8. From 1 January 2014 photovoltaic panels, which are included in Category 4 “Consumer Equipment and Photovoltaic Panels”, will come in to the scope of the Regulations for the first time. The categories can be found in Schedule 1 of the Regulations.

## **Move to Open Scope from 15 August 2018**

9. From 15 August 2018 the scope is widened to include all EEE, unless specifically excluded. The categories of EEE will also change so that all EEE falls into one of the six categories listed in Schedule 3 of the Regulations.

The information on product scope in paragraph 1.3 of the [Commission's FAQ on the original WEEE Directive](#) remains valid with the addition that photovoltaic panels are in scope. This will shortly be updated. A [draft FAQ for the new Directive](#) has been published by the Commission.

# Chapter 3 - Consumers of Household EEE

10. Consumers of EEE do not have any obligations under the Regulations. The WEEE Directive provides that Member States should encourage consumers who use EEE to participate in the separate collection of this equipment at the end of its life.

11. Consumers can access a network of designated collection facilities (DCFs) throughout the UK at which they can return WEEE free of charge. There may also be further collection facilities available locally. WEEE can be discarded at specific civic amenity (CA) sites around the country. All distributors of EEE for household use have an obligation to provide information in writing to householders about the separate collection facilities available for WEEE. Distributors will typically be retailers and distance sellers, such as those selling on-line. You can find the nearest WEEE recycling centre at: [http://www.recyclenow.com/why\\_recycling\\_matters/electricals/index.html](http://www.recyclenow.com/why_recycling_matters/electricals/index.html)

12. Distributors must either be able to direct the consumer to a network of collection facilities (usually through membership of the Distributor Takeback Scheme (DTS)), or offer in-store take-back to the householder, free of charge, when supplying new EEE on a like-for-like basis. All distributors of EEE must declare, if requested by householders, which of these options they provide.

13. Householders are not entitled to free collection of WEEE through these regulations. A distributor, local authority or a producer may choose to offer collection as part of their customer service either free of charge or on payment of a reasonable fee to cover transport and handling costs.

14. A consumer who purchases an item of EEE abroad and brings it into the UK for personal use is not considered to be a producer. You are entitled to free take-back of this item at the end of its life in just the same way as items purchased in the UK.

## **In-Store Take-Back**

15. Distributors choosing to provide in-store take-back services for householders must do so on a like-for-like basis on the purchase of a new equivalent item or an item which has the same or similar functions.

16. The householder has the right of return where the waste equipment is of equivalent type or fulfils the same function as the new equipment being supplied. Consumers will often buy new products with more or improved functions to replace old ones and therefore, the product being purchased does not need to be identical in all respects to the product being returned in order for the right of return to apply. The Government expects both parties to adopt a common sense approach to the issue of what is 'like-for-like' in respect of take-back.

17. From 1<sup>st</sup> January 2014 retailers who are not members of the DTS and are supplying EEE from premises with a sales area relating to EEE exceeding 400m<sup>2</sup> are now required to take back very small WEEE free of charge to end users and with no obligation to buy

EEE of an equivalent type. The collection of very small WEEE must be at the retail premises or in its immediate proximity. "Very small WEEE" means items with no external dimension (i.e. height, depth, length) more than 25cm. The diameter should be taken as the dimension of spherical products.

### **Free Take-Back by Distance Sellers**

18. A distance seller (e.g. an internet retailer, mail order retailer or a tele-sales retailer) also needs to fulfil the obligations of providing free take-back facilities for consumers of EEE. This can be done by:

- Joining the DTS; or
- allowing these sales to qualify for in-store take-back through one of their local stores (where these exist); or
- Providing the customer with an alternative route for free take-back.

19. Distributors who are distance sellers must tell customers how they can dispose of WEEE. This can be done through their mail-order adverts, website content, and/or through leaflets included with purchases. Offering "collection on delivery" does not release distance sellers from their take-back obligations under the Regulations in the event of a customer choosing to return WEEE themselves.

### **Collection on Delivery**

20. Many distributors offer home-delivery services to customers purchasing large items of EEE. As part of that service they may offer to collect an old product at the same time. The Regulations do not affect this service. Distributors may charge for collection, but this charge should only cover the cost of transportation and handling. It should not include any cost in relation to the treatment or reprocessing of WEEE as defined by the Regulations.

### **Bulky Waste Collections**

21. The Regulations do not affect the ability of Local Authorities to offer bulk waste collection services to households for larger items of WEEE. Local Authorities have discretion to decide whether or not they charge for this service.

### **Crossed out wheeled bin symbol**

22. All new EEE products must be marked with the crossed out wheeled bin symbol. In exceptional cases, where this is not possible because of the size or function of the product, the crossed out wheeled bin symbol must be printed on the packaging, the instructions for use and the accompanying warranty where applicable. This symbol aims to encourage the consumer to discard the product separately from general waste, either at the network of designated collection facilities or by returning it to a distributor who provides in-store take-back of WEEE.



### **Enforcement**

23. The takeback and information requirements placed on distributors are enforced by the VCA. To report distributors not meeting their obligations call 0300 330 5799 or email [weee@vca.gov.uk](mailto:weee@vca.gov.uk)

# Chapter 4 - Distributors of EEE

## (Part 5, Regulation 43–47)

### Distributors – A definition

24. The WEEE Regulations 2013 contain a definition of distributors under Regulation 2 - Interpretation. This definition is different to the previous WEEE Regulations and now includes all distributors within the supply chain. However, the Regulations only place obligations on those distributors who supply EEE to the household end user irrespective of sales method, so in effect the situation for distributors remains the same as in the previous Regulations.

25. Distributors of EEE who also place EEE onto the UK market (including by manufacturing, re-branding or by importing on a professional basis) are also classified as a Producer of EEE and will have additional responsibilities under the Regulations. Businesses that fit this category should also read Chapters 5 and 6 on 'Producers of EEE and Producer Compliance Schemes'.

### Distributor's Enforcement Body

26. The VCA is the enforcement body for EEE distributor obligations and the product marking of new EEE with the crossed out wheeled bin symbol.

[www.dft.gov.uk/vca/enforcement/weee-enforcement.asp](http://www.dft.gov.uk/vca/enforcement/weee-enforcement.asp)

### Free take-back of Household WEEE

27. Distributors have three choices of how they discharge their take-back obligations as explained in regulations 43-47 and 69-70. These are:

**Option 1 - Join the Distributor Take-back Scheme (DTS).** The scheme assists in funding a network of collection facilities where consumers can dispose of their household WEEE free of charge for environmentally sound treatment and recycling. The DTS is operated by Valpak Retail WEEE Services Ltd. Their activities include collection and distribution of member's funding, compilation and maintenance of the DCF register and the development and provision of consumer information to retail members to ensure that they meet all their obligations under the Regulations. A list of DCFs that will accept WEEE from householders can be accessed from <http://dts.valpak.co.uk/dts/Default.aspx>

Further information on the DTS and details of joining fees are available at <http://dts.valpak.co.uk/dts/Default.aspx> or by contacting Valpak Retail WEEE Services Ltd on 0845 0682572 or [info@valpak.co.uk](mailto:info@valpak.co.uk).

