

Waste Electrical and Electronic Equipment Regulations, 2006

Guidance for issuing evidence notes

Quick guide

- Evidence can only be issued by “approved authorised treatment facilities” (AATFs) and “approved exporters” (AEs).
- Evidence can only be issued on separately collected UK WEEE assigned to a PCS or direct to a DCF.
- 2007 evidence can only be issued on WEEE delivered to the AATF site or AE on or after 1st July 2007.
- Templates of evidence notes can be downloaded from <http://www.environment-agency.gov.uk/weee>, or from <http://www.sepa.org.uk/producer/forms.htm> or from http://www.ehnsi.gov.uk/waste/regulation-and-legislation/regulations_weee.htm
- You can issue an evidence note when 1) refurbished equipment is ready to be placed on market for re-sale 2) WEEE has been treated and the WEEE derived materials have been received at reprocessing site in the UK, 3) WEEE has been treated and the WEEE derived materials have passed through customs for export or 4) WEEE has been treated overseas and passed to a reprocessor for recovery or recycling.
- You can issue an evidence note for quantities of one tonne or more (rounded to the nearest whole tonne). There is no set frequency for issuing evidence notes.
- When using the Defra protocols for Small Mixed WEEE (SMW) you must subtract 14% from the tonnage of each delivered load before completing the evidence for treatment and recovery/recycling. (This 14% includes 12% non-WEEE items and 2% exempt WEEE items).
- An AATF cannot issue evidence where WEEE has previously been treated by another AATF.

This guidance supplements the information in WMP7 Guidance Notes¹ for approved authorised treatment facilities (AATFs) and approved exporters (AE). The Department for Business, Enterprise and Regulatory Reform (BERR) (formerly DTI) are currently in the process of establishing a Settlement Centre, which will deal with a number of matters associated with the tracking and exchange of evidence. Once the centre is established this guidance will be revised to reflect any changes in the management of evidence.

1. What is an Evidence Note?

The WEEE regulations place an obligation on Electrical and Electronic Equipment (EEE) producers to ensure that a proportion of waste electrical and electronic equipment is re-used or treated and recovered. To show that they have met their obligations, producers need to get evidence from the treatment facilities or the exporters of separately collected UK WEEE that it has been treated and recovered.

Only AATFs or AEs can issue evidence notes.

Where an operator has applied for approval for a number of treatment sites and has been approved for those sites, evidence notes must relate to WEEE received at each site and not be issued against aggregate tonnage received across all sites.

Evidence notes can only be issued against separately collected UK WEEE that has been delivered to an AATF or AE by or on behalf of

- a producer compliance scheme (PCS)
- a local authority DCF (where there is no contract with a PCS)

Any other WEEE entering the system (for example direct from an end-user) will not have obligations on it and must not have evidence issued against it.

2. What does a WEEE evidence note look like?

The Secretary of State has approved the format for the evidence notes and these have been published on the environment agencies' websites. There are two templates, one for Household WEEE and one for Non-Household WEEE.

You may use this template or you may use your own version. If you use your own version it must include all the information contained within the template.

¹ The WMP7 Guidance Note can be obtained from our web site, the direct link is http://www.environment-agency.gov.uk/commondata/acrobat/wmp7_v1.2_n32413.pdf

Details required on an evidence note:

- Unique evidence note reference number
- AATF/AE operator name
- Site name
- Site address
- Scheme name
- Scheme operator
- Statement to say that WEEE has been treated, recovered and/or recycled
- Tonnes of WEEE covered by the evidence note, broken down into the 13 categories
- Indication if the evidence note is the original, a substitute or a duplicate
- Signature of the representative of the AATF or AE and date
- Printed name and position of person signing note.

2.1 Unique Reference number

Each evidence note that you issue must have a unique reference number. This will be made up of your AATF or AE reference number, and a 6 digit sequential number. For example WEE/AB1234YZ/ATF/000001. Until the settlement centre is established you are required to generate your own numbers based on this format.

