

WEEE Amendment Regulations Factsheet

Introduction

The Waste Electrical and Electronic Equipment (Amendment) Regulations 2009¹ (“the Amendment Regulations”), which came into force on 1 January 2010, have been designed to reduce the overall administrative burden on businesses by streamlining the WEEE system.

This factsheet summarises the main changes that the Amendment Regulations bring in for 2010 and what they mean for you if you are an approved authorised treatment facility (AATF), approved exporter (AE) or a producer compliance scheme (PCS).

However, you must refer to the legislation for the full legal text, and to the [Government Guidance Notes issued by the Department for Business Innovation and Skills](#).

Part 1 - Approved Authorised Treatment Facilities (AATFs) and Exporters (AEs)

AATFs and exporters who have been granted approval for the 2010 compliance period under the Waste Electrical and Electronic Equipment Regulations 2006 must comply with the requirements of these Amendment Regulations from 1 January 2010. You must read this document carefully to ensure you are aware of the additional or changed requirements.

These new arrangements for 2010 approvals are outlined in Table 1.

1.1 Evidence notes

The conditions of approval of authorised treatment facilities and exporters have changed to enable AATFs and AEs to issue evidence on receipt of WEEE.

So, if you are an AATF you may issue evidence notes for the 2010 compliance period when you receive WEEE for reuse as a whole appliance or when you receive WEEE for treatment. If you are an AE, you may issue 2010 evidence notes when you receive whole WEEE for export for reuse as whole appliances. Evidence notes for WEEE received from 1 January 2010 onwards have been simplified to reflect this change, so only WEEE received will need to be declared on the note.

This change means that AATFs do not have to wait until WEEE has been treated, recovered or recycled to issue evidence. The Amendment Regulations also make it clear that evidence may be issued by AATFs and AEs for the reuse of whole appliances.

¹ - SI 2009 No 2957

Table 1 - Summary of main changes for AATFs and AEs

Old requirements	Requirements of Amendment Regulations	What this means for AATFs and AEs	
		Impact on 2009 compliance period	Impact on 2010 compliance period
AEs could issue evidence on WEEE exported for reuse, treatment recovery or recycling	AEs may only issue evidence on WEEE received for export for reuse as whole appliances	WEEE delivered in 2009 - no impact	Effective for WEEE delivered in 2010 onwards
Evidence notes issued when WEEE derived materials have been delivered for recovery or recycling	Evidence notes issued on receipt of WEEE for treatment or reuse	WEEE delivered in 2009 – no change to previous arrangements	WEEE delivered in 2010 onwards - evidence issued on receipt
Information on evidence note required includes WEEE sent for recovery and recycling	Information required on evidence note simplified. Only information on WEEE received and sent for reuse required on evidence note	WEEE delivered in 2009 - no change to information required on evidence note	WEEE delivered in 2010 – simplified information required on evidence notes
Last date of issuing evidence is 30 April of the following year	Last date of issuing evidence is 31 January of following year	WEEE delivered in 2009 - Last date 30 April 2010	WEEE delivered in 2010 - Last date 31 January 2011
Recovery, reuse and recycling targets to be met by schemes	Recovery, reuse and recycling targets to be met by AATFs	Responsibility for meeting targets sits with schemes	Responsibility for meeting targets sits with AATFs
Quarterly reporting – see table in section 1.3.1	Quarterly reporting – see table in section 1.3.1	No impact	See table section 1.3.1
Independent audit reports required by 31 May	Independent audit reports required by 31 March	Report due 31 May 2010	Report due 31 March 2011
Applications for approval requires a charge depending on the amount of evidence you want to issue across all your facility sites	Applications for approval will require a separate charge per facility	N/A	Applications for approval for 2011 will require separate charges

Evidence notes must not be issued by an AATF or AE after 31 January in the year immediately following the end of that relevant approval period. So, for the 2010 compliance period evidence notes may be issued up until 31 January 2011. This brings the deadline forward, but since evidence may be issued upon receipt, we do not expect there will be any difficulty for AATFs and AEs to comply with this date.

AEs may now only issue evidence when they receive whole WEEE which will be exported for reuse as a whole appliance to an overseas site.

