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# Chapter 1 – Introduction

1. This guidance applies from 1 January 2014. It provides specific advice about compliance with [the WEEE Regulations 2013](#). It should be read in conjunction with those Regulations and is supplementary to guidance published by the European Commission about the WEEE Directive.
2. 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.
3. This guidance is not intended to cover every situation and you may need to carefully consider how the regulations (and any other relevant legislation) apply 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.
4. The environment agencies established in England, Wales, Scotland and Northern Ireland enforce the regulations related to producers, producer compliance schemes and treatment facilities. The VCA is responsible for enforcing distributor obligations and the requirement placed on producers 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.
5. This guidance has been designed to comply with the “Code of Practice on Guidance on Regulation 2009”. A copy can be downloaded from the [www.gov.uk](http://www.gov.uk) website.

## Chapter 2 - Scope

6. The [Waste Electrical and Electronic Equipment \(WEEE\) Regulations 2013](#) apply to all Electrical and Electronic Equipment (EEE) placed on the market in the UK covered by the scope of the Regulations. When considering the scope of the WEEE Regulations the following three questions should be asked:

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 7 or excluded in Regulation 8?

### Products in Scope from 1 January 2014

7. From 1 January 2014 photovoltaic panels will come in to the scope of the Regulations for the first time. The 10 categories can be found in Schedule 1 of the Regulations and are supplemented by 4 additional reporting categories for display equipment, appliances containing refrigerants, gas discharge lamps and LED light sources, and photovoltaic panels.

### Changes to categories from 1 January 2014

8. From 1 January 2014 non-household luminaires and lamps that incorporate an integrated (ie non-removable) LED light source previously classified under category 5 "Lighting Equipment" should be reported in category 13 "Gas discharge lamps and LED light sources". "LED light source" means a product that falls within category 5 of Schedule 1 of the Regulations and which uses an integrated light emitting diode as its light source. There is no change to the classification of products in other categories that contain an LED light source; these do not change category
9. Examples of products where there should be a change to classification include:
  - **Household and non-household LED retrofit lamps and modules.** These come in a range of formats, including replacements for fluorescent tubes or traditional light bulb shapes and modules incorporating an integrated LED light source. Under the 2006 Regulations these were reported in category 5. Under the 2013 Regulations these should be reported in category 13 in the transitional period.
  - **Non-household luminaires incorporating an integrated (i.e. non-removable) LED light source.** Under the 2006 Regulations these were reported in category 5. Under the 2013 Regulations these should be reported in category 13 in the transitional period, but would not be classified as hazardous waste unless they contained any defined hazardous substances.

Examples of products where there should be no change to classification include:

- **Torches and bike lights.** These remain in category 2 “Small Household Appliances”. Even if they contain an LED they should remain in category 2.
- **Products with LED indicator lights.** This might include any EEE with a single LED in the panel. These products should remain in the category in which they were previously reported.
- **Products that incorporate an LED light source.** An example might include a cooker hood with a built in LED lamp to illuminate the cooking area. This should remain in category 1. Although it can also be used as a source of light, its primary function is as an extractor fan. Another example would be a fridge in which the internal light is an LED lamp. This should be reported in category 12 “Appliances containing refrigerants. Although the lamp in the fridge is a source of light, its primary function is as an appliance containing refrigerant.
- **Individual light emitting diodes** supplied as components to OEMs for incorporation into finished products. These are components, not finished products, and remain outside the scope of the regulations.

10. **Non-household luminaires** that do not incorporate an integrated (ie non-removable) LED light source are in scope of the Regulations and in category 5. Some non-household luminaires are sold with a replaceable light source (eg a traditional gas discharge lamp or removable LED light source). In these circumstances the lamp or other light source is in scope and should be reported in category 13.

11. **Household luminaires** irrespective of light source are out of scope of the Regulations until the move to open scope in August 2018, when they will become in scope of the Regulations. Some household luminaires are sold with a replaceable light source (eg a traditional lamp or removable LED light source). In these circumstances the lamp or other light source is in scope and should be reported in category 13 in the transitional period.

