



Code of Practice for collection of
WEEE from Designated Collection
Facilities

February 2007

URN 07/657

Code of Practice for collection of Waste Electrical and Electronic Equipment from Designated Collection Facilities

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1. Status, purpose and scope

- 1.1. This Code deals with the relations between local authorities or independent persons running Designated Collection Facilities for household WEEE under the Regulations, and producers arranging clearance of those DCFs.
- 1.2. The Code sets out guidance and principles which should form a basis and starting point for local contracts or service agreements between producers and local authorities or independent persons running DCFs. It may be used to aid interpretation of such contracts or service agreements. Such local contracts or service agreements may supplement the provisions of the Code as required.
- 1.3. The Code does not modify or interpret any requirement of legislation.
- 1.4. Local authorities have sole responsibility for the provision and running of sites they provide which are DCFs, including site layout and facilities, subject to these sites meeting the requirements for DCFs.
- 1.5. The Code does not cover:
 - (a) relations between local authorities and distributors under the Distributor Take-back Scheme;
 - (b) provision for upgrading CA sites;
 - (c) the process by which sites become Designated Collection Facilities;
 - (d) clearance of non-household WEEE¹;
 - (e) clearance of WEEE from DCFs run by producers.

2. Terms used in the Code

- 2.1. The following terms have the same meaning as in the WEEE Directive² or Regulations implementing the WEEE Directive:
“Electrical and electronic equipment” or “EEE”
“Waste electrical and electronic equipment” or “WEEE”

¹ It is recognised that non-household WEEE which is deposited as commercial waste may also be collected from bulking-up points and waste-transfer stations which are DCFs. The costs of collection and treatment of these items may be re-charged to Local Authorities who may in turn recover these costs from those depositing such items.

² Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE), including any subsequent amendments.

“Re-use”
“Recycling”
“Recovery”
“Disposal”
“Treatment”
“Distributor”
“WEEE from private households”

2.2. Other terms have the following meanings:

“Civic amenity site” or “CA site” means a place provided by a local authority under relevant legislation at which persons resident in its area may deposit their own household waste free of charge;

“Clearance” means the removal of separately-collected household WEEE from a DCF for the purposes of treatment, recovery and environmentally sound disposal;

“Designated collection facility” or “DCF” means a site which has been designated under the Regulations as one receiving household WEEE of which producers are required to finance the collection, treatment, recovery and environmentally sound disposal in accordance with Article 8.1 of the Directive;

“Directive” means the WEEE Directive;

“Force majeure” means any cause preventing either party from performing any or all of its obligations which arises from or is attributable to acts, events, omissions or accidents beyond the reasonable control of the party so prevented including without limitation strikes, lock-outs or other industrial disputes, act of God, war, riot, civil commotion, malicious damage, compliance with any law or governmental order, rule, regulation or direction, change of law or governmental order, rule, regulation or direction, fire, flood or storm;

“Independent” in relation to a person running a DCF means a person who is not a producer or local authority³ ;

“Local authority” means the local government body responsible for waste collection and/or disposal for a given area, and which itself provides or has provided under contract Civic Amenity Sites and Waste Transfer Stations;

“Party” in relation to any contract, agreement or other arrangement covered by this Code, means on the one hand the local authority or independent person running a DCF, and on the other the producer arranging clearance of that DCF;

“Producer” or “Producers” means one or more producer as defined in Article 3(i) of the Directive, and includes producer compliance schemes currently approved under the Regulations;

“Regulations” means the Regulations implementing the Directive.

3. Arrangements for clearance of DCFs

3.1. A producer arranging clearance of a DCF may appoint one or more collectors to clear WEEE on their behalf.

³[Not part of the Code: subject to decisions on how WEEE collected by retailers will be dealt with.]

3.2. DCFs should meet the conditions in Annex 1.⁴

3.3. No charge may be made by either party to the other under these arrangements.

4. Access to DCFs

4.1. Collectors of WEEE should be given access to DCFs as required, on the same basis as collectors of other waste streams from the site.

4.2. Collectors' vehicles should be fit for purpose and suitable for access to the site without damaging it or posing a risk to staff or the public.