Evidence for WEEE received in 2009 must be issued in accordance with our existing guidance for 2009. Any evidence issued for WEEE received in 2010 must be issued in accordance with the Amendment Regulations.

Our WEEE Evidence Note Guidance will be revised to reflect the Amendment Regulations. However, the basic rules for issuing evidence notes and keeping documentary records to support the evidence issued remain unchanged.

1.2 Reuse, recycling and recovery targets

AATFs who issue evidence for WEEE received for treatment now have the responsibility to meet the reuse, recycling and recovery targets set out in the Amendment Regulations. These targets are set out in Table 2.

Previously producer compliance schemes were required to ensure they met these targets. AATFs must comply with these requirements for WEEE received in 2010 onwards.

Meeting the re-use, recovery and recycling targets for WEEE received in 2009 remains the responsibility of the producer compliance schemes.

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Table 2 – Summary of the reuse, recovery and recycling targets

WEEE Categories (of Schedule 1)	Minimum recovery target in tonnes (by average weight of the equipment)	Minimum reuse and recycling target in tonnes (of components, materials and substances by average weight of the equipment)
<p>Categories 1 and 10: <i>Large household appliances</i> <i>Automatic dispensers</i></p> <p><i>These targets also apply to the separately reported extra category 12 of 'cooling appliances containing refrigerants' as defined in regulation 2</i></p>	80%	75%
<p>Categories 3 and 4: <i>IT and Telecommunications equipment and Consumer equipment</i></p> <p><i>These targets also apply to the separately reported extra category 11 of 'display equipment' as defined in regulation 2</i></p>	75%	65%
<p>Categories 2, 5, 6, 7, 9: <i>Small household appliances, Lighting equipment, Electrical and electronic tools, Toys leisure and sports equipment and Monitoring and control instruments</i></p>	70%	50% (this excludes gas discharge lamps)
<p>Gas discharge lamps only</p> <p><i>These targets apply to the separately reported extra category 13 of 'gas discharge lamps' as defined in regulation 2</i></p>	Not applicable	80%

1.3 Reporting

It is now a specific condition of approval that AATFs and AEs must have systems and procedures in place to ensure they provide accurate reports to us in connection to complying with their reporting requirements under regulation 52. This condition of approval applies only to approvals for the 2010 compliance year, and subsequent years. It does not apply to 2009 approvals.

This means that if you provide inaccurate or incomplete data, you may have your approval suspended or cancelled and/or we may take enforcement action.

1.3.1 Quarterly reporting

The Amendment Regulations have changed the quarterly reporting requirements. These changes are summarised in Tables 3 and 4.

The deadlines for submission of quarterly reports have been changed. The deadline has been brought forward for each quarter by one day. For example the Quarter 1 data reporting deadline was previously the 1st May, this has now changed to the 30th April.

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Table 3 – Summary of changes to quarterly reporting requirements for AATFs

Approved authorised treatment facilities (AATFs)	
Old Requirements for WEEE received in 2009	New requirements of Amendment Regulations for WEEE received in 2010
Total amount of WEEE received for treatment	Must continue to report
Total amount of WEEE treated	No longer required
WEEE sent to another ATF for treatment (including name and address)	Must continue to report
WEEE sent to another reprocessor for recovery and recycling (including name and address)	No longer required
WEEE upon which evidence has been issued for reuse as a whole appliance	Must continue to report
Report by categories of WEEE and non-household and household WEEE	No change
Reporting dates (e.g. 1 May for Q1 Jan-Mar)	Reporting dates by the end of the month following the end of that quarter period (e.g. 30 April for Q1 Jan-Mar)
New	Name of scheme(s) WEEE is received from or on behalf of
New	Total non-obligated WEEE received by category of WEEE
New	Total tonnage of evidence issued to each scheme

Table 4 – Summary of changes to quarterly reporting requirement for AEs

Approved exporters (AEs)	
Old Requirements for WEEE received in 2009	New requirements of Amendment Regulations for WEEE received in 2010
Reporting dates (e.g. 1 May for Q1 Jan-Mar)	Reporting dates by the end of the month following the end of that quarter period (e.g. 30 April for Q1 Jan-Mar)
Total amount of WEEE received and the total amount exported for reuse as whole appliance, treatment, recovery or recycling	Must continue to report
Report by categories of WEEE and non-household and household WEEE	No change
New	Name of scheme(s) WEEE is from or received on behalf of
New	Total tonnage of evidence issued to each scheme
New	Total non-obligated WEEE received by category of WEEE

In quarterly reports, AATFs must provide the total amount of WEEE they received for treatment, and WEEE they have delivered to another ATF for treatment (and include that ATF's name and address). AEs must provide the total amount of WEEE received and the total amount of WEEE exported for reuse as a whole appliance, treatment recovery or recycling. The WEEE should be reported by category.

