

Guidance note for approval as an approved authorised treatment facility (AATF) or approved exporter for waste electrical and electronic equipment



Environment Agency



Northern Ireland Environment Agency
www.ni-environment.gov.uk



An Agency within the Department of the Environment
www.doeni.gov.uk

The Waste Electrical and Electronic Equipment Regulations 2006, as amended

Please read this guidance note carefully before you complete the application form.

You should read it in conjunction with the Waste Electrical and Electronic Equipment Regulations 2006 and the government guidance notes published by the Department for Business, Enterprise and Regulatory Reform.

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1 Overview of the system

The Waste Electrical and Electronic Equipment Regulations 2006 (SI3259) (the WEEE Regulations) are UK-wide regulations that transpose the requirements of the Waste Electrical and Electronic Equipment Directive that was adopted by the EC in 2003 (2002/96/EC and 2003/108/EC). They place responsibilities on producers, rebonders and importers of electrical and electronic equipment (EEE). These include taking responsibility for financing collection, treatment and recycling of electrical and electronic products when they become waste.

The regulations include targets for the amount of waste electrical and electronic equipment (WEEE) that will need to be treated, recovered and recycled. Sites that refurbish, treat, recover and recycle or export WEEE play a crucial part in providing evidence that different categories of WEEE have been treated and recycled. These guidance notes cover the steps you need to take in order to become approved to issue evidence and describe the conditions you will need to meet once you are approved.

If you are a UK business which does any of the following:

- treats household WEEE taken from designated collection facilities or distributors
 - treats non-household WEEE taken from designated collection facilities, distributors or end-users
 - exports WEEE for treatment, recovery or recycling
 - refurbishes whole electrical or electronic appliances
- and
- holds an Environmental Permit or registered exemption for treatment of WEEE
- and
- has a contract/s with local authority run designated collection facilities (DCF) and/or Producer Compliance Schemes (PCS).

you are eligible to apply for approval as an approved authorised treatment facility (AATF) or approved exporter. WEEE that is from a local authority DCF or through an arrangement with a PCS is termed **obligated WEEE**. Only obligated WEEE can be included in the evidence system.

Any other WEEE entering a site must not have evidence issued against it.

The approval system will enable a consistent approach to treatment facilities and exporters and ensure that evidence of treatment, recovery and recycling is standardised across the UK. It will also allow us to effectively monitor the treatment of WEEE undertaken at AATFs and the subsequent recovery and recycling of WEEE, which takes place in the UK. We will also be able to monitor approved exporters to ensure that exported wastes are treated, recovered and recycled to equivalent standards to those required in the UK.

2 What is an approved Authorised Treatment Facility (AATF)?

An **authorised treatment facility (ATF)** is a permitted¹ (or registered exempt) site carrying out refurbishment or treatment on waste electrical and electronic equipment. Treatment can include depollution, disassembly, shredding, recovery or preparation for disposal. Any operator of a site or sites receiving WEEE direct from a designated collection facility (DCF), distributor or end-user can apply to become approved. Only operators of approved ATFs (AATFs) can issue evidence notes for the treatment, recovery or recycling of WEEE that takes place in the UK. The evidence must relate to treatment, recovery and recycling being carried out on an approved site, or to further treatment, recovery and recycling carried out at further sites. The evidence notes will be required by producer compliance schemes on behalf of their members who will need to prove that a certain amount of WEEE has been treated, recovered and recycled. For further information on evidence notes see section 8, and Guidance note GN04 published separately by the agencies.

Evidence of re-use and refurbishment of whole appliances also counts towards PCS overall obligations. If you operate a facility which collects whole items for re-use and refurbishment, for example computers or household items such as fridges or washing machines and you have an environmental permit or exemption, you can apply to become an AATF. This will then

¹ Under the Environmental Permitting Regulations, 2007 or the Waste Electrical and Electronic Equipment (Waste Management Licensing) (Northern Ireland) regulations 2006 or the Waste Electrical and Electronic Equipment (Waste Management licensing) (Scotland) Regulations 2006.

allow you to issue evidence of re-use to compliance schemes and their producers.

