

SCHEDULE 1

Regulation 5(1)

Categories of EEE covered by these Regulations

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer equipment
5. Lighting equipment
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7. Toys, leisure and sports equipment
8. Medical devices (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Automatic dispensers

SCHEDULE 2

Regulation 5(2)

List of products which fall under the categories in Schedule 1

1. Large household appliances
 - Large cooling appliances
 - Refrigerators
 - Freezers
 - Other large appliances used for refrigeration, conservation and storage of food
 - Washing machines
 - Clothes dryers
 - Dish washing machines
 - Cooking
 - Electric stoves
 - Electric hot plates
 - Microwaves
 - Other large appliances used for cooking and other processing of food
 - Electric heating appliances
 - Electric radiators
 - Other large appliances for heating rooms, beds, seating furniture
 - Electric fans
 - Air conditioner appliances
 - Other fanning, exhaust ventilation and conditioning equipment
2. Small household appliances
 - Vacuum cleaners

Status: This is the original version (as it was originally made).

Carpet sweepers
Other appliances for cleaning
Appliances used for sewing, knitting, weaving and other processing for textiles
Irons and other appliances for ironing, mangling and other care of clothing
Toasters
Fryers
Grinders, coffee machines and equipment for opening or sealing containers or packages
Electric knives
Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances
Clocks, watches and equipment for the purpose of measuring, indicating or registering time
Scales

3. IT and telecommunications equipment

Centralised data processing:
Mainframes
Minicomputers
Printer units
Personal computing:
Personal computers (CPU, mouse, screen and keyboard included)
Laptop computers (CPU, mouse, screen and keyboard included)
Notebook computers
Notepad computers
Printers
Copying equipment
Electrical and electronic typewriters
Pocket and desk calculators
Other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means
User terminals and systems
Facsimile
Telex
Telephones
Pay telephones
Cordless telephones
Cellular telephones
Answering systems
Other products or equipment of transmitting sound, images or other information by telecommunications

4. Consumer equipment

Radio sets

Television sets

Videocameras

Video recorders

Hi-fi recorders

Audio amplifiers

Musical instruments

Other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications

5. Lighting equipment

Luminaires for fluorescent lamps with the exception of luminaires in households

Straight fluorescent lamps

Compact fluorescent lamps

High intensity discharge lamps, including pressure sodium lamps and metal halide lamps

Low pressure sodium lamps

Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs

6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)

Drills

Saws

Sewing machines

Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials

Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses

Tools for welding, soldering or similar use

Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means

Tools for mowing or other gardening activities

7. Toys, leisure and sports equipment

Electric trains or car racing sets

Hand-held video game consoles

Video games

Computers for biking, diving, running and rowing

Sports equipment with electric or electronic components

Coin slot machines

8. Medical devices (with the exception of all implanted and infected products)

Radiotherapy equipment

Cardiology

Dialysis

Pulmonary ventilators

Status: This is the original version (as it was originally made).

Nuclear medicine

Laboratory equipment for *in-vitro* diagnosis

Analysers

Freezers

Fertilization tests

Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability

9. Monitoring and control instruments

Smoke detector

Heating regulators

Thermostats

Measuring, weighing or adjusting appliances for household or laboratory equipment

Other monitoring and control instruments used in industrial installations (for example, in control panels)

10. Automatic dispensers

Automatic dispensers for hot drinks

Automatic dispensers for hot or cold bottles or cans

Automatic dispensers for solid products

Automatic dispensers for money

All appliances which deliver automatically all kind of products

SCHEDULE 3

Regulation 6

First compliance period

1. The following amendments apply in relation to the first compliance period.

Producer obligations

2. In regulation 10(2), for the words “any compliance period join a scheme on or before 15th October in the year immediately preceding the commencement of that compliance period” substitute “the first compliance period, join a scheme on or before 15th March 2007”.

3. For regulation 13, substitute the following regulation—

“13.—(1) A producer to whom the obligation in regulation 10 applies in relation to the first compliance period shall keep records in writing of the following information—

(a) the amount in tonnes of all EEE which he has put on the market in the United Kingdom in 2006 and during the first compliance period which falls within—

(i) the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),

(ii) display equipment,

(iii) cooling appliances containing refrigerants, and

(iv) gas discharge lamps; and

- (b) for each category referred to in sub-paragraph (a), the amount in tonnes of EEE that was or is intended for use by—
 - (i) private households; and
 - (ii) users other than private households.
- (2) The records referred to in this regulation shall be kept for a period of at least four years commencing on the date on which any such record is made and shall be made available to the appropriate authority on demand.
- (3) The obligation to keep records in paragraph (2) shall only apply to records that are in existence on 2nd January 2007 and to records that are made after that date.”.