2.2 AATF/AE operator name

You will need to include details of the AATF operator's name or the approved exporter.

2.3 Site name and address

You will need to include the name and address of the treatment site where the WEEE was initially received for treatment.

2.4 Scheme name and operator

Include details of the producer compliance scheme (PCS) responsible for the WEEE included in your evidence note. This should be the PCS that you will supply the note to. If the WEEE has not been assigned to a PCS you will need to state the DCF operator/local authority that is responsible for that WEEE.

2.5 Statement

This is a statement to say that WEEE has been re-used as whole appliances or received for treatment and recovery and/or recycling and that no other evidence notes have been issued on that WEEE.

2.6 Evidence table

You must enter the total tonnage of WEEE covered by the evidence note. You must enter the tonnage against one or more of the relevant categories based on what you have received for treatment. Weight data must be in whole tonnes. For weights of less than 0.5 tonnes round down and for weights of 0.5 tonnes or greater please round up. For example 6.33 tonnes should be reported as 6 tonnes, 7.55 should be reported as 8 tonnes.

2.7 Original

You must state whether the evidence note is the original, a substitute or a duplicate. You should issue the original to the PCS or DCF operator. You can only issue a substitute where the original has been returned to you. You must generate a new unique number for substitute evidence notes. If you are requested to issue a duplicate, this must be an exact duplicate of the original evidence note including the unique reference number. Duplicate evidence notes must not contain a new reference number.

You should keep a copy along with your supporting evidence.

2.8 Signature

Please date and sign each evidence note and include the printed name and position of that person. Scanned electronic signatures are permissible.

3. When can I issue an evidence note?

Any evidence note issued must account for WEEE that has been treated and an amount of WEEE that has been recovered. You have to wait until the WEEE materials have been received at the recovery site before issuing an evidence note. If you have WEEE derived materials that are stockpiled prior to recovery you can choose to issue evidence without those materials, in which case that evidence will be lost. Alternatively, you can wait until they have been received by the reprocessor before issuing your evidence. Those requiring the evidence may wish to have evidence notes that reflect the regulatory targets for recovery/recycling i.e. for category 1, 100 tonnes received for treatment and 80 tonnes recovered/recycled (equating to a recovery rate of 80%).

Where WEEE materials are being sent to a UK reprocessor for recovery/recycling, you can include the tonnage on an evidence note once you have recorded confirmation that the WEEE materials have been received. You do not have to wait until the materials have actually been recovered.

For example if your AATF receives 100 tonnes of fridges, you can only issue an evidence note once the fridges have been treated **AND** the WEEE materials (metals, plastic glass etc) have been delivered to the various reprocessing sites. Any tonnage sent for disposal cannot be included on the evidence note. If 10 tonnes of waste from fridges is sent for disposal following treatment and the remaining 90 tonnes sent for recovery, the evidence note would have 100 tonnes under waste received and 90 tonnes under recovery and recycling.

Where an AATF treating WEEE subsequently arranges for all/some of the WEEE materials to be exported for recovery/recycling then the tonnages sent for export can only be included on an evidence note once the WEEE materials have cleared UK customs. The AATF must obtain supporting documentary evidence from the Approved Exporter that customs have been cleared before including the relevant tonnage on an evidence note.

Where an AE exports WEEE for treatment, recovery and recycling you can issue evidence when the treatment has been carried out and where the WEEE materials have been sent for recovery and recycling.

Where an AE exports WEEE for refurbishment and re-use you can only issue re-use evidence after the WEEE has been received at the overseas facility undertaking the refurbishment.

You must ensure that you have records and supporting information to back up the tonnage of treatment, recovery and recycling before you issue the evidence note.

You cannot issue evidence notes that account only for treatment or only for recovery/recycling. You must have an entry in both treatment and recovery/recycling for each category of WEEE that note relates to. For example you couldn't have 5 tonnes of category 1 received for treatment and 3 tonnes of recovery/recycling of category 3 WEEE.