If you become an AATF and you intend to export WEEE or WEEE materials for further treatment, recovery or recycling, you will also need to apply to be an approved exporter. If you intend for someone else to export WEEE or WEEE materials for further treatment, recovery or recycling you must ensure that they are an approved exporter.

3 What is an approved Exporter?

All WEEE must be exported by an approved exporter if evidence is to be issued. Approved exporters will be allowed to issue evidence notes for exporting whole untreated EEE for reuse, treatment, recovery and recycling overseas. You will need to supply evidence that each overseas treatment or recovery site operates to standards that are equivalent to those required in the European Economic Community. The evidence notes will be required by compliance schemes on behalf of producers who will need to prove that a certain amount of WEEE has been treated, recovered and recycled. For further information on evidence notes see section 8.

4 How to apply to become approved

In order to become approved as an AATF or approved exporter you will need to send an application to one of the UK environment agencies. You will need to enclose the appropriate fee and show how you will meet the conditions of approval. The approval lasts for one compliance period for example if you apply by 30 September 2008 your approval will run from 1 January to 31 December 2009. You need to re-apply for approval every year.

To apply for approval as an **AATF** you will need to fill in form **WMP5** – Application for approval as an approved authorised treatment facility (AATF) for waste electrical and electronic equipment.

To apply for approval as an **approved exporter** you will need to fill in form **WMP6** – Application for approval as an approved exporter (AE) of waste electrical and electronic equipment.

With your application you will need to:

- attach a sampling and inspection plan. There is more about this in section 7 of these notes
- attach evidence of equivalent standards (exporter applications only)
- pay the application fee. There is more information about fees in section 10 of these notes.

The regulations set out a maximum determination period of 12 weeks for the relevant agencies to assess applications and confirm the outcome to the applicant. In order to begin issuing evidence of treatment, recovery and recycling at the beginning of the compliance period, you will need to apply for approval by 30 September in the preceding year. **For approval to start 1 January 2009 you will need to apply by 30 September 2008.**

You may apply for approval at any time of the year, but your approval will only run from the date you are approved until 31 December of that year.

Operators with multiple ATF sites

If you operate more than one ATF site you can apply for approval of more than one ATF using one form (WMP5) and paying one fee. You will need to fill in a separate Part B for each site for which you are seeking approval as an AATF.

If you are also seeking approval as an approved exporter, you will need to make a separate application using form WMP6 and pay the appropriate fee.

5 Approval criteria

You must meet certain criteria in order to apply for and become approved as an AATF or AE. We must be satisfied with all the information you supply at the application stage in order to determine the application.

The criteria for becoming approved as an AATF are:

- that you are the operator of an authorised treatment facility
- that you will comply with the conditions of approval. There is more information about this in section 6 of these notes.
- that your application is on form WMP5 for AATFs and WMP6 for AEs
- that your application includes all the information as specified in Part 1 of Schedule 8 of the Regulations
- that the appropriate fee accompanies your application.

The criteria for becoming approved as an AE are:

- that you are an exporter
- where the application includes treatment, recovery or recycling at sites outside Europe (plus Iceland, Norway and Lichtenstein) that you provide evidence that any treatment, recovery or recycling will meet equivalent standards to those in the European Union
- that you will comply with the conditions of approval. There is more information about this in section 6 of these notes
- that your application is in writing and on the forms issued by the appropriate authority
- that your application includes all the information as specified in Part 1 of Schedule 8 of the Regulations
- that the appropriate fee accompanies your application.

6 Conditions of approval

6.1 What are the conditions of approval?

Once you are approved as an AATF or an approved exporter, you must comply with the conditions set out in Schedule 8 of the regulations.

- If you are an approved authorised treatment facility, the conditions of approval are set out in **Part 2 of Schedule 8**.
- If you are an approved exporter, the conditions of approval are set out in **Part 3 of Schedule 8**.

Evidence notes can only be issued on WEEE which has arisen as waste in the United Kingdom.

6.1.1 AATFs

The operator of an AATF can issue evidence on obligated WEEE that has been received at the AATF. The evidence can be for re-use of whole appliance that have been refurbished or for treatment, recovery and recycling.