Scheme obligations

- 4. In regulation 20—
 - (a) in paragraph (1), for the words “any compliance period, or any part of a compliance period, make an application to the appropriate authority on or before 31st October in the year immediately preceding the commencement of that compliance period” substitute “the first compliance period, or any part of the first compliance period, make an application to the appropriate authority on or before 31st March 2007”;
 - (b) in paragraph (2), for the words “15th October in the year immediately preceding the commencement of the relevant compliance period” substitute “15th March 2007”;
 - (c) in paragraph (6), for the words commencing with “1st December of the year immediately preceding the commencement of that compliance period” substitute the following “1st June 2007”; and
 - (d) after paragraph (8) insert the following new paragraphs (8A), (8B) and (8C)—
 - “(8A) The appropriate authority shall notify in writing each operator of a scheme of a preliminary assessment of the market share of his scheme members in 2006 on or before 17th April 2007.
 - (8B) The market share referred to in paragraph (8A) shall be calculated as follows in relation to each of the categories of EEE using the information provided to the appropriate authority in compliance with paragraph 13A of Schedule 4—
$$A \div B$$
where—
 - “A” is the total amount in tonnes of EEE intended for use by private households and falling within one of the categories of EEE (“the relevant category”) that has been put on the market in the United Kingdom in 2006 by all of the members of a particular scheme; and
 - “B” is the total amount in tonnes of EEE intended for use by private households and falling within the relevant category that has been put on the market in the United Kingdom in 2006.
 - (8C) A notification given under paragraph (8A) shall include the following information—
 - (a) the preliminary assessment of the market share in 2006 of the scheme members referred to in that paragraph by reference to the categories of EEE;
 - (b) an explanation of how the market share referred to in sub-paragraph (a) has been determined using the calculation set out in paragraph (8B).”.

Status: This is the original version (as it was originally made).

5. In paragraph (1) of regulation 28, for the words “each compliance period, or part of a compliance period” substitute “2006 and in the first compliance period, or in any part of that compliance period”.

6. After regulation 28, insert the following new regulation 28A—

“Reporting: financing of WEEE from private households

28A.—(1) Each operator of a scheme that is approved under regulation 41 for the first compliance period shall provide a report to the appropriate authority on or before 31st December 2007.

(2) The report referred to in paragraph (1) shall—

(a) be in writing; and

(b) explain how his scheme members could most effectively—

(i) assume responsibility for financing the costs of the collection, treatment, recovery and environmentally sound disposal of WEEE from private households deposited at designated collection facilities relating to the waste from any product that they have put on the market in the United Kingdom after 13th August 2005; and

(ii) provide a guarantee when placing a product on the market in the United Kingdom that ensures that the operations mentioned in sub-paragraph (b) (i) in relation to the waste from that product will be financed.”.

7. In Schedule 6, after paragraph 14 insert the following new paragraph 14A—

“14A. In the case of an application made under regulation 20(1), the following information in respect of each scheme member—

(a) the amount in tonnes of all EEE which each scheme member has placed on the market in the United Kingdom during 2006 which falls within—

(i) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),

(ii) display equipment,

(iii) cooling appliances containing refrigerants, and

(iv) gas discharge lamps; and

(b) for each category referred to in sub-paragraph (a), the amount in tonnes of WEEE intended for use by—

(i) private households; and

(ii) users other than private households.”.

Scheme approval

8. In regulation 41—

(a) in paragraph (1), for the words commencing “any compliance period” and ending with “in the year immediately preceding the commencement of that compliance period” substitute “the first compliance period, on or before 31st January 2007”; and

(b) in paragraph (6)(a), for every reference to “1st October of the year immediately preceding the relevant compliance period” substitute “on or before 28th February 2007”.

9. In Schedule 7—

(a) in paragraph (f) of Part 3; and

(b) in paragraph 2(f) of Part 4,
for the words “regulations 27 and 28” substitute “regulations 27, 28 and 28A”.

Duties of the appropriate authorities

10. In paragraph (f) of regulation 61, for the words “regulations 27, 28” substitute “regulations 27, 28, 28A”.

Offences and penalties

11. In regulation 73—

- (a) in paragraph (3)(a), after the word “28,” insert “28A,”; and
- (b) in paragraph (3)(b), for the words “27 or 28” substitute “27, 28 or 28A”.

