

Guidance note for approval as an approved authorised treatment facility (AATF) or approved exporter for Waste Electrical and Electronic Equipment

Reference:WMP7

Waste Electrical and Electronic Equipment Regulations 2006

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

You should read them in conjunction with the Waste Electrical and Electronic Equipment Regulations 2006 and the government guidance notes published by the department of trade and industry

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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 new responsibilities on producers and importers of electrical and electronic equipment (EEE). These include taking responsibility for financing collection, treatment and recycling of electrical and electronic wastes.

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 treat, recover and recycle or export WEEE will need to be approved. They will play a crucial part in providing evidence that different categories of waste have been treated and recycled. These guidance notes cover the steps that you need to take in order to become approved, and the conditions that 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 and recycling inside the EEA
- Exports WEEE for treatment, recovery and recycling outside the EEA
- Refurbishes whole electrical or electronic appliances

and where relevant

- Holds an appropriate waste management licence, PPC authorisation or registered exemption for treatment of WEEE

you are eligible to apply for approval as an authorised treatment facility or exporter.

The approval system will enable a consistent approach to treatment facilities and exporters and ensure that evidence of treatment, recovery, recycling is standardised across the UK. It will also allow us to effectively monitor the treatment of WEEE undertaken at approved authorised treatment facilities (AATFs), and the subsequent recovery and recycling of WEEE, which takes place in the UK. We will also be able to monitor approved exporters (AEs) 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 licensed¹ (or registered exempt) site carrying out treatment on waste electrical and electronic wastes. 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 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.

Evidence of re-use and refurbishment of whole appliances will also count towards the recovery and recycling targets. If you are an operator of operate a facility which collects whole items for re-use and refurbishment, for example computers or large household items such as fridges, washing machines or cookers, and you operate under a waste management licence or exemption, you can apply to become an AATF. This will then allow you to issue evidence of re-use to compliance schemes and their producers.

If you become an approved ATF and you intend to undertake the export of WEEE or WEEE materials for further treatment, recovery or recycling, you will also need to apply to be an approved exporter (AE). If you intend for someone else to undertake the export of WEEE or WEEE materials for further treatment, recovery or recycling on your behalf you must ensure that they have been approved to operate as an approved exporter.

3. What is an approved Exporter (AE)?

Any company exporting WEEE for treatment, recovery or recycling outside the United Kingdom can apply to become approved. Only approved exporters (AE) will be allowed to issue evidence notes for the treatment, recovery and recycling of WEEE that takes place outside the UK. You will need to be able 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.

¹ Under the Environmental Protection Act 1990, Part 2 of Control of Pollution Act 1974 or the Waste and Contaminated Land (Northern Ireland) Order 1997, modified to comply with the Waste Electrical and Electronic Equipment (Waste Management Licensing)(England and Wales) Regulations 2006 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

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 will last for one compliance period. If you apply for approval from 1 July 2007, you will be approved until 31 December 2007. You will need to apply again for approval in subsequent years.

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 if you are not using the agreed protocols. *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 2008 you will need to apply by 30 September 2007. For the first compliance period in 2007, you will need to apply by 9 April in order to be approved from 1 July 2007.

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

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 the EEA, 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 approved authorised treatment facility (AATF) or an approved exporter (AE), 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 notes for the treatment of WEEE which has been received at the AATF. Treatment can also include repair and refurbishment for re-use. Evidence of this re-use can be issued by an AATF. Where WEEE waste materials are passed to another site in the UK for recovery or recycling the AATF that received the WEEE for treatment will issue evidence in respect of the recovery and recycling.

The evidence for treatment, recovery and/or recycling cannot be issued until the WEEE materials have been received by a UK reprocessor(s).

6.1.1 AEs

An approved exporter can issue evidence notes for the treatment, recycling and recovery of WEEE where this has been undertaken outside the UK. Overseas treatment facilities and recovery/recycling sites must be approved through the application process for evidence notes to be issued on WEEE entering those sites.

In order to issue evidence notes, AEs will need to be able to provide auditable evidence to confirm that UK WEEE has been exported and subsequently

received at an overseas site which was included in the original application or subsequently added to the approval.