Where WEEE derived materials (for example plastic or ferrous metal) are passed to another site for recovery and recycling, the first AATF that received the WEEE will issue the evidence. The first AATF will need to secure supporting information for subsequent recovery and recycling.

The evidence for recovery and recycling cannot be issued until the WEEE materials have been received by the reprocessor

6.1.2 Approved exporters

An approved exporter can issue evidence notes for the treatment, recycling and recovery of obligated WEEE where whole appliances have been exported. Overseas treatment facilities and recovery/recycling sites must be approved through the application process for evidence to be issued on WEEE entering those sites.

6.2 Transfrontier Shipment of Waste Regulations (TFS)

6.2.1 Waste

Approved exporters must comply with the provisions of the Waste Shipments Regulation (EC/1013/2006) which apply to the export of wastes from the United Kingdom. The regulation provides a range of different control procedures, which are determined by the classification of the waste and the country of destination. Most transboundary shipments of WEEE will be subject to the TFS notification procedure. You should be aware that on the 12 July 2007 the Waste Shipment Regulation (EC/1013/2006) and the Transfrontier Shipment of Waste Regulations 2007, came into force. Further information can be obtained from:

<http://www.environment-agency.gov.uk/business/444304/444641/595811/1770640/>

6.2.2 Radioactive sources

Exporters should also be aware that WEEE containing both low and high activity sources are subject to control by the Radioactive Substances Act 1993.

6.2.3 Further information

For further information on TFS permits or specific questions, contact the Environment Agency TFS National Service on 01925 542265 (for Northern Ireland contact the Environment Heritage Service on 028 9056 9317, for Scotland contact SEPA on 01786 457700).

6.3 Equivalent standards (applies to exporter applications only)

6.3.1 Requirements

As part of the application and during compliance monitoring, approved exporters need to demonstrate that overseas sites to which they are exporting WEEE or WEEE materials for treatment, recovery or recycling, are operating under conditions that are equivalent to those required in the EU under the WEEE Directive. This will mean providing the appropriate authority with evidence that the best available treatment, recovery and recycling techniques (BATRR) are being used, that the appropriate permits are in place for the overseas site, and that the site meets the technical requirements set out in Annex III of the Directive.

The WEEE Directive sets out that where WEEE is exported it should be treated and recovered at sites where the operation is equivalent to conditions as set out in the Directive.

We have interpreted this to mean that such overseas sites are operated in a manner that achieves the level of environmental protection required by the Waste Framework Directive 75/442/EEC. That means that the overseas site must operate within a regulatory regime, which requires that:

Necessary measures are taken to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular:

- without risk to water, air, soil and plants and animals,
- without causing a nuisance through noise or odours,
- without adversely affecting the countryside or places of special interest.

The regime should also include necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste by the overseas site.

The regulatory regime may require permits to be held, but it need not necessarily do so. The essential factor of the regime is that compliance with the standard specified above can be enforced against the overseas site.

6.3.2 Equivalent evidence

Exporters seeking approval will have to provide evidence for each overseas site outside the European Union demonstrating that they are operating to equivalent standards.

Such evidence can be in one of the following forms:

- a statement from the competent authority under which the relevant site operates confirming that the site is regulated and operating within a regime that achieves equivalent operating standards
- evidence from the overseas site that it is a regulated site operating within a regime that ensures equivalent standards. Typically this would be a copy of all relevant permits, licences etc.

All documentary evidence submitted must be in English or accompanied by an English translation.

6.4 Issuing evidence

Once approved, an AATF or approved exporter can issue evidence notes against the tonnage of obligated WEEE received or exported between the date of approval and the 31 December of that year. Evidence can be issued up to and including 30 April of the following year.

The total amount of evidence issued should not at any time exceed the tonnage of obligated WEEE received for treatment by an AATF or exported by an approved exporter.

Where an approval is given to an operator for a number of AATFs, there must be separate auditable records for each site, which will support the evidence issued.