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

12. From 15 August 2018 the scope is widened to include all EEE, unless specifically exempted or excluded under Regulations 7 and 8. 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.

13. 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.

# Chapter 3 - Producers of EEE

## (Part 3, Regulation 11-24)

14. Producers have obligations both in terms of the EEE they sell and in terms of financing the collection, treatment, recovery and environmentally sound disposal of WEEE. “Sell” in this guidance 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) ).

15. Those producers who sell EEE direct to householders in the UK (e.g. retailers, internet sellers and other distance sellers) have additional obligations as a distributor of household EEE. For more information see Chapter 6 – Distributors of EEE.

### Definitions

16. The definition of a “producer” can be found in Regulation 2 – Interpretation and remains unchanged from the 2006 WEEE Regulations.

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

### Summary of Producer Obligations

18. The method for calculating financial obligations placed on producers under Regulation 11 for WEEE arising from private households has changed in the 2013 Regulations is different to that in the 2006 Regulations. Each producer member of a Producer Compliance Scheme (PCS) is responsible for financing a portion (according to market share) of the overall producer household WEEE 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.

19. Obligations placed on producers under Regulation 12 for WEEE from users other than private households are directly linked to EEE purchased by users and WEEE discarded by individual end users. The obligations remain unchanged from the 2006 Regulations. Non-household WEEE cannot be used to support obligations for household WEEE. Further information on non-household WEEE producer obligations is set out in chapter 4.

### Authorised Representatives

20. Regulations 14(2) and 14(3) requires producers established in another Member State to appoint an AR in the UK or join a producer compliance scheme approved in the UK before they begin to place EEE onto the UK market. That producer must ensure that they have appointed an AR or joined a compliance scheme in relation to each compliance period during which they intend to place EEE onto the market in the UK.

21. Producers established in the UK may appoint an authorised representative (AR) 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 FAQs. It is particularly relevant to producers who place EEE on the market in a Member State via distance selling methods.

22. The information in this guidance for producers also applies to an AR acting on behalf of a producer placing EEE onto the UK market.

### **Small Producers**

23. Under Regulations 15-17 producers that placed less than 5 tonnes of EEE on the UK market in any one compliance period are not required to join a PCS for the following compliance period. Instead, they may choose to register directly with the relevant environment agency by 31<sup>st</sup> January of that year or within 28 days of the date which that producer places EEE onto UK market for the first time. They will also be required to submit data as described in Regulation 17(1)d by 31 January of that year and for every subsequent year for which they register as a small producer.

24. Small producers supplying non household EEE must ensure they meet the financing obligations arising under Regulation 12 and set out in Chapter 4 of this guidance for collection and treatment WEEE from users other than private households. In order to fulfil these non household obligations they may choose to join a PCS.

25. It is recognised that PCSs provide producers with a valuable “one stop shop” that ensures producers meet all their obligations, as well as keeping producers informed of new developments. Small producers may still choose to 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; it remains the legal duty of the small producer to meet the requirements for registration and reporting.

26. 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

### **Producers placing over 5 tonnes of EEE on the UK Market**

27. Under Regulation 14 producers are required to join a PCS by the 15 November in the compliance year before that which they expect to place 5 tonnes or more of EEE on the UK market. Under Regulation 17(3) producers who enter the UK EEE market after the registration deadline for a compliance period must join a PCS within 28 days. Producers are required to maintain membership of a PCS for the year immediately following that in which they placed household EEE on the market in order to meet their obligations arising from EEE they placed on the market in the previous year.

28. Producers must pay PCSs according to their published fee structure and membership rules. The PCS undertakes to meet 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** (covered in Chapter 4) arising in each compliance period, unless alternative arrangements have been made between the producer and business end-user;
  - EEE a producer placed on the market on or after **13 August 2005**; and,
  - EEE that was placed on the market before **12 August 2005**, regardless of the producer, which the user is replacing with equivalent new EEE.