**Option 2 - Offer in-store take back.** Distributors must accept free of charge an item of household WEEE equivalent to the new item of household EEE sold to the consumer irrespective of when and where the original item brought for disposal was originally purchased. Where in-store take-back is offered it must be for all types of EEE that the distributor sells. Returned WEEE should be accepted within a reasonable period following a sale – best practice would be 28 days. Free take-back is extended to distance



sales and distance sellers should provide the customer with an alternative route for free take-back (e.g. inclusion of a pre-addressed envelope for items for return).

**Option 3 - Provide an alternative free take-back service, which is available and accessible to customer.** WEEE deposited at such facilities must be managed in accordance with the Regulations and other waste management legislation and local planning requirements. Distributors should either establish their facilities as private DCFs or make arrangements with Producer Compliance Schemes (PCSs) to return the WEEE direct into the system by delivery to an appointed Approved Authorised Treatment Facility (AATF). This requires agreement between a distributor and PCS.

### **New Distributor Obligations – Takeback of Very Small WEEE**

28. Distributor obligations are set out in Part 5 of the Regulations. Distributor obligations remain the same as the previous WEEE regulations with the addition of a new requirement for a distributor who supplies new EEE from a retail premises with a sales area relating to EEE of at least 400m<sup>2</sup> to take back very small WEEE free of charge to end users and with no obligation to buy EEE of an equivalent type.

29. The collection of very small WEEE must be at the retail premises or in its immediate proximity. “Very small WEEE” means items with no external dimension (i.e. height, depth, length) more than 25cm. The diameter should be taken as the dimension of spherical products. Distributors are expected to adopt a reasonable and practical approach to applying the very small WEEE definition.

30. The 400m<sup>2</sup> sales area relating to sales of EEE will include aisle, shelving and product display areas. Measurements will relate only to floor space and not vertical shelf space. 50% percent of the aisle should be included in circumstances in which EEE is sold on one side and other products are sold on the other. Shelving and product display areas should only be included where over 50% of the space is occupied by EEE.

31. Distributors are exempt from the requirement to take back very small WEEE where an assessment shows that alternative existing collection scheme is likely to be as least as effective. A distributor who wishes to use an existing facility is required to submit an application to BIS on or before 1 November in the year immediately prior to that in which the exemption is intended to apply. Further information is set out in Regulation 70.

32. Under this exemption, members of the DTS approved by the Secretary of State and introduced on 1 January 2014 are deemed to be exempt from the requirements of regulations 43 & 46(1), by virtue of the terms of that membership. Regulation 47 refers.

### **Management of WEEE Received by Distributors**

33. Receiving or handling WEEE should be done in a way that optimises the re-use and recycling of components or whole appliances. This can be done by ensuring the WEEE is passed through a DCF or by making arrangements with a PCS.

34. Distributors can dispose of WEEE collected through take-back or collection-on-delivery by passing it on to a PCS who cannot charge for accepting it. Distributors are not entitled to free collection from stores. Arrangements should be made with a PCS either for them to collect it (a transport fee may be charged) or for the distributor to consign the

WEEE to an AATF. Arrangements to transport WEEE should be made with a registered waste carrier. A distributor may require appropriate waste management licences to transfer WEEE themselves. Records must be kept of all WEEE collected and managed this way.

35. If you take back WEEE from consumers you will need to hold the relevant WEEE storage exemption. In addition you may also need to register as a hazardous waste producer. Further information can be found on the relevant environment agency website.

36. If you are transporting waste that you have produced to a recycler you do not need to register as a waste carrier

### **Information provided by distributors of household EEE**

37. Distributors must make the information referred to in Regulation 45 available to all users of EEE in writing. Where a user of EEE visits a distributor's retail premises, the information should be made available to the user of EEE on the retail premises. This information can be in the form of a poster, leaflet, electronic display (or on demand) printed material. Where a user of EEE visits an online sales site, distributors should make the information available to the user of EEE on the website. If a distributor supplies EEE via several different means (for example, in store, on the internet, by catalogue), distributors must make this information available in writing to **all** users of EEE.

38. Distributors offering in-store take-back must explain clearly that they offer in-store take-back, and how the customer may use it. They must also explain that this option remains available alongside any 'collect on delivery' service they may offer.

39. Distributors who are members of the DTS or providing alternative free take-back systems must inform their customers of where and how they can discard their WEEE.

40. The DTS provides its members with some information in a standardised format and makes various suggestions that may be applicable to your business. Distributors who are not members of the DTS must ensure they clearly show the customer that they offer in store take-back. The VCA has produced guidance regarding take-back which is available to non-DTS members on request and can be found at: [www.dft.gov.uk/vca/enforcement/weee-enforcement.asp](http://www.dft.gov.uk/vca/enforcement/weee-enforcement.asp)

### **Distributors Selling EEE from Registered Producers**

41. Producers must provide their producer registration number (PCSs register producers with the UK Authorities – see Chapter 5 for more information) to distributors when they supply EEE.

### **Distributors with Both Distributor and Producer Responsibilities**

42. Distributors of EEE may fall within the definitions of both “distributor” and “producer” for household EEE under the regulations and would have dual responsibilities. The following are examples of where this would arise:

43. You “re-brand” EEE manufactured by another (thereby falling within the definition of a “producer”) and make it available for sale (thereby falling within the definition of a “distributor”);

44. A distributor imports EEE for which the original overseas producer has not registered responsibility through membership of a UK PCS (placing EEE on the UK market (thereby falling within the definition of a “producer”) and makes available for sale (and therefore falls within the definition of “distributor”).

### **Record Keeping**

45. Where WEEE is received through free take-back under regulation 43, distributors are required to keep records about the number of units received and the number returned to a PCS under Regulation 44 of the WEEE Regulations. Any household WEEE obtained via a `collect on delivery` service that is also returned to a PCS under Regulation 29 must also be similarly recorded. These records must be retained for four years. The recommended format for these records can be accessed via the VCA website on: [www.dft.gov.uk/vca/enforcement/weee-enforcement.asp](http://www.dft.gov.uk/vca/enforcement/weee-enforcement.asp)

# Chapter 5 - Producers of EEE

## (Part 3, Regulation 12-25)

46. Producers have obligations both in terms of the EEE they place on the market and in terms of financing the collection, treatment, recovery and environmentally sound disposal of the WEEE.