6.5 Completion of evidence notes

- the amount of WEEE recorded on an evidence note should be recorded in tonnes or kilograms
- all evidence notes should be issued through the Settlement Centre website at www.weee-sc.org.uk

The Settlement Centre has been established to allow the issuing of household and non-household evidence and the trading of household evidence.

6.6 Management and records

The operator of the AATF or approved exporter should retain records to support the evidence notes issued. This could include transfer notes, contract details, weighbridge tickets, photographs and invoices or any other documents you hold that prove the activities represented on evidence notes.

6.7 Quarterly reports

Quarterly reports are required to provide the agencies with data on the amount of obligated WEEE that has been received for treatment and that has been re-used as a whole appliance, treated, recovered, recycled and/or exported. AATFs and approved exporters will be sent a template spreadsheet to complete and return. Only obligated WEEE should be reported and exporters should only report the tonnages of whole appliances they export.

6.7.1 AATFs need to provide us with quarterly reports containing the following information:

- tonnage of obligated WEEE received for treatment in that quarter
- tonnage of obligated WEEE delivered to another ATF for treatment in that quarter
- tonnage of obligated WEEE delivered to a reprocessor for recovery or recycling in that quarter
- tonnage of obligated WEEE delivered to an approved exporter for treatment, recovery or recycling outside the UK in that quarter

- a breakdown of the above information by the 10 categories including separate tonnages of display equipment, cooling appliances containing refrigerants and gas discharge lamps.
- the tonnage of obligated WEEE in each category which was for household use
- the tonnage of obligated WEEE in each category which was for non-household use
- names and addresses of all facilities or approved exporters to whom obligated WEEE was delivered for the above purposes.

6.7.2 Approved exporters need to provide us with quarterly reports with the following information:

- tonnage of whole items of obligated WEEE exported for re-use, treatment, recovery or recycling in that quarter
- a breakdown of the above information by the 10 categories including separate tonnages of display equipment, cooling appliances containing refrigerants and gas discharge lamps.
- the tonnage of obligated WEEE in each category which was for household use
- the tonnage of obligated WEEE in each category which was for non-household use
- the total number of evidence notes issued.

6.7.3 Quarterley reporting dates

For both AATFs and approved exporters, the quarterly reports must reach us by the following dates:

- Quarter 1 – January, February, March – 1 May
- Quarter 2 – April, May, June – 1 August
- Quarter 3 – July, August, Sept – 1 November
- Quarter 4 – October, November, December – 1 February

6.8 Independent audit report

All operators of AATFs or approved exporters need to give us an independent auditors report by 31 May following each approval year. The report must show that the evidence notes issued are consistent with the tonnages of obligated WEEE that have been re-used, treated, recovered, recycled or exported during that period.

You do not need to send an independent audit report if you have not issued any evidence.

‘Independent auditor’ means an auditor who would be eligible as a company auditor of the AATF or approved exporter under Part II of the Companies Act 1989(a), or an auditor who is independent of the AATF, independent of any operator of a scheme and a member of a professional body for auditors that is recognised as such by an appropriate authority.

Further information on independent audit reports is in guidance note GN03 Independent Audit Reports.

7 Protocols for mixed WEEE and sampling and inspection plans

7.1 Protocols

Defra has developed 2 protocols to assist companies in the recording and reporting of WEEE recycling. The protocols will enable you to establish the category percentages and the composition of WEEE entering the site. There is an agreed protocol applicable to Small Mixed WEEE (SMW) from local authority run DCFs. There is also a protocol for mixed large domestic appliances (LDA). Further information and protocols documents can be found on the Defra website at: www.defra.gov.uk/environment/waste/topics/electrical/index.htm

7.2 Sampling and inspection plan

You will need to include a sampling and inspection plan with your application. Where you are receiving mixed loads you should detail how you propose to determine the percentage of obligated WEEE in each category. You should also provide details of how you propose to determine the percentage of WEEE in each of the categories for loads going on for recovery and recycling. You will need to refer to any national or locally agreed protocols you are using.