29. Under Regulation 18 producers must provide information to their PCS about its business and amounts of EEE placed on the UK market broken down by product category and that placed on the market for household and non-household use. For household EEE producers must report the placed on the market data quarterly. For non-household EEE producers must report placed on the market data annually.

30. The Environment Agency publishes [a list of approved PCSs](#). Producers may join a PCS for household WEEE and another for non-household WEEE. Producers may join a PCS approved 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.

31. PCSs will differ in the services they provide and in their fee structures. Some may specialise in particular categories, household WEEE or non-household WEEE, or in services targeted at smaller businesses. Producers are advised to discuss their requirements with several PCSs for comparison. The annual producer charges are payable to and available from the relevant environment agencies for England, Scotland, Wales and Northern Ireland.

32. 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.

33. 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 55-59 and Schedule 10 of the Regulations.

### **Obligations for all Producers**

34. All Producers must fulfil their financial obligations under Regulation 12: WEEE from users other than private households. More information can be found in Chapter 4.

35. Under Regulation 20 for producers placing 5 tonnes or more on the UK market and Regulation 17 for those producers below this threshold, all producers must retain records for at least four years, including the amounts of EEE placed on the UK market, broken down by product category and household/non-household.

36. Under Regulation 21 all producers must provide a producer registration number to distributors. Small producers will receive this number directly when registering with their environment agency. Other producers will receive this number from their Producer



Compliance Scheme. This number confirms to distributors 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.

37. Under Regulation 22 all producers must mark EEE placed on the UK market 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. There is also more information in chapter 7.

38. Under Regulation 23 all producers must mark EEE placed on the UK market with a date mark.

39. Under Regulation 24 all producers must provide information on reuse and environmentally sound treatment for new types of EEE. 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.

40. Under Regulation 74 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.

## Chapter 4 – Non-Household EEE

41. The WEEE Regulations place specific obligations on producers of non-household EEE when it is discarded as waste by non-household end users in the UK.

42. Under regulation 14(11), small producers are not required to join a PCS to fulfil their obligations (see chapter 3). However, this does not exempt small producers meeting their financial obligations in relation to WEEE arising from non-household end users.

### Non-Household EEE obligations

43. Producers have non-household EEE obligations to finance the costs of collection, treatment, recovery and environmentally sound disposal of the WEEE for which they have responsibility, and report evidence via their PCS to the appropriate environment agency (the one with which they are registered) to show that they have complied with the Regulations 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.
- 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.

44. 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.

### Fulfilling Non-Household WEEE obligations

45. 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. Producers choosing this route must report the relevant data to their PCS if they handle the WEEE themselves. If the arrangement is for the end user to take responsibility for the WEEE, then there is no requirement for either party to report data to the agencies.

46. 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. For example:

- Producer A is a member of a collective PCS but wishes to continue a relationship with a long-standing customer. Producer A provides new replacement equipment to

the customer and arranges the treatment and reprocessing of the 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 the nature of such commercial arrangements. 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. There is no requirement to report the data to the agencies

47. 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.

### **Users of non-household EEE**

48. It should be noted that non-household users of EEE do not have:

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

49. Business end users with WEEE for discarding should either contact the producer of the equipment or their PCS to arrange for its proper recycling and treatment. 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>).

### **Re-use**

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

51. 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.

### **Take-back of WEEE**

52. 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.

# Chapter 5 - Producer Compliance Schemes

## (Part 4, Regulations 25-41)

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

54. In certain circumstances, the WEEE Regulations allow producers to appoint an authorised representative (AR) to discharge their obligations (see chapter 3). 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 AR.

### Approval of Producer Compliance Schemes

55. 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)

56. 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.