SCHEDULE 4

Regulation 15

Crossed out wheeled bin symbol



SCHEDULE 5

Regulations 12 and 29

Declaration of compliance

PART 1

Information to be included in a declaration of compliance by a producer

1. The name and address of the producer in respect of whom the declaration is issued.
2. The name and title of the person who issues the declaration.
3. The date of the declaration.
4. The relevant compliance period to which the declaration relates.
5. In relation to the WEEE from private households in respect of which the declaration is being issued—
 - (a) the reference number of the appropriate authority’s notification under regulation 8(4)(c); and
 - (b) a declaration that the obligations under regulation 8(1) that have been notified to the relevant producer by the appropriate authority under that regulation—
 - (i) have been met; or
 - (ii) have not been met.
6. In relation to the WEEE from users other than private households in respect of which the declaration is being issued, a declaration that—

Status: This is the original version (as it was originally made).

- (a) the obligations under regulation 9(1)—
 - (i) have been met; or
 - (ii) have not been met;
- (b) the amount in tonnes of WEEE for which the producer has been responsible for financing the costs of the collection, treatment, recovery and environmentally sound disposal during the relevant compliance period which fall within—
 - (i) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
 - (ii) display equipment,
 - (iii) cooling appliances containing refrigerants, and
 - (iv) gas discharge lamps.

PART 2

Information to be included in a declaration of compliance by an operator of a scheme

1. The name and address of the operator of the scheme in respect of which the declaration is issued.
2. The name and title of the person who issues the declaration.
3. The date of the declaration.
4. The relevant compliance period to which the declaration relates.
5. In relation to the WEEE from private households in respect of which the declaration is being issued—
 - (a) the reference number of the appropriate authority's notification under regulation 22(4)(b); and
 - (b) a declaration that the obligations under regulation 22 that have been notified to the relevant operator of the scheme by the appropriate authority under that regulation—
 - (i) have been met; or
 - (ii) have not been met.
6. In relation to the WEEE from users other than private households in respect of which the declaration is being issued, a declaration that—
 - (a) the obligations under regulation 23—
 - (i) have been met; or
 - (ii) have not been met;
 - (b) the amount in tonnes of WEEE for which the operator of the scheme has been responsible for financing the costs of the collection, treatment, recovery and environmentally sound disposal during the relevant compliance period which fall within—
 - (i) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
 - (ii) display equipment,
 - (iii) cooling appliances containing refrigerants, and
 - (iv) gas discharge lamps.

SCHEDULE 6

Regulations 20 and 21

Information to be included in an application for registration of producers and notification of new scheme members

1. The compliance period in respect of which the application for registration is being made.
2. The name of the scheme.
3. The name of the operator of that scheme and, where the operator of that scheme is a partnership, the names of all the partners.
4. The address and telephone number of the registered office of the operator of the scheme or, if not a body registered in the United Kingdom, the principal place of business and telephone number in the United Kingdom of the operator of the scheme.
5. The name and address of the registered office of each scheme member or, where a scheme member is not a body registered in the United Kingdom, the principal place of business in the United Kingdom of that scheme member.
6. The address for service of notices if different from the addresses mentioned in paragraphs 4 and 5.
7. The business name of a scheme member if different from any name given in compliance with paragraph 5.
8. Where a scheme member is a partnership, the names of all the partners.
9. In the case of a claim that a scheme member is eligible for the annual producer charge specified in regulation 45(2)(a), evidence that that scheme member is not, and is not required to be, registered under the Value Added Tax Act 1994(1).
10. In the case of a claim that a scheme member is eligible for the annual producer charge specified in regulation 45(2)(b)—
 - (a) evidence that that scheme member is, or is required to be, registered under the Value Added Tax Act 1994; and
 - (b) evidence that the total turnover in pounds sterling of that scheme member in the last financial year was £1 million or less.
11. Details of the producer identification mark that each member of the scheme is placing or intends to place on his products in compliance with regulation 16.
12. Where any scheme member has previously been registered under Part 4, his EEE producer registration number.
13. In relation to each scheme member, confirmation of whether the operator of the scheme will be discharging that scheme member's obligations under—
 - (a) regulation 22(1);
 - (b) regulation 23(1); or
 - (c) both (a) and (b).
14. The Standard Industrial Classification ("SIC") code for any scheme member that has one. For the purposes of this paragraph, an SIC code is a code that is included in the "Indexes to the United Kingdom Standard Industrial Classification of Economic Activities 2003" published by the Office for National Statistics.