47. In addition, those producers who sell EEE direct to householders (e.g. internet sales or factory outlets) in the UK have additional obligations as a distributor of household EEE. (See Chapter 4 – Distributors of EEE).

### Definition of a Producer (Regulation 2)

48. The definition of a “Producer” remains unchanged. That is anyone who, irrespective of the selling technique used, including by means of distance selling:

- Manufactures and sells EEE under their own brand;
- Resells under their own brand equipment produced by other suppliers, a reseller not being regarded as the “producer” if the brand of the producer appears on the equipment; or
- Imports or exports EEE on a commercial basis into a Member State.

49. “Sell” means placing on the UK market for the first time according to the European Commission’s “Guide to the implementation of directives based on the New Approach and the Global Approach” (commonly referred to as the “Blue Book” and can be found here: [http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic\\_en.pdf](http://ec.europa.eu/enterprise/policies/single-market-goods/files/blue-guide/guidepublic_en.pdf) ).

50. An individual consumer or business that purchases an item of EEE abroad, and brings it into the UK for personal use is not considered to be a producer.

### Authorised Representatives (Regulation 14-15)

51. The recast WEEE Directive provides an opportunity for producers registered in the UK to appoint an authorised representative in other Member States where the producer places EEE on the market, instead of registering as a producer in that Member State. Further information is available in the European Commission FAQ. It is particularly relevant to producers who place EEE on the market in a Member State via distance selling methods.

52. The information in this guidance that is relevant to producers also applies to an authorised representative acting on behalf of a producer placing EEE onto the UK market.

### Small Producers and the 5 Tonne De Minimis (Regulations 16-18)

53. Small producers that placed less than 5 tonnes of EEE on the UK market in any one compliance period fall under the de minimis and are not required to join a PCS for the following compliance period. Instead they are required to register directly with the

relevant environment agency by 31<sup>st</sup> January of that year. They will also be required to submit data as described in Regulation 18(1)d by 31 January of that year and of every subsequent year for which they register as a small producer. It is recognised that in many cases PCSs provide businesses with a valuable “one stop shop” in order to ensure they meet all producer responsibilities and to keep businesses informed of new developments. It may therefore be the case that some small producers will ask a PCS operator to undertake registration and data submission on their behalf. Such an approach is permissible, but would not constitute membership of a scheme and it will remain the legal duty of the small producer to meet the requirements for registration and reporting.

54. Small producers supplying non household EEE must ensure they meet the financial obligations set out in Chapter 8 or collection and treatment of WEEE and may choose to fulfil those obligations through services provided by a PCS.

55. A small producer must join a PCS within 28 days of placing more than 5 tonnes of EEE on the market in any compliance period

### Summary of Producer obligations

56. Producers over the de minimis or their authorised representative must:

- **Join a Producer Compliance Scheme (PCS)** (Regulation 15).  
Producers are required to join a PCS in advance of the start of a compliance year in which they expect to place 5 tonnes or more of EEE on the UK. Producers who enter the UK EEE market after the registration deadline for a compliance period must join a PCS within 28 days (Regulation 18). Producers are required to maintain membership of a compliance scheme for the year immediately following that in which the company placed EEE on the market.
- **Pay Producer Compliance Schemes** according to their published fee structure and membership rules. The PCS undertakes producer obligations to finance the collection, treatment, recovery and environmentally sound disposal of:
  - Household WEEE arising in each compliance period, as a proportion of the producers share of the PCS collection target for EEE in each category; and
  - Non-household WEEE arising in each compliance period from;
  - EEE a producer placed on the market on or after **13 August 2005**; and in addition;
  - EEE that was placed on the market before **12 August 2005**, regardless of the producer, which the user is replacing with equivalent new EEE.
  -
- **Provide information to their Producer Compliance Scheme** (Regulation 19) about its business and amounts of EEE placed on the UK market broken down by compliance category and its household or non-household nature.

57. All Producers must:

- **Mark EEE placed on the UK market** (Regulation 23) with the “crossed-out wheeled bin” symbol. Details of the crossed-out wheeled bin and date markings can be found in British Standard BS EN 50419:2006 or later. This is available for

purchase from BSI online, and may be available for reference through public libraries.

- **Provide information** (Regulation 25) on reuse and environmentally sound treatment for products. This includes information about the different materials and components of the EEE, and the location of any dangerous substances and preparations in the EEE. A producer must make this information available to any one carrying out treatment activities in the form of manuals or by means of electronic media. Information must be provided within one year of EEE being placed on the market.
- **Provide a producer registration number to distributors** (Regulation 22). This confirms that they are purchasing EEE from a registered producer in the UK. The registration number may be incorporated into letterheads, or provided in writing by other means when EEE is transferred. The registration number should remain unchanged between compliance periods, even if a producer changes PCS. It will be the same for household and non-household EEE.
- **Retain records** (Regulation 21) for at least four years, including the amounts of EEE placed on the UK market, broken down by compliance category and household/non-household.
- **Product Design** (Regulation 75) Designers, manufacturers or commissioners of EEE are encouraged to improve their designs to facilitate dismantling and recovery and in particular the re-use and recycling of WEEE and its components and materials. WEEE should not be prevented from being re-used through design decisions or manufacturing processes, unless there are overriding advantages with regard to the protection of the environment or safety.

### **Joining a Producer Compliance Scheme (Regulation 15)**

58. The Environment Agency publishes a list of approved PCSs. (LINK). Producers may join a PCS for household WEEE and another for non-household WEEE.

59. Producers may join a PCS registered anywhere in the UK, i.e. a producer located in England may join a PCS which was approved by and reports to SEPA in Scotland.

60. PCSs will differ in the services they provide and in their fee structures. Some may specialise in particular categories, non-household or in services for smaller producers. Producers are advised to discuss their requirements with several PCSs for comparison.

61. The producer registration charges are available from the relevant environment agencies for England, Scotland, Wales and Northern Ireland.

62. Alternatively producers may apply to establish their own PCS of which that producer would be the only member. The requirements for registering a PCS are set out in Regulations 56-60 and Schedule 10 of the Regulations.

**Withdrawal of Approval of a PCS (Regulation 59)**

63. Producers will be notified if the UK authorities revoke the approval of their PCS. If this occurs, producers must join another PCS within 28 days of the receiving that notification. Producers are responsible for their own compliance with the Regulations for any period where they are not members of a PCS.

**Producer Obligations for Household WEEE (Regulation 12)**

64. PCSs will receive household WEEE from a commercial DCF or returned under Regulation 44 and/or 53. PCSs will arrange for WEEE to be cleared from local authority owned DCFs. All WEEE received will go to either an AATF or Approved Exporters (AE) for treatment or re-use.

65. The method for calculating financial obligations placed on Producers has changed in the revised Regulations. Each producer registered with a PCS is responsible for financing a portion (according to market share) of the overall producer collection target in each of the categories in which they placed EEE on the UK market in the previous compliance year. Targets are calculated and notified to a PCS for its collective membership.