5. Separately collected WEEE

5.1. To obtain free collection WEEE should be so far as is reasonably practicable:

(a) WEEE from private households as defined in Article 3(k) of the Directive⁵;

(b) separate from and unmixed with other waste;

(c) complete (that is, should not have been after its arrival at the DCF stripped of essential or valuable components); and

(d) all of the household WEEE separately collected at the DCF, other than any which has been removed for re-use as whole appliances.

and those running DCFs and producers should take reasonable steps within their areas of responsibility to ensure this. Levels of contamination by hazardous or non-hazardous materials exceeding those in Annex 2 Part I should be considered unacceptable, and agreements should include procedures to be followed in the event of these being exceeded either in single consignments or persistently. By way of example, or in the absence of other agreement, these should follow the model in Annex 2 Part II.

5.2. Priority should be given to re-use of whole appliances, and this should be facilitated where possible so as to maximise levels of re-use. Re-use of whole appliances may be arranged either by local authorities or independent persons running DCFs, or by producers, with the agreement of the other party. The party that arranges re-use should:

(a) make all organisations undertaking re-use aware of their responsibility to ensure that re-used EEE meets relevant safety and technical standards;

(b) give preference to re-use by the local voluntary or community sector;

⁴ [Not part of the Code: assuming Annex 1 appears in the Code as well as, or instead of, in terms and conditions for DCFs/retail compliance schemes.]

⁵ "WEEE which comes from private households and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households."

- (c) ensure that those organisations observe the provisions of this Code and any contract with the local authority or independent person running the DCF;
- (d) prevent abuse of the re-use system such as by the stripping of valuable components and the return of residual material as WEEE or as household waste;
- (e) inform the other party of the quantities of WEEE sent for re-use.

6. Staffing and facilities

- 6.1. Local authorities and their site operators and independent persons running DCFs are responsible for provision of management and staff and all appropriate facilities needed to receive WEEE at DCFs, including signage, but not containers and handling equipment to take WEEE from the site. Signage should wherever possible and subject to local policies be in a common format conforming to agreed standards.
- 6.2. Producers are responsible for the provision of containers and vehicles to hold and carry WEEE, and of drivers and crew.
- 6.3. Containers and vehicles to receive, store and transport WEEE should:
 - (a) be of a size and type suitable for the site, taking into account the space made available, access and local environment and the nature, quantity and level of segregation of the WEEE deposited;
 - (b) take and store WEEE in such a way as to be accessible to, and not endanger the health and safety of, members of the public;
 - (c) so far as is possible, prevent damage to items of WEEE so as to maximise potential for reuse.
- 6.4. Changes by either party affecting the way WEEE can be collected at or from the site, particularly those covered in Annex 1 paragraph 2 should be notified to the other in good time to minimise disruption or additional expense.

7. Scheduling of collection

- 7.1. WEEE should be cleared from DCFs on a regular basis. Times and frequency of collection from DCFs should be agreed between the local authority or independent person running the DCF and the producer, and should be arranged so as to minimise the number of collections while ensuring that capacity to take WEEE [as defined in Annex 3] is always available at the site.
- 7.2. Collection may be scheduled or on an as-necessary basis, with collection set up by calls from site staff to the producer. Where schedules are arranged, agreed procedures should be in place to deal with containers requiring collection when none is scheduled, or when containers are not filled when collection is due.

7.3. Provisions should be made as necessary to maintain the capacity during peak time usage, and on public and local holidays.

7.4. Different streams may be collected by different collectors, provided the site operator has been notified and the arrangements are agreed as above.

8. Health and safety

8.1. Local authorities and site operators and independent persons running DCFs are responsible for health and safety at DCFs. Local authorities and independent persons running DCFs, and producers and their agents, should inform each other of their health and safety requirements, and should meet these and HSE Guidance for CA sites and general Health and Safety at Work legislation. They should at all times have regard to the health and safety of all those accessing sites, whether their or others' staff or members of the public.

8.2. Producers are responsible for health and safety in respect of WEEE once it has left the DCF.

9. Environmental standards and liability

Local authorities and site operators and independent persons running DCFs are responsible for environmental standards at DCFs. Local authorities and independent persons running DCFs, and producers and their agents, should meet the requirements of all relevant environmental and other legislation, authorisations, and standards.

10. Insurance

Local authorities, site operators, independent persons running DCFs, and producers and their agents should carry insurance to meet liabilities which may arise in the course of the normal servicing of the DCF, so far as these are insurable.

11. Reporting

11.1. Producers are responsible for reporting to the Agencies and Departments under the Regulations on the quantity and types of household WEEE collected from DCFs.