57. Under Regulation 58 approval may be withdrawn if:

- The appropriate authority is satisfied that the operator of the PCS has not met their obligations under the Regulations;
- The PCS is in breach of the conditions of approval;
- The PCS 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

58. A PCS must:

- Register all their members every compliance period with the appropriate authority, paying the appropriate annual producer charges. Details of the charges are available from the relevant agency.
- Report the information required by the appropriate authority, including:

- Registration information about members (Schedule 8 of the Regulations lists the information required).
  - Household EEE put on the market by members, broken down into each 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 52 on a quarterly basis. This must be broken down by categories and distinguish between household and non-household;
  - Amounts of WEEE delivered to AATFs for reuse or treatment or to Approved Exporters (AEs) for reuse as a whole appliance on a quarterly basis. This must be broken down by category and distinguish between household and non-household.
- Arrange for WEEE to be cleared to or received for treatment or reuse at an AATF or for reuse as a whole appliance by an AE and ensure that they are treating the WEEE in line with the [guidance on Best Available Treatment, Recovery and Recycling Techniques \(BATRRT\)](#).
  - 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 the collective 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 prioritise WEEE for re-use.

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

60. PCSs may receive household WEEE from a commercial DCF or returned under Regulation 43 and/or 52. PCSs will arrange for WEEE to be cleared from local authority (LA) owned DCFs. The PCS will need to deliver WEEE to an AATF or AE in order to have evidence issued against it.

61. PCSs must respond to a request from any LA DCF to clear any separately collected WEEE, where the LA has not opted to manage its own WEEE under Regulation 53 and is not in a contractual arrangement with a PCS.

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

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

63. 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 household WEEE 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**

64. Individual PCS targets will be adjusted 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 to take account of any re-submissions of EEE data that report higher tonnages than that originally submitted.

65. 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.

66. The overall collection target for each compliance period will be set by the Government according to the methodology set out in Regulation 28.

67. PCSs may 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.

68. 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.

69. 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**

70. 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.

71. 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.

72. 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.

73. 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.

74. 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 50 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.

75. 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 34 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.

76. 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.

77. PCSs will normally arrange for WEEE to be cleared from DCFs to an AATF for treatment or reuse or an AE for reuse as a whole appliance 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 \(BATRRRT\)](#).



78. Regulation 43 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. It is suggested that distributors make contact with PCSs with household WEEE obligations operating in the area.

### **Non Household WEEE**

79. PCSs may offer to fulfil producer obligations to finance the costs of the collection, treatment, recovery and environmentally sound disposal of non-household WEEE. Further information can be found in Chapter 4.

80. 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.

81. PCSs have an obligation to establish a system for returning non-household WEEE and finance the costs of its collection, treatment, recovery and environmentally sound disposal. 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.

### **Issuing of Evidence of Compliance**

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

83. 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.

84. 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; 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.

85. 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.



86. Transfers of evidence between schemes on the Settlement Centre, in order to ensure all PCSs are able to meet their financial obligations, is not possible under the new system. However, sub-contracting in advance for collection and treatment between schemes remains possible from 2014. In such circumstances the evidence should be issued by the first receiving AATF directly to the PCS that will ultimately count the evidence towards their collection target.

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

87. 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**

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

89. The Agencies suggest that schemes clearing the DCF (even if acting on behalf of another scheme) should report data on the WEEE cleared back to the Local Authority. 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**

90. The compliance year 2014 has been used for illustrative purposes:

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

**30 November 2013** - Deadline for PCSs to report registration 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 small 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 6 - Distributors of EEE

## (Part 5, Regulation 42–46)

### Distributors – A definition

91. The WEEE Regulations 2013 contain a definition of distributors under Regulation 2 - Interpretation. This definition is different to the WEEE Regulations 2006 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.

92. 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 3, 4 and 5.

### Distributor's Enforcement Body

93. The VCA is the enforcement body for distributor obligations for WEEE from private households and the producer obligation to mark 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

94. Distributors have three choices of how they discharge their take-back obligations, as explained in regulations 42-46 and 68-69. These are:

95. **Option 1 - Join the Distributor Take-back Scheme (DTS).** The scheme allows distributors to contribute to the funding of 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>

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

97. **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). Distributors should 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.

98. **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. Such alternatives to in-store take-back might for example include the provision of a facility that is shared amongst local distributors. Distributors should 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.