(1) 1994 c. 23.

SCHEDULE 7

Regulation 41

Approval of proposed schemes and schemes

PART 1

Information to be included in an application for approval

1. The name of the proposed scheme.
2. The name of the operator of the proposed scheme.
3. The address and telephone number of the registered office of the operator of the proposed scheme or, if the operator is not registered in the United Kingdom, the principal place of business and telephone number in the United Kingdom of that operator.
4. Where the operator of the proposed scheme is a partnership, the names of all the partners.
5. The address for service of notices if different from that referred to in paragraph 3.
6. Confirmation of whether or not the operator of the proposed scheme has been convicted of an offence under these Regulations; and where a positive confirmation is given an explanation of how the contravention of these Regulations which resulted in the conviction occurred and what steps have been taken to ensure that such a contravention will not occur in the future.

PART 2

Information to be included in the constitution

1. The nature of the operator of the scheme's legal personality.
2. The type of relationship between the operator of the proposed scheme and the scheme members (for example, contractual or partnership).
3. Details of how membership fees and any other sums payable to the operator of the proposed scheme by the scheme members are to be determined.
4. Details of any rules or regulations to be observed by the scheme members.
5. Details of the procedures under which the operator of the proposed scheme would enforce the rules or regulations against a scheme member.
6. Whether there is a minimum or maximum number of scheme members permitted.
7. Details of the eligibility criteria for membership of the proposed scheme.
8. Details of how evidence notes acquired by the operator of the proposed scheme in complying with his obligations under these Regulations will be allocated between scheme members in the event that approval of the proposed scheme is withdrawn under regulation 44.
9. Details of any arbitration procedure that will apply for the purpose of determining any dispute between scheme members and between scheme members and the operator of the proposed scheme.
10. Details of the arrangements in place for disseminating important information to scheme members in an accurate and timely manner.

PART 3

Information to be included in the operational plan

The operational plan referred to in regulation 41(4)(b)(iii) must include the following information in relation to each of the three compliance periods in respect of which the application for approval has been made—

- (a) details of the financial resources and technical expertise that will be available to enable the performance of the obligations of the operator of the proposed scheme under regulations 22 and 23;
- (b) details of the proposed arrangements for collection, treatment, recovery and recycling that will be or are in place to ensure that the operator of the proposed scheme will be able to comply with his obligations under Part 4 in relation to—
 - (i) WEEE from private households in accordance with regulation 22;
 - (ii) WEEE from users other than private households in accordance with regulation 23; or
 - (iii) both (i) and (ii);
- (c) where it is available to the operator of the proposed scheme, the information referred to in paragraph (b) must include—
 - (i) the names and addresses of the designated collection facilities from whom the proposed scheme intends to obtain WEEE from private households and the estimated amounts in tonnes of WEEE to be collected from each;
 - (ii) the names and addresses of the AATFs that the operator of the proposed scheme intends to use to treat WEEE and the estimated amounts in tonnes of WEEE to be treated by each such AATF;
 - (iii) the names and addresses of the approved exporters that the operator of the proposed scheme intends to use to treat, recover and recycle WEEE and the estimated amounts in tonnes of WEEE to be treated, recovered and recycled by each such approved exporter; and
 - (iv) in the case of the collection of WEEE from designated collection facilities, details of any contingency plans;
- (d) a statement indicating the nature of the anticipated relationship of the operator of the proposed scheme with—
 - (i) designated collection facilities;
 - (ii) AATFs; and
 - (iii) approved exporters,in the three compliance periods in respect of which an application for approval is made;
- (e) how the operator of the proposed scheme will meet the conditions of approval set out in regulation 43;
- (f) how the operator of the proposed scheme will comply with the reporting requirements under regulations 27 and 28;
- (g) how the operator of the proposed scheme will comply with the obligation to submit a declaration of compliance under regulation 29;
- (h) where an operator of a proposed scheme is intending to collect WEEE from private households in accordance with regulation 22, details of the proposed arrangements to accept return of WEEE from private households from distributors free of charge in accordance with regulation 32;

Status: This is the original version (as it was originally made).

- (i) how the operator of the proposed scheme will prioritise, where appropriate, the reuse of whole appliances in a manner consistent with the objectives of the Directive and in accordance with regulation 24; and the relationships it intends to develop with those persons carrying out reuse activities, including making use of the existing voluntary and community sector infrastructure; and
- (j) how the operator of the proposed scheme will adopt and comply with the code of practice issued by the Secretary of State under regulation 57.