**Producer Obligations for non-household WEEE (Regulation 13)**

66. Obligations for non-household WEEE are directly linked to individual discards and purchases by users. They remain unchanged in the revised Regulations. Non-household WEEE cannot be used to support obligations for household WEEE. Further information on non-household WEEE obligations is set out in chapter 8.

67. Small producers may choose to discharge their obligations without a requirement to join a PCS provided they have directly registered with the relevant environment agency and report the required data. See chapter 8 for further information.

# Chapter 6 - Producer Compliance Schemes

## (Part 4, Regulations 26-42)

68. All producers placing 5 tonnes or more of EEE onto the UK market in any year are required to join a PCS.

69. In certain circumstances, the WEEE Regulations allow producers to appoint an authorised representative (AR) to discharge their obligations (see chapter 5). The AR must join a PCS(s) for each of the producers they represent. The references to producers below therefore will equally apply to ARs where they have been appointed by a producer. Further information is available in the [European Commission FAQ](#). The Regulations do not prevent an operator of a PCS from also acting as an authorised representative.

### Approval of Producer Compliance Schemes

70. All PCSs must be approved by one of the appropriate authorities listed below.

- Environment Agency (for applicants based in England)
- Natural Resources Wales (for applicants based in Wales)
- Northern Ireland Environment Agency (for applicants based in N Ireland)
- Scottish Environmental Protection Agency (for applicants based in Scotland)

71. Details of the application procedure are on the relevant agency website. Applications must be received between 1 July and 31 August in the year prior to which the applicant intends to commence operations. Approval is granted on an open ended basis.

72. Approval may be withdrawn if the appropriate authority is satisfied that the operator of the PCS has not met their obligations under the Regulations, is in breach of the conditions of approval, knowingly or recklessly supplied false information or the operator of the scheme has been convicted of an offence under the Regulations.

### Summary of PCS Responsibilities

73. A PCS must:

- Register all their members every compliance period with the appropriate authority, paying the appropriate annual registration charges. The registration charges are available from the relevant agency.
- Report the information required by the appropriate authority, including:
  - Registration information about members (Schedule 8 lists the information required).
  - Household EEE put on the market by members, broken down into each compliance category and household and non-household use, on a quarterly basis;



- Non-household EEE put on the market by members, broken down into each compliance category and household and non-household use, on an annual basis
  - Amounts of WEEE collected at DCF, received directly from distributors or taken back under Regulation 12 on a quarterly basis. This must be broken down by categories and distinguish between household and non-household;
  - Amounts of WEEE delivered to AATFs or AEs for treatment, again on a quarterly basis. This must be broken down by categories and distinguish between household and non-household.
- Arrange for WEEE to be cleared to, or received for treatment at an AATF or AE and ensure that they are treating the WEEE to the required standards. Sufficient material or components must be delivered for recycling or recovery to meet the specified recovery targets.
  - Obtain sufficient evidence notes to demonstrate they have discharged the collective household obligations of their members as notified by the appropriate agency and obligations that arise on WEEE from users other than private households that has been delivered back the PCS or its relevant member
  - Pay a compliance fee (when such a fee has been approved) where insufficient household WEEE evidence notes have been obtained to meet collective the obligations of their members
  - Submit a `Declaration of Compliance` to the appropriate authority confirming financing obligations have been met. This should be supported by evidence notes and evidence of payment of the compliance fee where appropriate;
  - Retain appropriate records to support the required activities; and
  - Establish systems to identify products for re-use.

74. PCSs cannot remove a producer member during the course of a compliance period.

### **PCS Financial Obligations – Household WEEE**

75. Financial obligations placed on PCSs are calculated for each compliance period and represent the collective obligation of their individual producer members.

76. From 1<sup>st</sup> January 2014 the method for calculating financial obligations has changed. Each PCS is responsible for financing a portion (according to market share) of the overall producer collection target in each of the categories in which their members placed EEE on the UK market in the previous compliance year. Targets are calculated and notified to a PCS by 31 March of the relevant compliance year by the appropriate agency.

### **Targets and Target Adjustment**

77. Individual PCS targets will be adjusted upwards to take account of any scheme members that register late and whose data had not therefore been taken into account when establishing targets for individual schemes. The target will be adjusted upwards to take account of any re-submissions of EEE data that report higher tonnages than that originally submitted.

78. Targets will be adjusted downwards on a pro-rata basis to take account of any PCS members who cease trading altogether during a compliance year. PCSs should submit notifications to the relevant environment agency.

79. The overall collection target for each compliance period will be set by the government according to the methodology set out in Regulation 29.

80. PCSs will receive household WEEE from a commercial DCF or returned under Regulation 44 and/or 53. PCSs will arrange for WEEE to be cleared from local authority owned DCFs. All WEEE received will go to either an AATF or an AE for treatment or re-use.

81. PCSs are permitted to contract with each other to assist in the necessary collections to achieve individual PCS collection targets. It is anticipated that such contractual arrangements would be in advance of collections and subjected to terms agreed between the contracting parties.

82. PCSs are specifically required to finance the cost of clearance and treatment of WEEE from local authority DCF sites on receiving a request from the DCF site operator irrespective of whether the PCS has met its target obligations provided under regulation 29.

### **Compliance Fee**

83. In the event that a PCS has not obtained sufficient evidence notes to meet their household WEEE collection target, payment of a "Compliance Fee" is a means of meeting their financial obligations.

84. Regulation 77 allows the Government to approve a methodology for setting a compliance fee and an administrator to run the scheme. The fee will be set at a level that incentivises the collection of WEEE as a means of a PCS fulfilling its obligations.

85. The enabling of this provision will have the following characteristics:

- The Government would consult interested parties as appropriate.
- The development and operational costs would be met by producers
- The methodology would be published.
- There would only be one compliance fee methodology approved for any compliance period and any approval would be for one compliance year only.
- A PCS using the compliance fee must provide evidence of payment of that fee as part of its "declaration of compliance" submitted to the relevant environment agency for any given compliance period.

86. The compliance fee may change between compliance years. Proposals to establish or modify the compliance fee mechanism must be submitted to BIS by 30 September and will be considered in the final quarter of the relevant compliance period.

87. Only one methodology will be approved for any given compliance period. Any agreed methodology will consider the various costs associated with the collection treatment recovery and environmentally sound disposal of the five WEEE collection streams from all routes. Funds collected will be reinvested in the collection network with a view to increasing collection rates, recycling and re-use with a particular recognition of the role played by local authorities.