### **Takeback of Very Small WEEE**

99. Furthermore, a distributor who supplies new EEE from a retail premises with a sales area relating to EEE of at least 400m<sup>2</sup> is required to take back very small WEEE free of charge to end users without there being any obligation on the user to buy new EEE.

100. 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.

101. 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.

102. Under regulation 46 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 69.

103. Under this exemption, members of the DTS approved by the Secretary of State and introduced on 1 January 2013 are deemed to meet the requirements of regulations 42 & 45(1), by virtue of the terms of that membership.

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

104. 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.

105. 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 environmental permits, exemptions and registrations to transport WEEE themselves. Further information is available from the environment agencies. Records must be kept of all WEEE collected and managed this way.

106. If you take back WEEE from consumers you will normally be able to do this under a Non-Waste Framework Directive exemption for the temporary storage of waste. There is no need to do anything to obtain this exemption, however there are specific conditions that you need to comply with. In addition if the WEEE you are generating or taking back is hazardous you may also need to register as a hazardous waste producer.. Further information can be found on the relevant environment agency website.

107. If you are transporting waste to a recycler you need to register as a waste carrier.

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

108. All distributors (including those in the DTS) must make the information referred to in Regulation 44 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.

109. 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.

110. 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.

111. 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**

112. Producers must provide their producer registration number to distributors when they supply EEE.

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

113. 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:

- 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”);
- A distributor imports EEE for which the original overseas producer has not registered responsibility through membership of a UK PCS or by employing an AR (thereby falling within the definition of a “producer”) and then makes that EEE available for sale (thereby falling within the definition of a distributor).

### **Record Keeping**

114. Under Regulation 45, distributors are required to keep records about the number of units received and the number returned to a PCS under regulation 42. Any household WEEE obtained via a `collect on delivery` service that is also returned to a PCS under Regulation 42 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 7 - Consumers of Household EEE

115. 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.

116. Consumers can access a network of designated collection facilities (DCFs) throughout the UK at which they can return WEEE free of charge. WEEE deposited at these sites will be treated in accordance with the best available techniques and not sent to landfill. There may also be further collection facilities available locally. Consumers can find the nearest WEEE recycling centre at: <http://www.recyclenow.com/bank-locator>

117. All distributors of EEE for household use have an obligation to provide information in writing to householders about the WEEE collection facilities available to them. Distributors will typically be retailers and distance sellers, such as those selling on-line.

118. Distributors must either be able to direct the consumer to a network of distributor funded 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. Like-for-like in this situation means an item which has the same or similar functions. 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. All distributors of EEE must declare, if requested by householders, which of these options they provide.

119. Furthermore, from 1<sup>st</sup> January 2014 retailers who are not members of the DTS and are supplying EEE from retail shops with a sales area relating to EEE exceeding 400m<sup>2</sup> are now required to take back very small WEEE (no external dimension more than 25cm) 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.

## Distance Sellers

120. 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.

121. Distributors who are distance sellers must tell consumers 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 consumer choosing to return WEEE themselves.

### **Collection on Delivery**

122. Many distributors offer home-delivery services to consumers 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.

123. Consumers 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.

### **EEE Purchased Abroad**

124. 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. Consumers 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.

### **Bulky Waste Collections**

125. 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**

126. 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**

127. The takeback and information requirements placed on distributors are enforced by the VCA. Consumers can report distributors not meeting their obligations by calling 0300 330 5799 or emailing [weee@vca.gov.uk](mailto:weee@vca.gov.uk)



# Chapter 8 - Designated Collection Facilities, Local Authorities and WEEE

128. For Local Authority (LAs) and non LA Designated Collection Facilities (DCFs), the impact of the 2013 Regulations remains the same as the 2006 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.

129. 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

130. 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.

131. 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. Notification should be sent to [weee@bis.gsi.gov.uk](mailto:weee@bis.gsi.gov.uk) . This notification shall apply for the entire compliance year. The notification must be accompanied by

- Full contact details,
- Notification of the streams to be self-treated and tonnage data for those streams from the previous year,
- Details of the AATF or AE to be used, and
- Confirmation that the LA has informed the incumbent PCS of their intentions to self-treat.

