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Dear Colleague

Waste Electrical and Electronic Equipment Regulations 2007 – the Role of Approved Authorised Treatment Facilities.

As you will be aware producer responsibility under the Waste Electrical and Electronic Equipment Regulations (WEEE) will come into effect in the UK from 1 July 2007.

The aim of this letter is to outline how the Government envisages the role of the Approved Authorised Treatment Facilities (AATFs) and Approved Exporters (AEs) operating as part of the overall system.

Producer Compliance Schemes (PCS) are responsible for financing the collection treatment, reprocessing and environmentally sound disposal of separately collected household WEEE and in some circumstances, non-household WEEE. They will enter into contractual arrangements with AATFs to treat WEEE and secure evidence of treatment and recovery.

It is the responsibility of a contracted AATF/AE to issue evidence, to the PCS, on the amount of separately collected WEEE that was reused or treated and recovered. Evidence of treatment and recovery can be issued once the WEEE derived materials have entered an appropriate reprocessing facility in the UK or have been passed through Customs by the AE.

The approved format for the evidence note can be downloaded from waste management industry section of the Environment Agency's WEEE webpages at:- <http://www.environment-agency.gov.uk>

The completed note should be passed to the PCS you have been working for, a copy should be kept for your own records and a copy should be sent electronically to WEEE.Evidence@dti.gsi.gov.uk

Ref:

This is an interim system to monitor the amount of WEEE evidence being generated which will be in place until the Settlement Centre is fully operational. Further details of how you are expected to engage with the Settlement Centre will follow in due course.

Reuse of whole appliances

The evidence note template requires AATFs/AEs to give details of whole appliances that have been made available for reuse. Under the regulations only an AATF/AE can issue evidence notes including evidence for reuse. To satisfy this requirement if you are not a refurbisher you are encouraged, in partnership with your PCS customers, to develop working relationships with genuine reuse organisations (regardless of whether they are charitable or commercial). The arrangements you make are a matter between yourself, the PCS and the reuse body. It is vital that agreements are properly documented and that all records are available for audit purposes. It is also important to remember that as the AATF/AE you are ultimately responsible for the validity of evidence you issue.

If such arrangements are in place it is not necessary for the identified appliances to be physically handled by an AATF. Provided that appropriate records are maintained for the purpose of audit they can be handled directly by the reuse organisation on the PCS and AATF's behalf and then transported direct to the reuse organisation.

Evidence is required to demonstrate not only the amounts of WEEE arising but also the levels of recovery in line with the targets specified in the regulations. Reuse of whole appliances will generally equal 100% recovery. The reuse of whole appliances cannot however be off set against the recovery targets for appliances sent for treatment.

Protocols

Defra have developed Protocols to assess the categories of WEEE likely to be within loads of separately collected mixed WEEE from DCF sites. These Protocols are a guide to help with reporting of WEEE arising. You have the flexibility to develop, in partnership with the PCS, alternative protocols. If you choose this option you must ensure the environment authorities are happy with your methodology.

In taking delivery of separately collected WEEE you should apply the appropriate protocol to assess the level of contamination. For example, the Defra Protocol currently estimates 14% contamination in a load of mixed WEEE. You should therefore report achievement of the targets based on 86% by weight of the mixed load.

Defra are currently developing a web based protocol calculator, which will allow you to obtain the protocol values by simply entering the amount of WEEE you have received on a form. The tool will be available shortly. Please check the Defra website at –
<http://www.defra.gov.uk/environment/waste/topics/electrical/index.htm>

Authorised Treatment Facilities (ATFs)

There may be occasions where for wider environmental reasons, for example unnecessary transportation, it does not make sense to transport WEEE from a DCF to your premises for weighting when actual treatment will take place at another ATF. The Government is content for WEEE to be transported directly from the DCF to an ATF with your agreement and oversight as you will be responsible. All arrangements must be correctly documented. Ultimately as the AATF you are responsible for the validity of the evidence. Any practices (either intentional or unintentional) which distort the levels of WEEE being handled, will place your approval status in jeopardy. An ATF cannot issue evidence!

Regulation 32

Under Regulation 32 distributors who are discharging their obligations through in store take-back have the right to return WEEE directly into the system. In practice this will work by the distributor contacting a PCS and arranging to return the WEEE direct to an AATF of the PCS's choosing. In such cases the WEEE deposited at your facility should be added to the account of the relevant PCS and evidence issued accordingly.

Audit requirements

The regulations require AATFs/AEs to be audited by an independent third party. It is your responsibility to identify a suitable third party and ensure they carry out an audit in line with the regulations and the requirements of the environment authorities. The authorities are drawing together further guidance on the detail of the audit requirements. This will be available via the authorities' websites in due course.

Local authorities

Under the Regulations, if local authorities have been unable to secure agreement with a PCS to clear their sites, they can recoup their costs of clearing their DCF by obtaining evidence of treatment and recovery and then trading it via the Settlement Centre. In such cases they will need to send the WEEE to an AATF and cover the associated costs and receive the appropriate evidence of such activity in the same way as a PCS. If you deal with local authorities you should proceed as though they were a PCS providing them with the evidence note, keeping a copy for your records, and submit details electronically to BERR at WEEE.Evidence@dti.gsi.gov.uk BERR will make the necessary checks on the local authorities when they come to trade evidence through the Settlement Centre.

Non Household WEEE

The issues covered in this letter are relevant to both B2C and B2B WEEE. If you handle WEEE on behalf of a B2B PCS you are still required to forward copies of evidence note to BERR and ultimately the Settlement Centre.

Designated Collection Facilities (DCFs)

Under the regulations, AATFs are able to register their sites as commercial DCFs. Details on how to apply to register your site as a DCF can be found at www.valpak.co.uk/dts

If you have any general queries please email WEEE@dti.gsi.gov.uk

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