### **PCS Collection and Treatment of Household WEEE**

Household WEEE is returned from users to PCSs through several routes, including:

- Via local authority DCF;
- Through in-store take-back or collection on delivery by distributors from where it might;
  - be made available for clearance from a DCF operated by the distributor or distributor/producer;
  - be returned to the PCS (or more likely to an AATF nominated by the PCS) directly by the distributor;
  - via other DCFs that a PCS has contracted to clear; or
  - via Regulation 51 that allows a PCS to establish and operate a system to take back WEEE from private households provided that the system is consistent with the WEEE Directive.

88. It is anticipated that PCSs will enter long-term contracts with local authority DCFs to ensure sites are cleared and WEEE treated in line with the Regulations. However Regulation 35 specifically requires PCSs to arrange and finance the clearance and treatment of WEEE from any local authority operated DCF for which no such contract is in place.

89. The [Code of Practice](#) sets out the practical arrangements that should form the basis for agreements between PCSs and DCFs and operation. This will be updated to reflect the requirements of the new Regulations.

90. PCSs will arrange for WEEE to be cleared from DCFs to either an AATF or an AE for treatment in the UK or abroad. They will also arrange for WEEE to be received for treatment by AATFs or AEs direct from distributors. PCSs must ensure that all household WEEE they receive is re-used as whole appliances or treated and recovered in accordance with the Regulations following [guidance on Best Available Treatment, Recovery and Recycling Techniques \(BATRRRT\)](#).

91. Regulation 44 requires PCSs with obligations for household WEEE to accept household WEEE direct from distributors free of charge. PCSs may charge distributors for the transportation of WEEE from their premises where they are not an approved DCF but cannot make charges in relation to the treatment. Distributors should make contact with PCSs with household WEEE obligations operating in their area.

### **PCS Financial Obligations – Non Household WEEE**

92. A PCS is responsible for financing the costs of the collection, treatment, recovery and environmentally sound disposal of non-household WEEE for members in the following circumstances:

- Any WEEE replaced (with equivalent or similar functionality) by the EEE a member sells (during the compliance period), if it was originally put on the market before **13 August 2005**, whether supplied by that member or any other producer; and
- The EEE put on the market by a current member at any time on or after **13 August 2005** when it is eventually discarded as WEEE.

93. A PCS must declare compliance with these obligations to the appropriate authority and provide supporting evidence. This evidence is not interchangeable with evidence for household WEEE.

94. Producers have obligations to establish a system for returning non-household WEEE and financing the costs of its collection, treatment, recovery and environmentally sound disposal as part of their responsibilities when WEEE arises. Where a producer member's sale of EEE leads to an obligation to finance the collection and treatment of equivalent historic WEEE a PCS should respect the producer's decision on the `equivalence` of the replacement and their policy on the period during which the end user should make the replacement WEEE available.

95. Producers may wish to collect non-household WEEE from the end-users premises or can establish systems where the WEEE can be returned to collection points.

96. See chapter 8 for further information in relation on non household WEEE obligations.

### Issuing of Evidence of Compliance

97. The PCS has a responsibility to ensure that WEEE for which evidence is issued is treated in line with [the guidance on BATRTT](#).

98. Only AATFs may issue evidence of treatment of WEEE in the UK and only AEs may issue evidence that whole WEEE has been exported for re-use. AEs can export WEEE materials i.e. materials coming out of a treatment process. In such cases the AATF that undertook the initial treatment activity has the responsibility of issuing the evidence and not the AE exporting the WEEE materials.

99. Evidence generated by AATFs or AEs confirms the amount, nature and category of the WEEE that has been received at an AATF or AE for treatment on behalf of a PCS;

100. PCSs obtain evidence from AATFs and AEs for the amount and type of WEEE delivered. PCSs should use this evidence to support its declaration of compliance for household WEEE.

101. The "Settlement Centre" is an online tool managed by the Environment Agency through which AATFs and AEs issue evidence and PCSs accept evidence. The total amount of evidence accepted by PCSs in each category is used to determine whether PCSs have met their collection targets in each compliance year. For categories 2-10 a scheme will be considered to be compliant if they have collected a total amount

equivalent to the sum of each of the individual targets in those categories and paid any agreed compliance fee as appropriate. For other categories a scheme will be considered compliant if they have collected the relevant amount in each category and/or paid any agreed compliance fee.

102. Transfers of evidence between schemes on the Settlement Centre in order to ensure all PCSs are able to meet their financial obligations are no longer needed under the new system. Sub-contracting (in advance) for collection and treatment between schemes however will, it is assumed, remain a key feature of the new system. In such circumstances the evidence should be issued by the first receiving AAFT directly to the PCS that will ultimately count the evidence towards their collection target.

### **Reporting data to the Agencies (Regulation 36-39)**

103. Where a scheme is collecting on behalf of another scheme the collecting scheme reports details of the WEEE collected from DCFs and delivered to AATFs or AEs. to the Agencies . The scheme having WEEE collected on its behalf should not include such data as part of its report to the relevant Agency. Further guidance is available on detailed reporting arrangements from the relevant agency.

### **Reporting data back to Local Authorities**

104. The [Code of Practice](#) or collection of WEEE from DCFs states that schemes should report to local authorities details of the WEEE collected from DCFs and how it has been treated. Compliance with the Code of Practice is a condition of approval for schemes under the Regulations.

105. The Agencies suggest that a scheme that clears the DCF (even if acting on behalf of another scheme) should report data back to the Local Authority in respect of the WEEE cleared. However, schemes that wish to enter into arrangements to collect WEEE for another scheme or to have WEEE collected on their behalf should note that the arrangements for reporting to Local Authorities is a matter to be agreed between the schemes as part of negotiating these third party collection arrangements. If schemes need to share data to facilitate such reporting they should make sure this is taken into account when they are making these third party collection arrangements.

### **PCS Compliance Dates.**

106. The compliance year 2014 has been used for illustrative purposes. Changes to the existing requirements are marked in *italics*.

15 November 2013 - Producers over the de-minimis required to join a scheme.

30 November 2013 - Deadline for PCSs to report details of members to the relevant environment agency.

1 January 2014 - Start of compliance period.

31 January 2014 – Deadline for PCSs to provide the EEE placed on the market data for Q4 2013 and totals for the 2013 compliance year.