11.2. To enable local authorities to fulfil their statutory duties relating to waste and recycling, producers should provide them with the following information for DCFs provided by or for those local authorities:

(a) total weight of WEEE collected at each DCF;

(b) the "audit" trail, through to final recycling, for example through the provision of a list of facilities to be used by the producer for the recycling of WEEE;

(c) the proportions recycled and reused by weight and WEEE stream for each DCF.

This information should be provided on a monthly basis within one calendar month following the month of calculation. Where possible it should be provided in a standard electronic format. Other information needed by local authorities to meet local requirements or policies may be agreed locally.

12. Failure to clear WEEE

12.1. In the event of WEEE not being cleared from a DCF as scheduled or requested under 7, the matter may be taken up by site staff with a designated senior representative of the producer.

12.2. WEEE should be cleared by the producer within 24 hours or 12 site opening hours, whichever is the earlier, of this procedure being invoked, and regardless of any other dispute resolution procedure which may have been set in motion. If this does not occur, the local authority or site operator or other person running a DCF may then arrange clearance and seek compensation under the procedures laid down in accordance with paragraph 14.

12.3. Whether the material is, or is entirely, WEEE or not, or its having been contaminated, should not be grounds for failure to clear it. Instead, material in areas or containers designated for WEEE should be cleared, and any questions relating to the content dealt with under the dispute resolution and compensation provisions covered by paragraphs 13 and 14.

12.4. Where failure to clear WEEE is or is claimed to be due to some action or failure on the part of the local authority or site operator or independent person running the DCF, the producer may take up the matter with a designated senior representative of the site operator, local authority, or person running the DCF.

13. Resolution of disputes

13.1. Without prejudice to 12, local authorities or independent persons running DCFs and producers should use all reasonable endeavours to resolve any dispute relating to any of the matters covered by this Code or any contract or agreement between them within 5 working days of its arising.

13.2. There should be a dispute resolution procedure for dealing with disputes that cannot be resolved within 5 days. This should include a form of alternative dispute resolution, such as the model in Annex 4.

13.3. Procedures should also be put in place to deal with cases where the dispute is not an isolated or occasional one but results from a persistent problem affecting the arrangements for the collection of WEEE from a site (such as the regular presence of significant amounts of non-WEEE material in WEEE containers or failure to put different types of WEEE into the relevant containers). In the absence of such a procedure, the matter should in the first instance be the subject of negotiations to find a solution between the parties concerned. In the event of these negotiations failing to resolve the problem it may be referred by either party to the dispute resolution procedure referred to in paragraph 13.2.

14. Compensation

Compensation may be payable under a contract or agreement for losses incurred due to any party's failure to perform actions required of them, but this should not substitute for making all reasonable endeavours to rectify any problems or disputes.

15. Force majeure

If any person is prevented from meeting any of the terms of this Code or any contract or agreement between them because of force majeure, they should not be held liable for this failure, provided they notify other affected parties and use all reasonable endeavours to mitigate the effect of the force majeure. Any contract or agreement should include a similar force majeure clause.

16. Changes in circumstances

In the event that the obligations of anyone covered by this Code change, either through changes to WEEE or other legislation or the requirements of the Departments or Agencies, this Code shall be interpreted accordingly, disregarded, or revised as necessary.

17. Review

This Code may be reviewed at the request of any of the parties to it, and in any event before the end of the first year of operation of the collection system.

Annex 1 - Designated Collection Facilities

A DCF⁶ should:

1. Meet relevant licensing/exemption requirements under waste legislation;
2. Enable household WEEE to be collected from the DCF by the following 5 streams

A – Large household appliances (Category 1) other than cooling appliances

B – Cooling appliances in category 1

C – Display Equipment containing Cathode Ray Tubes

D – Gas discharge lamps

E – All other WEEE

This means being able to accommodate if required containers, of a size and type appropriate to the site, for C-E, and hard standing or containers for A and B.

Where this is not possible because of the size, policy requirements, layout or accessibility of the site, EITHER fewer streams may be collected, provided that:

- Those streams which are collected should be segregated from each other on site;
- Sites able to receive the other streams from the public are within a reasonable distance in the Local Authority area and accessible to all on an equal basis;

OR streams may be mixed, so long as C and D remain separate from other streams and each other, and B can be readily identified for uplifting separately.