132. 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.

133. 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 or an AE and it must be treated using [best available treatment recovery and recycling techniques](#).

134. 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**

135. 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)

136. 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>

137. 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.

138. DCF operators must agree to comply with the [Code of Practice](#) for the collection of WEEE from DCFs. Failure to comply may result in DCF approval being withdrawn.

139. 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**

140. 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.

### **141. Fly-Tipped Waste**

Handling of fly-tipped WEEE remains the responsibility of local authorities. However where this WEEE is brought to a DCF site, PCS's are encouraged to assist with arrangements that ensure its proper treatment.

### **Non-household Waste**

142. Some LA sites and waste transfer stations currently accept WEEE from small businesses. This is entirely at the discretion of the LA. If there is a local policy to accept "trade waste" from small businesses LAs retain the right to make a charge for the service.

143. A pragmatic approach should be taken here given the definition of household WEEE 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 set out in the WEEE the Regulations in order for the PCS clearing the site to be obligated to arrange clearance.

144. "WEEE from private households" is defined in Regulation 2

145. The definition means that the distinction between WEEE from private households and WEEE which comes from business sources is retained under the 2013 regulations.

The distinction between WEEE that comes from consumer households and WEEE that has been used by a business will be based on an assessment of its nature and quantity of the WEEE [being deposited at the DCF] on a case by case basis.

146. WEEE from businesses sources is therefore WEEE which is unlikely, by reason of its nature and quantity, to have been used by private households during its life. Therefore, subject to the nature and quantity test, this WEEE should be regarded as non-household WEEE.

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

147. 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 scope of the definition in the 2013 regulations 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 9 - Treatment Facilities and Approved Exporters

## (Part 8 – Regulation 60 – 67)

### Authorised Treatment Facilities (ATFs)

148. WEEE can only be treated by an ATF which has been granted the appropriate permit, licence or exemption to do so by one of the relevant environment agencies. ATFs must comply with the conditions imposed by that permit, or licence, or exemption.

149. ATFs which undertake the treatment of WEEE are required to adopt [Best Available Treatment, Recovery and Recycling Techniques \(BATRRRT\)](#).

### Approved Authorised Treatment Facilities (AATFs)

150. To issue 'evidence' (for the purpose of the WEEE regulatory system) on receipt of WEEE which is to be treated or re-used as a whole appliance, an ATF must be granted an additional approval by the relevant environment agency.

151. To obtain approval an ATF operator must submit an application together with the relevant charge. The process for applying is set out in regulation 61. Once approved to issue evidence the operator must comply with the conditions of approval, which are set out in Schedule 11 of the regulations.

152. Where an ATF operator has more than one facility which treats WEEE, and requires each facility to be able to issue evidence, then an application for approval in respect of each facility must be submitted, along with the relevant application charge.

153. Approved ATFs can only issue evidence to approved WEEE producer compliance schemes (PCS), or a producer or authorised representative to whom regulation 14(10) applies.

154. The first AATF receiving WEEE for treatment or re-use from or on behalf of a PCS is the AATF which should issue the evidence. In certain cases the first receiving AATF may pass WEEE on to be treated by another ATF (for example because that specific WEEE requires specialist treatment, or it is suitable for re-use). Where this occurs the first receiving AATF retains the right to issue the evidence, and continues to retain the liability to ensure the relevant conditions of approval are met (for example, the recovery and recycling targets).

155. AATFs are required to provide quarterly returns to the relevant environment agency. Returns should be submitted in the format required by the agencies. The returns must include information on:

- Tonnage of WEEE received for treatment.
- Tonnage of WEEE sent to another ATF for treatment (including the name and address of the operator of that ATF and of the treatment site if different).

- Tonnage WEEE received for re-use as whole appliances (including the name and address of the reuse operator if reuse occurs at another facility)
- Tonnage 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 53.
- 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.
- For each of the above reporting requirements, the return should identify the tonnages which are household and non-household WEEE
- WEEE should be reported per category.