31 January 2014 – Deadline for issuing “evidence” on Settlement Centre for 2013 compliance period.

*31 January 2014 – Deadline for de minimis producers to directly register and supply placed on the market data for 2013.*

*31 January 2014 – DCF operators to report to BIS data on WEEE collected in 2013 for any of the WEEE streams they are choosing to “self treat” in 2014.*

*31 March 2014 – Agencies to advise PCSs of their targets split by category for 2014.*

30 April 2014 - PCSs to provide EEE placed on the market data for Q1.

30 April 2014 – AATFs/AEs to provide WEEE data for Q1.

31 July 2014 - PCSs to provide EEE placed on the market data for Q2.

31 July 2014 - AATFs/AEs to provide WEEE data for Q2

*30 September 2014 – Deadline for applications to establish a Compliance Fee*

31 October 2014 - PCSs to provide EEE placed on the market data for Q3.

31 October 2014 - AATFs/AEs to provide WEEE data for Q3

31 December 2014 - end of the compliance year.

31<sup>st</sup> January 2015 AATFs/AEs to supply Q4 2014

*31 March 2015 - PCSs issue declaration of compliance either through having funded enough WEEE and/or confirmed payment of appropriate compliance fee.*

# Chapter 7 - Designated Collection Facilities, Local Authorities and WEEE

107. For Local Authority (LAs) and non LA Designated Collection Facilities (DCFs), the impact of the 2013 Regulations remains the same as the previous regulations, with the addition of an option for LA DCFs to self-treat the WEEE deposited at their DCFs provided that intention is notified in advance.

108. Distributors of EEE have obligations to facilitate take back of WEEE from private households. The Regulations give distributors a choice in complying, either by providing in-store take-back services, via the DTS or via a takeback network they set up themselves. LA Sites registered as DCFs receive funding from the DTS. Once registered the costs of collection, treatment, recovery and environmentally sound disposal of any household WEEE deposited at a DCF, and not self treated, is the responsibility of a PCS.

## Self Treatment of WEEE for LA DCFs

109. LA DCF operators can choose which WEEE collection streams they hand over to a PCS to treat, and which streams (if any) they retain responsibility for arranging treatment. This gives the DCF operator the option to retain control of those waste streams for which there is potential to generate a net income without the need to involve a PCS in contractual arrangements. LA DCF operators retain the right to have all WEEE streams financed by a PCS.

110. Operators of LA DCFs that choose to self-treat one or more WEEE streams are required to notify BIS by 31 January of the relevant compliance period. This notification shall apply for the entire compliance year. The notification must be accompanied by tonnage data for the relevant WEEE stream(s) of WEEE collected at the relevant DCF(s) in the previous year. If no such notification is made, then the default position will be that producers (via the PCS appointed by the DCF) will take responsibility for all WEEE collected at the DCF.

111. Any LA DCF operator choosing to take on the financing responsibilities for any of the five collection streams must have the WEEE treated at an AATF and they must be treated using [best available treatment recovery and recycling techniques](#).

112. The LA DCF operator will be required to report tonnages to BIS of WEEE sent to AATFs in the stream(s) they have opted to self-treat by 31 January of the following year.

## Registration and Approval of DCFs

113. Valpak Ltd is the appointed operator of the DTS and manages the registration of all DCFs and submits sites for approval by BIS. Registration can be carried out online on the Valpak website – [www.valpak.co.uk/dts](http://www.valpak.co.uk/dts)

114. DCF site operators should ensure that their registration is accurate and kept up-to-date as PCSs make collection arrangements based on the information provided. The register is used to direct consumers to the nearest DCF where they can dispose of their WEEE. Details are available from the Recycle-More website- <http://www.recycle-more.co.uk/banklocator/banklocator.aspx>

115. Full conditions of approval of DCFs are set out in Schedule 12 of the Regulations. DCF status can also be withdrawn if the DCF no longer meets the Schedule 12 criteria.

116. DCF operators must agree to comply with the [Code of Practice](#) for the collection of WEEE from DCFs.

117. Where arrangements are in place with an AATF and a re-use organisation, the WEEE removed from the DCF for re-use must be reported to the PCS/AATF.

### **Bulky Waste Collections**

118. Government encourages the routing of household WEEE collected via LA bulky waste collection services to DCFs (which may be waste transfer stations as well as CA sites). If this WEEE does not go to a DCF the cost of its disposal will be borne by the LA.

### **Non-household Waste**

119. Some CA sites and waste transfer stations currently accept WEEE from small businesses. However there is no common practice and this is entirely at the discretion of the LA. If there is a local policy to accept “trade waste” from small distributors LAs retain the right to make a charge for the service.

120. A pragmatic approach should be taken here given the definition of household WEEE in the WEEE Directive and the service that LAs may wish to offer local small businesses. However, any WEEE that businesses take to DCFs must fall within the definition of household WEEE in the WEEE Directive and the Regulations:

121. “WEEE from private households” means WEEE which comes from private households and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households. Waste from WEEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households.

### **WEEE and the Controlled Waste Regulations**

122. The Controlled Waste Regulations 1992 set out a number of sources of waste considered to be household waste, including waste from educational establishments, hospitals, prisons and penal institutions. The definition of WEEE from private households in the WEEE Regulations is, however, much narrower than that of household waste under the Controlled Waste Regulations. Given the narrowness of this definition it seems likely that most waste from educational establishments, hospitals, prisons and penal institutions will not qualify as WEEE from private households and should be treated as non-household WEEE.



## Chapter 8 – Users of Non-Household EEE

123. The WEEE Regulations place obligations on producers of EEE put on the market and intended for users other than private households and EEE discarded as waste by non-household end users in the UK.

124. Details of producer obligations relating to placing EEE on the UK market are covered in Chapter 5 - Producer Obligations. Obligations relating to producers

125. Producers under the de minimis are not required to join a PCS. However, this does not exempt them from their non household WEEE obligations. Where the guidance below instructs a producer to contact their scheme, de minimis producers must take responsibility themselves to finance collection, treatment, recovery and environmentally sound disposal of the EEE when it is discarded as WEEE in the UK. Non-Household WEEE obligations

126. Producers have obligations in respect of non-household WEEE in the following circumstances:

- Where the producer puts EEE onto the UK market for non-household use after **13 August 2005** and when this EEE is subsequently discarded as waste by a non-household user in the UK the producer must finance collection, treatment, recovery and environmentally sound disposal of the EEE when it is discarded as WEEE in the UK.
- Where the producer puts EEE on the market during a compliance period to replace EEE for non-household use put on the UK market prior to the **13 August 2005** (by him or another producer) the producer must finance collection, treatment, recovery and environmentally sound disposal of the EEE being discarded as WEEE at that point by the non-household user.

127. In these circumstances the producers' obligations are to:

- Finance the costs of collection, treatment, recovery and environmentally sound disposal of the WEEE for which they have responsibility, according to the requirements of the Regulations; and
- Report evidence via its PCS to the appropriate environment agency (the one with which they are registered) to show that they have complied with the Regulations.

128. Although producers, under the circumstances set out above, have a legal obligation to finance the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE from non-household users it is left for producers to put in place systems to provide for this to happen.

129. It should be noted that business users (i.e. users of WEEE from non-private households) do not have:

- A legal right to collection from their own premises; or
- A legal right of free access to the DCF network.

130. The Regulations do not prevent producers or business end user making their own contractual arrangements which, while not following the default arrangements, will ensure the WEEE is correctly collected, treated, recovered and environmentally soundly disposed of whilst commercial relationships maintained.