3. If intended to take household WEEE direct from members of the public:
 - be accessible to members of the public with household WEEE;
 - have signs to direct members of the public depositing household WEEE to the relevant container or area;
 - Accommodate a minimum volume capacity of 3m³ for D and 1m³ for E;
4. Be run using reasonable endeavours to prevent the mixing of WEEE with other waste or its contamination by other hazardous material, so as to make it unsafe or disproportionately difficult to treat or to exceed the levels in Annex 2 or otherwise agreed with the producer collecting from that site;
5. Under its operating and collection contracts allow producers to arrange collection of household WEEE from the site and treatment.

⁶ This applies to sites only insofar as they collect WEEE. Where treatment is carried out on site there will be additional requirements which go beyond the scope of this Code.

Annex 2 – contamination with non-WEEE hazardous and non-hazardous material

Part I Unacceptable levels of contamination

1. For the purposes of paragraph 5.1, the following should be considered as unacceptable levels of contamination of WEEE:

(a) The presence in a container provided to take WEEE of:

- (i) 15% or more by weight of material other than that for which the container is designated, whether or not WEEE
- (ii) Any of the following prohibited items regardless of weight:

- a. Food waste
- b. Hazardous waste of a type other than that for which the container is designated
- c. Liquid wastes other than water

(b) The presence in, on or with any items of WEEE not containerised, such that they are either not evident when the item is collected or cannot readily be separated from the item for collection, of the material listed in (a)(i) and (ii).

Part II Model procedures to be followed where levels of contamination are unacceptable.

1. Where a single consignment (that is, any amount or type of WEEE collected in one operation) contains unacceptable levels of contamination, compensation may be payable by the person running the DCF from which the consignment came not exceeding the cost of removing and disposing of the contamination.

2. Where consignments of WEEE persistently contain unacceptable levels of contamination (that is, where it occurs in 3 or more successive consignments, or in 5 or more consignments collected within a period of 4 weeks), the producer may take the matter up with a designated senior representative of the person running the DCF with a view to agreeing measures to reduce contamination to acceptable levels. Such changes may include, for example:

- (a) improved signage
- (b) improved supervision
- (c) changed layout
- (d) changes to the types of containers
- (e) training or incentivisation of site staff
- (f) public education and awareness

3. Where the discussions under paragraph 2 fail to lead to agreement on the measures to be taken within 1 calendar month of their being initiated, and if there

then continue to be unacceptable levels of contamination, either party may invoke the arbitration procedure in Annex 4.

Annex 3 – Capacity to receive WEEE

It is envisaged that the majority of existing civic amenity sites will be eligible to become Designated Collection Facilities (DCFs) under the WEEE Regulations 2006, should local authorities wish. It is, however, unlikely that all DCFs will be able to separately collect all five super categories of WEEE. As a minimum we expect DCFs to separately collect hazardous WEEE in line with the hazardous waste regulations and as a minimum one container for mixed WEEE. Where the DCF site has the capacity for further separation of categories under the regulations this should be accommodated.

The operator of the DTS will work with the local authority or WDA to ensure that there is adequate coverage within geographical area for all categories of WEEE to be separately collected

Annex 4 – Model alternative dispute resolution procedure

1. Settlement of disputes - arbitration

Where the dispute resolution procedure in the contract or agreement between a local authority or independent person running a DCF and a producer fails to lead to agreement within one Calendar Month of the dispute arising, either may refer the dispute to the arbitration of a person to be agreed upon by the parties.

2. Appointment of arbitrator

- (a) If the parties fail to agree an arbitrator within one Calendar Month of either party informing the other that they wish to refer the dispute to an arbitrator, the dispute shall be referred to a person to be appointed on the application of either party by the President for the time being of the Chartered Institution of Wastes Management.
- (b) If an arbitrator declines the appointment or after appointment is removed by order of a competent court or is incapable of acting or dies and the parties do not within one Calendar Month of the vacancy arising fill the vacancy then either party may apply to the President for the time being of the Chartered Institution of Wastes Management to appoint another arbitrator to fill the vacancy.
- (c) In any case where the President for the time being of the Chartered Institution of Wastes Management is not able to exercise the functions conferred on him

by this Clause the said functions may be exercised on his behalf by a Vice President for the time being of the said Institution.

3. Arbitration Procedure

- (a) Any reference to arbitration shall be conducted in accordance with the Institution of Civil Supervising Officers Arbitration Procedure (1983) or any amendment or modification thereof being in force at the time of the appointment of the arbitrator.
- (b) Any such reference to arbitration shall be deemed to be a submission to arbitration within the meaning of applicable legislation governing arbitration. The award of the arbitrator shall be binding on all parties.