156. Returns 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.

157. 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:

- Suspend the AATF approval
- Cancel the AATF approval
- Take enforcement action

158. Where an approval is suspended the AATF will not be able to issue any evidence on previously treated/reused WEEE during the suspension period. Nor will they be able to issue any evidence at all on WEEE received for treatment/reuse during the suspension period.

159. Where an approval is cancelled, no further evidence can be issued, irrespective of whether the WEEE has already been treated or not.

## Protocols

160. UK wide Protocols have been developed by industry led groups to assist in determining the proportions of different categories of WEEE in mixed loads.

161. These protocols can be applied to all small mixed WEEE (SMW) and large domestic appliances (LDA) received from Local Authority DCFs for treatment. The environment agencies have set out in their guidance note (GN04) how the protocols should be used, including where they can be used for non DCF sourced WEEE.

162. 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.

163. AATFs/AEs and PCS have the flexibility to review existing UK wide protocols or propose new additional protocols. In all cases changes or additional protocols will need to be agreed with the environment agencies before being used.

164. AATFs also have the option of agreeing site specific protocols and arrangements for determining tonnages of WEEE received. These must be submitted and agreed at the AATF application stage before being used.

### **Approved Exporters (AEs)**

165. Exporters must be approved if they:

- Export WEEE derived materials that has had evidence issued upon it by an AATF
- Export WEEE as whole appliances for re-use and intend to issue evidence of reuse on this WEEE to a PCS

166. The process for applying for approval is the same as for ATFs and is set out in regulation 61.

167. As part of their application for approval, exporters must also submit information on the overseas facilities they will be sending their WEEE materials to for recovery or reuse as a whole appliance. For overseas facilities that are outside the European Economic Area (EEA), the exporter must demonstrate that the overseas facility is operating under broadly equivalent standards to those set out in the EU Waste Framework Directive.

168. Exporters can only issue evidence on WEEE received from or on behalf of a PCS that is exported for reuse as a whole appliance. WEEE derived materials being exported will normally have had evidence issued on it by the AATF who undertook the treatment to generate the WEEE derived materials.

169. Approved exporters who export WEEE derived materials that has had evidence issued on it, will need to work with the supplying AATFs to assist them in demonstrating that the WEEE has been recovered or recycled and that the relevant recovery targets have been met.

170. In addition to complying with the conditions of approval placed on approved exporters under the WEEE regulations, exporters of WEEE and WEEE derived materials must also ensure they comply with the Waste Shipment Regulations, further information on the exports of waste and relevant controls can be found here:

<http://www.environment-agency.gov.uk/business/sectors/32447.aspx>

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

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

172. Approval can only be suspended under the circumstances set out in Regulation 64. The suspension only applies to the 'approved status' that has been granted to the AATF or

AE. It does not affect status of this AATF or AE under other regulatory regimes, e.g. operation under an exemption or environmental permit or licence. These are not affected by the suspension notice.

173. When approval is suspended the following will happen:

- Notice of suspension is sent to the operator. The notice will set out the reasons for the suspension, and actions to be taken to lift the suspension.
- There is a right to appeal a suspension. Details of how to exercise this right will be included in the notice.
- The operators 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.

174. 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.

### **Cancellation of approval:**

175. Approval can only be cancelled under circumstances set out in regulation 64. Approval may be cancelled if the conditions of approval have not been complied with and/or corrective actions set out in a suspension notice have not been addressed.

176. When approval is cancelled the following will happen

- Notice of cancellation is sent to the operator. The notice will set out the reasons for the cancellation.
- There is a right to appeal a cancellation. Details of how to exercise this right will be included in the notice.
- The operators Settlement Centre account will be closed and no further evidence can be issued.
- Any evidence issued prior to the cancellation taking effect will remain valid.
- WEEE PCSs will be notified that approval has been cancelled.



- The public register will be updated to indicate a change in status from approved to cancelled.
- Where an approval has been cancelled, this does not negate the possibility of the agencies taking enforcement action.
- If an AATF/AE reapplies for approval, which is granted, only WEEE received during this 'new' approval is eligible to have evidence issued against it.