131. For example:

- Producer A is a member of a collective PCS but wishes to continue his relationship with a long-standing business customer. Producer A provides new equipment to its customer and arranges the treatment and reprocessing of historic replaced WEEE directly with an AATF.
- The Producer must still supply their PCS with all relevant sales data on a quarterly basis and ensure all evidence of treatment and reprocessing is passed to the PCS to enable it to submit a Declaration of Compliance at the end of each compliance period.
- Alternatively, Producer A may have an agreement with his customer that the business end-user will take responsibility for the equipment when it reaches its end of life. The Regulations do not place obligations or requirements on what form any commercial arrangements may be in this regard. The business end-user is obliged to deal with the WEEE in accordance with the Regulations in relation to the collection, treatment, recovery and environmentally sound disposal of the WEEE. If adopting such an agreement both parties should ensure they have documented and auditable proof that such an agreement has been reached.

132. If historic WEEE (WEEE from products placed on the market before **13 August 2005**) is not being replaced by new EEE serving an equivalent function the end-user is responsible for arranging and financing its collection and treatment themselves in accordance with the Regulations.

133. For all other non-household WEEE there should be a responsible PCS that can be called on to collect and treat the WEEE unless the producer has made alternative arrangements with the end user. The `register of producers`, on the Environment Agency website, gives details of producer members of each PCS (<http://www.environment-agency.gov.uk/business/topics/waste/32086.aspx>). Producers or PCSs who make alternative agreements with end-users for dealing with WEEE under the Regulations should keep records of this in order to demonstrate how they are complying with the Regulations.

## Re-use

134. As with household WEEE the re-use of whole appliances should be prioritised for non-household WEEE where this is appropriate.

**Distributors and intermediaries**

135. There are no obligations relating specifically to the distribution of EEE to non-household users.

**Take-back of WEEE**

136. The Regulations do not restrict or prevent the selling or donating of WEEE for re-use. Where this involves export from the UK you should consult the relevant environment agency to establish whether the equipment would be considered to be waste and therefore subject to controls. Where WEEE is discarded in other circumstances it must either be passed back to a producer or their PCS, or consigned to an authorised treatment facility (ATF) for treatment, recovery and environmentally sound disposal.

137. Where producers remain responsible for the end-of-life treatment of WEEE the producer should be identified and in the first instance, unless the producer has indicated otherwise, an approach should be made to their PCS with details of the WEEE, when it will be available and where it is located.

138. Producers or PCSs may also suggest contacting a local charity or other re-use organisation that they nominate for collection or screening of the WEEE for re-use or refurbishment. The Regulations encourage re-use of whole appliances and any such collection will be free of charge.

# Chapter 9 - Treatment Facilities and Approved Exporters

## (Part 8 – Regulation 61 – 68)

### Authorised Treatment Facilities (ATFs)

139. WEEE can only be treated by an ATF which has been granted the appropriate permit or licence to do so by one of the relevant environment agencies. ATFs must comply with the conditions imposed by that permit or licence, which will include the requirement to treat any WEEE according to the [guidance on Best Available Treatment, Recovery and Recycling Techniques \(BATRRRT\)](#). This guidance has been published by Defra and Devolved Administrations.

### Approval of Authorised Treatment Facilities (AATFs)

140. To issue evidence of receipt of used EEE for reuse as a whole appliance or treatment an ATF must seek and be granted approval by the environment agencies to become an AATF. To gain approval ATFs must also demonstrate that the WEEE it treats or has treated on its behalf will meet the recovery targets set out in the Regulations. The approval procedure for AATFs is set out in Schedule 11 of the Regulations.

141. Each ATF site that wishes to be approved must make a separate application for approval. Thus for example an operator with 5 treatment sites who requires all 5 to be approved will have to make an application in respect of each site and pay the appropriate fee for each application.

142. PCSs can only obtain evidence from an AATF. The first AATF treating WEEE on behalf of a PCS is required to issue the evidence.

143. AATFs are required to provide quarterly reports to the relevant environment agency showing:

- The amount of WEEE (in tonnes) received for treatment.
- Amount of WEEE (in tonnes) sent to another ATF for treatment (including the name and address of the operator of that ATF and of the treatment site if different).
- The amount of WEEE received for re-use as whole appliances (in tonnes).
- The amount of non-obligated WEEE received on the site. This must separately indicate the amount received from local authority operated DCFs that have chosen to retain responsibility for treatment in accordance with Regulation 54.
- In relation to each scheme to whom an evidence note has been issued the name of that scheme and the total tonnage of WEEE stated in all evidence notes issued to that scheme.
- A consignee return reporting what hazardous WEEE has been received at your premises. More information on consignee returns may be found at <http://www.environment-agency.gov.uk/business/topics/waste/32194.aspx>

144. Reports must be for each quarter of a compliance period and provided by the **30 April, 31 July, 31 October** and **31 January** depending on the relevant quarter of the compliance period which the report covers. The reports must cover each category of WEEE and report on household and non-household WEEE separately.

145. If an AATF fails or is likely to fail to comply with the conditions of approval, or knowingly or recklessly provides false information, the environment agencies may cancel or suspend the approval of the AATF. In those circumstances the AATF will not be able to issue producers with evidence of compliance.

## Protocols

146. Protocols have been developed by industry led groups which AATFs can use to apply a percentage breakdown by category of SMW and LDA received for treatment. These are the small mixed WEEE protocol, and the large domestic appliances protocol.

147. The protocols can be applied to all SMW and LDA received from Local Authority DCFs for treatment. The SMW WEEE protocol can be used for WEEE received from other sources where it can be demonstrated that the material is consistently comparable to that collected by Local Authority DCFs.

148. The protocols remove the need for WEEE to be manually separated and categorised prior to processing. The protocols can also be used to apportion the materials derived from the treatment of WEEE.

149. These Protocols are a guide to help with reporting of WEEE arising. AATFs/AEs have the flexibility to develop, in partnership with the PCS, alternative protocols. When choosing this option environmental authorities must be happy with your methodology.

150. Further information on the protocols can be found on the Environment Agency website [here](#).

## Approved Exporters (AEs)

151. Exporters must go through a similar approval procedure to AATFs if they wish to provide evidence of compliance to producers. An AE can only issue evidence where they have received for export EEE for re-use overseas. Where WEEE has been treated at an AATF prior to export, the AATF will issue the evidence. The AATF will need to ensure that used EEE is exported by an approved exporter and that they can get access to the documentation to support their evidence note.

152. Evidence notes can only be issued by exporters in respect of used EEE that will be exported in accordance with Regulations (EC) 1013/2006 of the European Parliament and of the Council of 14th June on shipments of waste.