4. Who can WEEE Evidence Notes be issued to?

The regulations set out a specific list of people to whom evidence notes can be issued. This list is set out below together with details of the situations when evidence can be issued to that person.

I. An operator of a producer compliance scheme

You are most likely to issue an evidence note to the producer compliance scheme that delivered the WEEE to your site. However, the regulations do not place any requirement on you to only issue evidence to the person delivering the WEEE to you. The commercial arrangements that you have with the persons delivering the WEEE will dictate whether you can issue evidence of that WEEE to other persons from the list.

II. A producer under regulation 10(8)

You may issue an evidence note to an individual producer only when their PCS has its' approval withdrawn.

III. The Secretary of State

You may issue an evidence note to the settlement centre which is acting on behalf of the Secretary of State. This may be where a PCS requests that you re-issue evidence to another PCS where evidence has been traded. This may also occur where an evidence note is required to be broken down into separate categories or for separate amounts than on the original evidence note.

IV. An operator of a designated collection facility

You may issue an evidence note to the operator of a “designated collection facility” (DCF) where separately collected household WEEE has been treated and recovered/recycled but the DCF operator does not have a contract with a PCS. Where the DCF is a local authority civic amenity site, the operator in this situation will be the local authority and not a contractor appointed to run or provide the civic amenity site facility.

V. An appropriate authority

Where an evidence note has not been issued on WEEE that has been received for treatment, recovery and recycling in a compliance period, an evidence note must be made out to the appropriate authority for any un-issued evidence. You can issue evidence up to the 31 January following the compliance period. You then have until 15 February to issue the balance of any evidence to the authority that granted your approval.

5. How often can I issue an evidence note?

You can issue evidence notes as often or as infrequently as you like. It may partly depend on the type of evidence you are issuing and to whom you are issuing it. The frequency of issue is a matter of agreement between the AATF/AE and the PCS.

6. What tonnage does my evidence note have to cover?

It is up to you how much tonnage you put on each evidence note. Your evidence notes could cover 1 tonne of a single category or 1000 tonnes across multiple categories. The tonnage covered by each note is a matter of agreement between the AATF or AE and the PCS. However much you issue, you must only issue the note when you have the records and audit trail in place to support the tonnage represented by the evidence note. The records and audit trail must provide all the information supporting the amount of treatment and recovery claimed on the WEEE evidence note. An evidence note cannot be issued in advance of any treatment taking place.

7. How do I apply the Defra protocols?

The Defra protocols allow you to split deliveries of small mixed WEEE (SMW) from DCFs into seven WEEE categories. This is known as the category protocol. This only applies to WEEE from households, and should not be used for non-household WEEE. A proportion of the small mixed WEEE is designated as non-WEEE. The current protocol sets this rate as 14% (12% non-WEEE plus 2% exempt WEEE). You should subtract 14% from the total tonnage received before dividing the WEEE into the seven categories in the protocol. The amount on the evidence note will therefore reflect 86% of the total tonnage received for treatment.

There are also protocols that allow you to assign WEEE derived materials to the different categories of WEEE. Again this only applies to small mixed WEEE from households. These are known as category composition protocols. You can use these protocols to calculate how much of the WEEE derived materials have been recovered and recycled. This protocol should only be used to help you determine the proportion of WEEE derived materials that can be recovered. You will still need to retain records that at least the amount of WEEE claimed on the evidence notes has been delivered to relevant reprocessors. The Defra protocol for example sets out that 26.5% of Category 4, consumer equipment, is made up of plastic. Where all the material is sent to a reprocessor with the intention it will be reprocessed you do not need to weigh the material sent but can use the protocol percentage to establish the amounts recovered. If however, only a proportion of this plastic is recyclable then you will need to have in place systems to determine what tonnage has been sent to a reprocessor with the intention that it will be reprocessed. In this example you must only include on your evidence notes the amount of plastic actually delivered to a plastics reprocessor for recovery/recycling. You cannot declare any plastic recovery on your evidence note if all this plastic was sent for disposal.