8 Suspension and cancellation of approval

8.1 Suspending and cancelling an approval

We may suspend or cancel your approval if we believe that you have:

- failed, or are likely to fail, to comply with any of the conditions of approval specified in Schedule 8 of the Regulations
- knowingly or recklessly supplied false information in your application for approval
- knowingly or recklessly supplied false information in order to comply with any of the conditions of approval specified in Schedule 8
- issued evidence notes improperly
- in the case of an exporter, where the appropriate authority is no longer satisfied that an overseas site is meeting equivalent standards to those applied in the EU.

In the case of an AATF which has been approved for a number of sites and for exporters with a number of overseas site included in the approval, suspensions may be put in place for either individual sites as part of the approval or for the whole of the approval. The particular circumstances that lead to a suspension being issued will influence whether the suspension is for part (i.e. named sites within an approval) or for the whole approval.

Where a suspension is put in place we may have to invalidate evidence notes you have issued, in which case you may be liable for breach of contract with your customer.

In addition to suspending an approval we may also take enforcement action.

Your approval will be cancelled if you:

- cease to be an ATF or exporter
- ask us to cancel it (from the date you specify).

8.2 Notification of intent to suspend or cancel an approval

Before suspending or cancelling an approval we will serve you a written notification explaining:

- our decision to cancel or suspend the approval
- the reasons for the decision
- your right of appeal
- the date when the suspension or cancellation will take effect.

If we tell you that we intend to suspend your approval, we will tell you the length of time of the suspension and explain what you need to do in order to have the suspension lifted.

During suspension, you are not able to issue any evidence notes. Once suspension is lifted, you cannot issue evidence against WEEE or WEEE materials received/exported during the period of suspension.

9 Fees

The fees you need to include in your application are dependent on the number of tonnes of WEEE on which you expect to issue evidence.

9.1 Small AATFs/approved exporters

If you expect to issue evidence on 400 tonnes or less your application fee will be £500.

9.2 Large AATFs/approved exporters

If you expect to issue evidence for more than 400 tonnes your application fee will be £2,590.

If you are approved as a small AATF or exporter and you issue evidence for more than 400 tonnes, you must pay the balance of the higher charge, £2,090 to the appropriate agency within 28 days.

If you are an operator who has approval for a number of sites, the 400 tonnes limit applies to the aggregate activity at all the sites included in your approval.

9.3 Exporters

Approved exporters wishing to add a further overseas treatment, recovery or recycling site after approval will need to apply to have this site added to their approval, and will need to submit £110 for each extra site.

10 Where to find out further information

You can find further information on the approval of AATFs and approved exporters in the guidance issued by BERR at www.berr.gov.uk/files/file38209.pdf

Environmental Permitting Regulations for England and Wales – www.defra.gov.uk/environment/waste/management

Waste management licensing in Scotland – www.sepa.org.uk/regulation

Waste management licensing in Northern Ireland – www.ni-environment.gov.uk/waste

BATRRT guidance and WEEE protocols – www.defra.gov.uk/environment/waste/topics/electrical

Settlement Centre – www.weee-sc.org.uk

Application forms WMP5 and WMP6 and guidance notes GN03 Independent Audit Reports and GN04 WEEE Evidence www.environment-agency.gov.uk/weee

You can also contact the following for guidance and advice:

Environment Agency phone: 08708 506506
Northern Ireland Environment Agency phone: 028 9056 9387
Scottish Environment Protection Agency phone: 01786 457700

11 Where to send your completed application

If your site is in England or Wales

Environment Agency
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield, S9 4WG

Phone 08708 506506

If your site is in Scotland

Producer Responsibility Unit
Scottish Environment Protection Agency (SEPA)
Castle Business Park
Stirling, FK9 4TR

Phone 01786 457700

Fax 01786 446885

If your site is in Northern Ireland

Producer Responsibility Unit
Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast, BT7 2JA

Phone 028 9056 9387

Fax 028 9056 9376

If you are applying as an operator of more than one UK ATF site, send your application to the authority where your registered office and principal place of business are located.

12 What happens once you have submitted an application

The appropriate authority will assess your application. This will involve a series of checks and may also involve a site inspection visit. You will be notified of our decision no later than 12 weeks after the application was made.