153. This means that the components listed in Annex II of the Directive are removed, the technical requirements in Annex III of the WEEE Directive are satisfied and that the operator of the overseas facility operates under any necessary permit or authorisation to operate, issued by the competent authority of that country.

154. In the case of WEEE exported for recovery, the overseas reprocessors need to operate under the necessary permit or authorisation to operate issued by the competent authority of that country.

155. AEs will need to provide auditable evidence to the satisfaction of the relevant environment agency that the WEEE was treated in accordance with the conditions mentioned above.

156. There are new minimum requirements for shipments. The [draft FAQ for the new Directive](#) address this from question 1.36.

### **Suspension and Cancellation of AATF and AE approvals**

157. When approval is suspended the following will happen:

- The relevant agency will send a notice of suspension. This will set out the reasons for the suspension and the rights of appeal.
- Approval can only be suspended under the circumstances set out in Regulation 65.
- The notice should be read carefully to understand the exact nature and extent of the suspension and what actions are required to comply with the notice i.e. have the suspension removed.
- The suspension only applies to the 'approval status'. It does not affect status under other regulatory regimes, e.g. operation under an exemption or environmental permit. These are not affected by the suspension notice.
- The Settlement Centre account will be closed and access will be blocked for the period of the suspension.
- WEEE PCSs will be notified that approval has been suspended.
- The public register will be updated to indicate a change in status from approved to suspended.
- Evidence cannot be issued during the period of suspension.
- Evidence cannot be issued on any WEEE received during the suspension even when/if the suspension is removed. This is because evidence can only be issued on WEEE received by Approved AATFs/AEs.

158. If the suspension of approval is lifted, the following happens:

- Access to the Settlement Centre will be reinstated.
- WEEE PCSs will be notified that approval has been re-instated for the relevant approval period.
- The public register will be up-dated to status approved.

159. Cancellation of approval following suspension:

- Approval may be cancelled if the conditions set out in the suspension notice are not complied with in the agreed timescales.
- Any evidence issued prior to the suspension notice taking effect will remain valid.
- Once approval is cancelled no evidence can be issued from the date of the suspension notice.

- Depending on the reason for the initial suspension and the subsequent cancellation the agencies may investigate the matter further and consider enforcement action in line with their published enforcement and policies.
- If an AATF/AE reapplies for approval for the next approval period and are approved they must not issue evidence on WEEE received in the previous approval period.

### Recovery Targets

160. The recovery targets for each category are set in Schedule 11, Part 2, paragraphs 14 -16, which implements the targets set out in the WEEE Directive. AATFs and AEs will need to demonstrate that these targets can be met when dealing with WEEE evidence. This is a condition of their approval. For the purposes of meeting the WEEE Directive targets “recovery “includes incineration with energy recovery and recycling. Recycling is the re-processing in a production process of the waste materials for the original purpose or for other purposes.

### Evidence

161. AATFs and AEs have a responsibility to ensure that the evidence notes are issued only in respect of WEEE delivered to them by or on behalf of a compliance scheme. Evidence cannot be issued in respect of non-obligated WEEE i.e. WEEE that is received by an AATF or AE other than from or on behalf of a PCS.

162. The evidence note can be issued by an AATF or AE as soon as the WEEE has been received by them. The AATF or AE must ensure that where evidence has been issued that the WEEE does go on for treatment and that the resulting WEEE materials are recovered to the necessary extent so that the recovery targets in the Regulations are met.

163. There is no provision in the Regulations to cancel evidence once entered and accepted in the Settlement Centre. If following audit and inspection it is found that evidence cannot be supported it will not be cancelled but action may be taken against the issuing AATF or AE.

164. Where an AATF or AE cannot provide documentation to support the evidence it has issued action may be taken against the issuing AATF/AE. The initial action is likely to be the suspension of the AATF/AE approval. In some cases enforcement action may be pursued which could lead to a criminal prosecution.

165. Full operational guidance and terms and conditions for using the Settlement Centre contact the Environment Agency.

### Regulation 43 – Takeback

166. Under Regulation 32 distributors who are discharging their obligations through in-store take-back have the right to return WEEE directly into the system. In practice this will work by the distributor contacting a PCS and arranging to return WEEE direct to an AATF of the PCSs choosing. In such cases the WEEE deposited at your facility should be added to the account of the relevant PCS and evidence issued accordingly. Regulation 40A gives final holders the right to return WEEE directly into the system e.g. professional repairers who have EEE which proves to be uneconomical to repair can

return the equipment direct to a PCS or a nominated AATF/AE under agreement with the PCS.

### **Business to Business**

167. The PCS must ensure that non-household WEEE, for which it is responsible is taken to an AATF or AE in a similar way to household WEEE. The AATF will then arrange for the appropriate treatment and recycling and provide evidence of this following the same system and standards as household WEEE.

168. Evidence of both household and non-household WEEE can be recorded on the Settlement Centre. Producers cannot use evidence of non-household WEEE to offset their obligations for WEEE from private households.



# Chapter 10 - Re-use of WEEE as Whole Appliances

169. The Regulations place obligations on producers and their PCS to prioritise, where appropriate, the re-use of whole appliances.

170. Evidence can be generated against any WEEE which is sent for re-use. This evidence can be used by the PCS to meet its WEEE obligations.

171. When submitting evidence AATFs/AEs are required to provide details of whole appliances made available for re-use. All such agreements must be appropriately documented and all records should be available for audit purposes.

172. It is not necessary for the identified appliances to be physically handled by an AATF. Provided that appropriate records are maintained they can be handled directly by the re-use organisation on the PCS and AATFs behalf and then transported directly to the re-use facility. The relevant environment agency may seek to scrutinise any such arrangements before evidence could be issued.

173. Whole items of WEEE from private households that have been diverted to a re-use organisation but which are subsequently found to be unsuitable for re-use should be returned to the system established by a PCS for the treatment and recycling of WEEE. It should not be regarded as non-household WEEE waste and must be treated following the [guidance on Best Available Treatment, Recovery and Recycling Techniques \(BATRRRT\)](#).

## Contact Points for Further Information

1. Environment Agency for England  
Horizon House,  
Deanery Road  
Bristol  
BS1 5AH  
Tel: (UK) 08708 506 506  
(Non UK) +44 1709 389 201  
Email: [WEEE@environment-agency.gov.uk](mailto:WEEE@environment-agency.gov.uk)  
Website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
  
2. The Scottish Environment Protection Agency (SEPA)  
Erskine Court  
Castle Business Park  
Stirling  
FK9 4TR  
Tel: +44 (0) 1786 457 700  
Email: [info@sepa.org.uk](mailto:info@sepa.org.uk)  
Website: [www.sepa.org.uk](http://www.sepa.org.uk)
  
3. Northern Ireland Environment Agency  
Producer Responsibility Unit  
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4, Natural Resources Wales

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