AATFs and AEs must now also report on the amounts of WEEE received from or on behalf of compliance schemes.

Where AATFs or AEs receive WEEE from sources other than compliance schemes or parties acting on their behalf, the tonnage amounts of this non obligated WEEE are now required to be reported quarterly. This will enable us to have a clearer picture of WEEE within and outside the regulatory system.

All data relating to WEEE submitted in quarterly returns must be subdivided by WEEE categories 1 to 10 (listed in Schedule 1 of the Regulations), plus the extra 3 categories for display equipment, cooling appliances containing refrigerants, and gas discharge lamps; and by household and non-household WEEE.

AATFs and AEs have an additional requirement to provide the total tonnage of WEEE evidence notes which have been issued to that scheme.

We are currently reviewing the process for AATFs and AEs to submit data to us. We will provide an update on the process shortly.

1.3.2 Independent audit reports

The amendments now require independent auditors' reports to be provided to us on or before 31 March in the year following the relevant approval period. So, for the 2010 compliance period audit reports will need to be provided to us by 31 March 2011.

However, for the 2009 compliance period, auditors' reports must be provided to us by 31 May 2010. This report will not need to deal with recovery and recycling targets. In effect this will mean that there is no change in the independent audit report requirements due on 31 May 2010.

When independent audit reports are due in March 2011, in addition to the existing requirements, the auditor's report is now required to demonstrate to us that AATFs have met the recycling and recovery targets as explained in section 1.2.

We will consider what, if any, guidance will be required for independent auditors to meet these requirements during 2010.

1.4 Applications for approval in 2010 and 2011

ATFs who decide to make an application for approval for the 2011 compliance period, or after 1 January 2010 for the 2010 compliance period, will have to pay a charge for each facility they wish to be approved. Where ATFs have sites in either England or Wales, and Scotland they will need to apply separately to both the Environment Agency and SEPA.

We will be looking at our application guidance and processes during 2010 to look at how this change will be accommodated.

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Part 2 – Producer compliance schemes

Producer compliance schemes that have been granted approval for the 2010 compliance period under the Waste Electrical and Electronic Equipment Regulations 2006 will be required to comply with the requirements of the Amendment Regulations from 1 January 2010.

Table 5 - Summary of main changes for schemes

Old requirements	Requirements of Amendment Regulations	What this means for schemes	
		Impact on 2009 compliance period	Impact on 2010 compliance period
Notification of obligations by 1 April and 1 May	Notification of obligations by 28 February and 31 March	Notification of 2009 obligations by 1 April and 1 May 2010	Notification of 2010 obligations by 28 February and 31 March
Recovery, reuse and recycling targets met by schemes	Recovery, reuse and recycling targets met by AATFs for 2010 onwards.	Recovery and recycling targets should be demonstrated by evidence issued to schemes as before	Recovery, reuse and recycling targets met by AATFs for 2010 onwards.
Reporting both household and non-household EEE by the last day of the month following the end of each quarter period	Reporting household EEE by the last day of the month following the end of each quarter period, but non-household EEE once annually before 31 January of the year following the compliance period ²	Unchanged for Q4 2009. Report Q4 household and Non-household EEE as normal.	Household EEE reporting unchanged. Non-household EEE placed on UK market in 2010 needs reporting once on or before 31 January 2011
Reporting WEEE by first day of second month following the end of each quarter period	Reporting WEEE by the last day of the month following the end of each quarter period	Unchanged for Q4 2009.	WEEE reporting is now in line with EEE reporting and should be done by the last day of the month following the end of each quarter
New	Reporting WEEE and which AATF or AE it was sent to	Unchanged for Q4 2009	Schemes now have to provide WEEE data by AATF and AE
Member registration by 31 October of year preceding compliance period, late members (joining after 15 October) within 28 days becoming a member	Member registration by 30 November of year preceding compliance period, late members (joining after 15 November) within 28 days becoming a member	N/A	See 2.5 below
Declaration of compliance provided by 1 June of year following compliance period	Declaration of compliance provided by 30 April of year following compliance period	2009 Declaration of compliance provided by 1 June 2010	2010 Declaration of Compliance provided by 30 April 2011
Approval of schemes ends after 3 years and full applications for re-approval must be made	Approval of schemes is open-ended with rolling approval subject to approved yearly updated operational plan	N/A	Schemes will need to reapply for approval when their current approval expires. Any subsequent approval will be open ended