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/259/93) 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 12th July 2007 a new Waste Shipments Regulation (EC/1013/2006) will come into force. Further information can be obtained from:

<http://www.environment-agency.gov.uk/subjects/waste/1030716/232044/>

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 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 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 demonstrating 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 they are 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 operator (AATF or AE) can issue evidence notes against the tonnage of WEEE received or exported from the date of approval, through the rest of the compliance period, up to and including 31 January of the following year. Evidence notes, including substitutes, cannot be issued after 31 January.

The amount (tonnage) of evidence notes issued should not at any time exceed the tonnage of WEEE received for treatment or reprocessing, or exported.

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

6.5 Completion of evidence notes

- Only the operator of the AATF or AE can complete the evidence note
- The tonnage shown on an evidence note should be a whole number, rounded up where the part tonne is 0.5 or more, and down where the part tonne is less than 0.5

6.6 Substitute evidence notes

The operator of the AATF or AE may issue substitute evidence notes when requested by a producer or scheme. No substitution can be made after 31 January for evidence notes issued on WEEE waste received for treatment, recovery and recycling in the previous year. The aggregate tonnage value of any substitute evidence should not be issued for more than the original note. The substitute evidence notes should include a reference to link it to the original evidence note.

6.7 Duplicate evidence notes

An AATF or AE should hold duplicate copies of evidence notes it has issued, and these should be kept by the approved business and should be made available for inspection by the appropriate authority at all reasonable times.

6.8 Management and records

The operator of the AATF or AE should retain records to support the evidence notes issued as specified in Regulations 52 and 53. The records should be kept for at least four years after the record is made. We may audit these records as part of compliance monitoring and assessment of future applications.

6.9 Quarterly Returns

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

- Tonnage of WEEE received for treatment in that quarter
- Tonnage of WEEE delivered to another ATF for treatment in that quarter
- Tonnage of WEEE delivered to a reprocessor for recovery or recycling in that quarter
- Tonnage of 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 categories listed in Schedule 1, including separate tonnages of cooling appliances containing refrigerants, display equipment and gas discharge lamps.
- The tonnage of WEEE in each category which was for household use
- The tonnage of WEEE in each category which was for non-household use
- Names and addresses of all facilities or approved exporters to whom WEEE was delivered for the above purposes

6.9.2 AEs need to provide us with quarterly reports with the following information:

- Tonnage of WEEE exported for treatment, recovery or recycling in that quarter
- A breakdown of the above information by the categories listed in Schedule 1, including separate tonnages of cooling appliances containing refrigerants, display equipment and gas discharge lamps.
- The tonnage of WEEE in each category which was for household use
- The tonnage of WEEE in each category which was for non-household use
- The total number of evidence notes issued

6.9.3 Quarterley reporting Dates

For both AATFs and AEs, 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

6.10 Independent Audit Report

All operators of AATFs or AEs need to give us an independent auditor's report by the 28 February following each approval year. The report must show that the evidence notes issued by the AATF or AE during the period of approval are consistent with the tonnage of WEEE received or exported for treatment, recovery or recycling during that period.

'Independent auditor' means an auditor who would be eligible as company auditor of the AATF or AE 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.

Failure to supply an independent auditors report by the due date will normally lead to suspension of the approval.

A separate guidance note will be produced on Independent Audit reports.

7. Protocols for mixed WEEE and sampling & inspection plans

7.1 Protocols

Defra have developed a number of protocols to assist companies in the recording and reporting of WEEE recycling. The protocols will enable you to establish the category proportions and the composition of mixed WEEE entering your site. If applicable, you can use these protocols to calculate the quantity of WEEE in different loads received, and to help you to break the quantities down into the categories listed in Schedule 1. This will remove the need for an AATF to sort and sample all WEEE entering the site.

The protocols focus on determining WEEE content in loads of small mixed WEEE (SMW).