### **Recovery Targets**

177. The recovery targets for each category are set in Schedule 11, Part 2, which implements the targets set out in the WEEE Directive. AATFs are required to demonstrate that these targets are being met for all the WEEE they receive for treatment.

### **Evidence**

178. AATFs and AEs can only issue 'evidence notes' on WEEE which has been delivered to them by or on behalf of a PCS. Any other WEEE (defined as non-obligated WEEE) received by an AATF or AE cannot have evidence issued against it.

179. Evidence notes can be issued by an AATF or AE as soon as the WEEE has been received by them. However in issuing evidence before WEEE is treated or re-used the AATF/AE is taking on the liability to ensure that this happens. Where for any reason the subsequent treatment or re-use does not occur the AATF or AE will need to take corrective action to ensure the amount of evidence issued is not greater than the amount of WEEE treated or re-used.

180. Evidence should not be issued for more WEEE than has been received for treatment or reuse. Where the agencies identify that this has occurred, this will be investigated and may result in suspension, cancellation and/or enforcement action.

### **Regulation 43 – Takeback**

181. Under Regulation 43 distributors who are discharging their obligations through in-store take-back have the right to return WEEE from private households directly into the system set up by a PCS. In practice this will work by the distributor contacting a PCS and arranging to return WEEE direct to an AATF of the PCSs choosing. Where this occurs the WEEE must be treated as if being delivered on behalf of a PCS and will be eligible to have evidence issued against it.

### **Regulation 52 – Final Holder Right of Return: WEEE from Private Households**

182. Regulation 52 gives final holders of household WEEE the right to return it directly into the system, e.g. professional repairers who hold EEE from private households can return it directly to a PCS or a nominated AATF/AE under agreement with the PCS. This WEEE will be eligible to have evidence issued against it to the PCS overseeing the delivery to an AATF/AE.

### **Business to Business**

183. The PCS must ensure that non-household WEEE for which it is responsible is taken to an AATF or AE. The AATF or AE will then arrange for the appropriate treatment or



reuse and provide evidence of this following the same system and standards as household WEEE.

184. Evidence of both household and non-household WEEE can be recorded on the Settlement Centre. PCSs cannot use evidence of non-household WEEE to offset their obligations for WEEE from private household, and vice versa.

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

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

186. 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.

187. 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 \(BATRRT\)](#).

## Contact Points for Further Information

1. Environment Agency for England  
Horizon House,  
Deanery Road  
Bristol  
BS1 5AH  
Tel: (UK) 08708 506 506  
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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  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park

Lower Ormeau Road

Belfast

BT7 2JA

Tel: +44 (0) 28 9056 9387

Email: [weee@doeni.gov.uk](mailto:weee@doeni.gov.uk)

Website: [http://www.doeni.gov.uk/niea/waste-home/regulation/regulations\\_weee.htm](http://www.doeni.gov.uk/niea/waste-home/regulation/regulations_weee.htm)

4, Natural Resources Wales

Producer Responsibility,

Rivers House,

St Mellons Business Park,

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CF3 0EY,

Phone – 0300 065 3000 (Mon-Fri, 8am - 6pm)

e-mail - [weee@naturalresourceswales.gov.uk](mailto:weee@naturalresourceswales.gov.uk)

Website: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

5. Department for Business, Innovation and Skills (BIS)

1 Victoria Street

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SW1H 0ET

Tel: +44 (0) 20 7215 5822

Enquiries: [weee@bis.gsi.gov.uk](mailto:weee@bis.gsi.gov.uk)

Website: <https://www.gov.uk/environmental-regulations#waste-electrical-and-electronic-equipment>

6. Valpak Retail WEEE Services

Tel: 08450 682572

Email: [info@valpak.co.uk/dts](mailto:info@valpak.co.uk/dts)

7. VCA

Tel: 0300 330 5799

Email: [weee@vca.gov.uk](mailto:weee@vca.gov.uk)

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

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