² See the Waste Electrical and Electronic Equipment (Amendment)(No 2) Regulations 2009 (SI 2009 No 3216)

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2.1 Notification of obligations

For the 2010 compliance period onwards, we will let schemes know their preliminary obligation by 28 February (rather than 1 April) and their final obligation by 31 March (rather than 1 May) of the year following the relevant compliance period.

2.2 Targets for reuse, recycling and recovery of WEEE

Schemes are no longer responsible for ensuring that the targets for reuse, recycling and recovery of WEEE are met for the compliance periods starting 1 January 2010. From the 2010 compliance period onwards this becomes the responsibility of AATFs (see Section 1.2).

However, for the 2009 compliance period, schemes are still required to meet these targets as usual.

2.3 Reporting of WEEE

Every quarter during a compliance period, schemes are required to provide us with the total amount of WEEE in tonnes that:

- they have been responsible for collecting from a DCF;
- they have been responsible for delivering to an AATF for treatment or an AE for treatment outside the UK, including the details of each AATF or AE;
- has been returned under regulation 32; and
- the scheme has taken back under regulation 39.

We are currently working on our systems and databases to ensure schemes can provide us with this information. We will provide updates on this in due course.

These quarterly reports must now be provided by the last day of the month following the end of that particular quarter. In effect this puts forward the deadline by one day only. For example, data from Quarter 1 in 2010 (January – March) must now be reported to us on or before 30 April 2010.

Data from the 2009 compliance period must be reported according to the 2009 rules.

2.4 Reporting of EEE

Schemes must still tell us the total amount of 'household' EEE each of their members has placed on the market by the last day of the month following each quarter period. For the final quarter of 2009 return must be sent to us by 31 January 2010.

However, from the 2010 compliance period onwards schemes only need to tell us the amount of 'non-household' EEE each of their members has placed on the market once a year, on or before 31 January following the relevant compliance period.

Schemes must provide us with their Quarter 4 return for non-household EEE placed on the market in 2009 by 31 January 2010. The first annual submission of non-household EEE data will be due on or before 31 January 2011.

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2.5 Registration of members

Schemes are required to apply to us to register producer members by 30 November, as opposed to 31 October.

Schemes are required to apply to register late joining members within 28 days of the date the producer becomes a member of your scheme. The Regulation (20 (2)) which refers to this requirement has not been updated with the new deadline for membership which is 15 November rather than 15 October. We will therefore treat any member joining after 15 November (rather than the 15 October) as a late joining member.

From 1 January 2010 schemes must ensure that they are using the 2007 Standard Industry Classification (SIC) Codes when registering your members with us.

2.5 Declaration of compliance

Schemes must provide a declaration of compliance by 30 April of the year following the relevant compliance period, which brings forward the deadline by just over one month. For example, the declaration of compliance for the 2010 compliance period must be provided by 30 April 2011.

For the 2009 compliance period we will be working to the previous arrangements. Schemes will therefore need to provide their 2009 declaration of compliance by 1 June 2010.

2.6 Approval and withdrawal of approval of schemes

Approved schemes will no longer have to reapply for approval every three compliance periods and therefore will no longer have to demonstrate they can subsist for at least three compliance periods.

Instead, scheme approvals will be 'open ended' and schemes must provide updated 'rolling' operational plans by 31 July every year, in that these plans must cover the next three compliance periods. If we are not satisfied with a scheme's revised operational plan we may withdraw approval.

Schemes that have been approved prior to 1 January 2010 will need to reapply for approval when their current approval expires.