Further detail on how to apply the protocols can be found in the protocols report at : <http://www.defra.gov.uk/environment/waste/topics/electrical/index.htm>

8. Are there any other protocols?

At the time of writing there are no other agreed protocols. If you intend to use protocols other than those already published by Defra you will need to make a formal submission to one of the environment agencies with full details of the protocol. This must include information on your overall methodology, details of the sampling exercise, how the data has been verified, how and where the protocol should be used, any limitations to the protocol and how the protocol will relate to evidence. Your protocol must then be approved by the environment agencies before it can be used.

9. How do I account for treatment?

The first column of the evidence note relates to the tonnes of WEEE received at your treatment site. On the evidence note you should record the amount by category. Where an amount is entered for treatment there also needs to be a figure entered for recovery and recycling, broken down by category. You cannot issue an evidence note solely in respect of treatment. An amount of treated WEEE must be forwarded for recovery or recycling. You cannot issue an evidence note solely for WEEE that has been recovered and recycled. Evidence notes must account for both the treatment and the recovery of WEEE.

10. What do I report if I have equipment for re-use?

Where WEEE is received which will be re-used or refurbished, the tonnages received should be recorded under the first column on the evidence note. The tonnage of the WEEE received which is actually re-used should be recorded in the second column under re-use. Any of this WEEE which is not re-used and which subsequently goes on for treatment and reprocessing can be included in an evidence note. You will also need to keep records on the number of units, by category, sent for re-use.

11. What recovery and recycling levels do I report?

You should report actual recovery and recycling levels. This is the amount of WEEE materials that you have delivered or had delivered on your behalf to another ATF, to a reprocessor or to an approved exporter. The WEEE materials recovered and recycled will need to be broken down into the 13 categories. In the recovery column you should state how much of the WEEE has been recovered through recycling as well as any that has been through energy recovery. In the recycling column you should state **ONLY** how much WEEE has been recycled. This is through re-use and recycling of components, materials and substances.

12. What information do I need to support my evidence note?

You will need to retain records to support the WEEE received at your site and the throughput and output of WEEE at your site. You will also need evidence from the reprocessor that the WEEE materials have been received at their site for recycling and recovery. The types of supporting evidence we would expect include: duty of care transfer notes, weighbridge tickets, sampling records, input logs, treatment types, receipts and transfer notes for WEEE materials received at reprocessing sites. If materials are being exported we would also expect to see customs documents (including container numbers when containers are used), bills of lading, shipment details, Waste Shipment Regulations documents, invoices, records of receiving site etc. Photographs of WEEE arriving at your site and/or leaving the site may also be used as evidence. This list is not exhaustive. You should ensure you have detailed and accurate records for any transactions. You should also ensure that descriptions of WEEE on transfer notes and other documents are detailed and accurate and not generic references.

You must also keep evidence to show that any WEEE that hasn't been recovered has been disposed of in an environmentally sound manner.

Remember that you must keep copies of evidence notes and all supporting evidence for at least four years. When you issue substitute notes, you must keep the original to which it relates.

You will also need to allow an independent auditor access to the copies of evidence notes and all supporting evidence at the end of each compliance period so that they can assess your records and verify compliance.

13. Who else needs to see my evidence notes?

Prior to the settlement centre becoming operational, you should send an electronic copy of each evidence note issued to BERR at WEEE.Evidence@berr.gsi.gov.uk on a minimum of a monthly basis. If no evidence notes have been issued within a month you should send a nil return. You will send your original evidence notes to your PCS. You should keep copies of evidence notes with your supporting evidence. Officers from the environment agencies may ask to see evidence notes during monitoring visits.

14. When will the settlement centre open and what will it do?

The settlement centre (SC) is expected to be operational before the end of the first compliance period. The role of the SC will be to collate all the evidence relating to the treatment, recovery and recycling of WEEE and allow excess evidence to be traded. BERR will be sending out further information later in the year.