7.2 Category Protocol

You may not need to apply this protocol if your WEEE input is from a single WEEE category. If you receive mixed loads of WEEE, you can use the Category Protocol to help apportion the WEEE into each of the categories listed in Schedule 1. The Category Protocol values for small mixed WEEE are:

- Category 1 – 10.3%
- Category 2 – 19.9%
- Category 3 – 22.7%
- Category 4 – 22.2%
- Category 5 – 2.0% (Household luminaries to be included as non-WEEE)
- Category 6 – 10%
- Category 7 – 0.3%
- Category 9 - 0.7%
- Non-WEEE and unallocated – 12%

7.3 (Category) Composition Protocol

This protocol establishes the relative compositions (by material) of each of the categories in the small mixed WEEE. You can use this to estimate outputs and to calculate the distribution of recycling or recovery evidence across the categories listed in Schedule 1. The Category Composition Protocol values for small mixed WEEE are:

- Metals – 47.1%
- Plastic – 30.8%
- Printed Circuit Board – 2.1%
- Other materials – 6.1%
- Non-WEEE and unallocated – 14%

Further information and the protocols document can be found on the Defra website at: www.defra.gov.uk/environment/waste/topics/electrical/index.htm

7.3 Sampling and inspection plan

You should include this with your application if you are not planning to use nationally agreed protocols to determine the tonnage's and categories of WEEE which you receive. Where mixed loads will be received, you should detail how you propose to determine the percentage of WEEE in each of the categories listed in Schedule 1, for loads arriving at an AATF or being exported for treatment. You should also provide details for how you propose to determine the percentage of WEEE in each of the categories listed in Schedule 1, for loads going on for recovery or recycling

If you wish to issue evidence notes for mixed loads, you are responsible for developing and submitting an appropriate plan to us. You should base this on a robust and well documented sampling procedure. The proposed plan should include:

- Description of WEEE loads received by the site
- Sampling procedure used to develop the protocol
- Suggested percentages of WEEE content by category to be claimed
- Proposed review timetable

You may need to develop more than one sampling and inspection plan to cover different types of incoming loads of WEEE.

8. Evidence notes

AATFs and exporters will issue evidence notes to show that a certain tonnage and category of WEEE has been re-used, treated, recycled and recovered. The evidence notes will need to be in the standard format approved by the Secretary of State. A template of the evidence note format will be published. AATFs and approved exporters can only issue evidence notes to one of the following persons:

- Scheme operators
- A producer (where they are meeting their own obligation because of the withdrawal of approval of their compliance scheme)
- The Secretary of State
- The operator of a DCF
- The appropriate authority (for surplus evidence at the end of the compliance period.)

9. Suspension and cancellation of approval

9.1 Suspending & 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
- 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 (ie. 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)

9.2 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 accreditation, we will tell you the length of time of the suspension, or explain what you need to do in order to end the suspension.

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

10. 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.

10.1 Small ATF/exporters

If you expect to issue evidence of treatment, recovery or recycling on less than 400 tonnes of WEEE your application fee will be £500.

10.2 Large ATF/exporters

If you expect to issue evidence of treatment, recovery or recycling on more than 400 tonnes of WEEE your application fee will be £2,590.

If you are approved on the basis of the lower application fee and you subsequently issue evidence on more than 400 tonnes of WEEE, as soon as you issue evidence on the 401st tonne you will become eligible to pay the higher charge and must pay £2,090 to the appropriate authority as soon as possible. If you are an operator who has sought approval for a number of sites, the 400 tonne limit applies to the aggregate activity at all of the sites include in your approval.

10.3 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.

11. Where to find out further information

You can find further information on the approval of approved ATFs and approved exporters in the guidance issued by the Department of Trade and Industry

<http://www.dti.gov.uk/files/file37923.pdf>

You can find further information on the Waste Electrical and Electronic Equipment (Waste Management Licensing) (England and Wales) Regulations and the mixed WEEE protocols on the Defra website

<http://www.defra.gov.uk/environment/waste/topics/electrical/index.htm>

You can also contact the following for guidance and advice:

Environment Agency	tel:	08708 506506
Environment and Heritage Service	tel:	028 9056 9387
Scottish Environment Protection Agency	tel:	01786 457700

12. 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
Environment and Heritage Service
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 you're registered office and principle place of business is located.

13. 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.