PART 4

Requirements for approval of a proposed scheme and for continued approval of a scheme

1. That the rules or regulations of the proposed scheme or scheme provide—
 - (a) that a scheme member must apply to join the scheme for a minimum period of one relevant compliance period; except in the case of a producer who does not become a producer until after the start of a relevant compliance period and who will be expected to join that scheme for the remainder of the relevant compliance period during which he has commenced putting EEE on the market in the United Kingdom; and
 - (b) that where a scheme member's membership of the scheme is cancelled, any such cancellation cannot take effect until the end of the current compliance period.
2. That the proposed scheme or scheme has the necessary resources and systems in place to—
 - (a) maintain up to date records of its scheme members, including—
 - (i) their names and addresses;
 - (ii) their EEE producer registration numbers; and
 - (iii) the producer identification marks used by each member in compliance with regulation 16;
 - (b) handle WEEE from private households, if it proposes to do so, (including collection and transportation to ATFs and funding of treatment, recovery and recycling) in order to discharge the operator of the scheme's notified obligation under regulation 22 in an appropriate and timely manner;
 - (c) handle WEEE from users other than private households, if it proposes to do so, (including collection and transportation to ATFs and funding of treatment, recovery and recycling) in order to discharge the operator of the scheme's obligations under regulation 23 in an appropriate and timely manner;
 - (d) where a proposed scheme is the subject of an application for approval made under regulation 41, or where a scheme is approved under that regulation for the purposes of regulation 22, accept return of WEEE from private households from distributors free of charge in accordance with regulation 32;
 - (e) keep, update and supply records to the appropriate authority as required under regulation 30;
 - (f) supply information to the appropriate authority as required under regulations 27 and 28;
 - (g) submit declarations of compliance and supporting evidence notes as required under regulation 29;
 - (h) check that the information supplied to it by its scheme members under regulation 11 is as accurate as reasonably possible and that the operator of the scheme's submission of that information to the appropriate authority will meet a similar standard of accuracy; and

- (i) maintain good environmental practices.
- 3. That the operator of the proposed scheme or scheme will co-operate with other operators of schemes in relation to developing working relationships with operators of designated collection facilities.
- 4. That the operator of the proposed scheme or scheme has viable plans to collect an amount of WEEE that is equivalent to the amount of WEEE for which it will be responsible for financing under these Regulations.
- 5. That the operator of the proposed scheme or scheme is likely to be able to meet his expected treatment, recovery and recycling obligations for the three compliance periods in respect of which an application for approval is being made or has been granted under regulation 41.
- 6. That the proposed scheme or scheme is likely to assist in meeting the United Kingdom's obligations in relation to the recovery of WEEE in respect of which an application for approval is being made or has been granted under regulation 41.
- 7. In the event that the operator of the proposed scheme or scheme contravenes any of the obligations placed on him under these Regulations, that it is likely that enforcement proceedings could be taken against the operator of the proposed scheme under these Regulations without a disproportionate cost to the enforcement authority.

SCHEDULE 8

Regulations 47 and 49

Approval of authorised treatment facilities and exporters

PART 1

Information to be included in an application for approval

- 1. The name of the operator of the ATF or the exporter.
- 2. The registered office address and telephone number of the operator of the ATF or the exporter where he is a body registered in the United Kingdom or, if the operator of the ATF or the exporter is not a body registered in the United Kingdom, his principal place of business and telephone number in the United Kingdom.
- 3. Where the operator of the ATF or exporter is a partnership, the names of all the partners.
- 4. Where the operator of the ATF or exporter is not a body registered in the United Kingdom or a partnership, the name of the person having control or management of that body.
- 5. The address for service of notices if different from that referred to in paragraph 2.
- 6. In the case of an application made by an operator of an ATF, the name and address of each ATF in respect of which he is applying for approval.
- 7. In the case of an application made by an exporter—
 - (a) the name and address of each site to which he proposes to export WEEE for treatment, recovery or recycling;
 - (b) in respect of each site specified in accordance with sub-paragraph (a)—
 - (i) specify the amount in tonnes of WEEE that he proposes to export to that site for treatment, recovery or recycling by reference to each of the following categories—

Status: This is the original version (as it was originally made).

- (aa) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
- (bb) display equipment,
- (cc) cooling appliances containing refrigerants, and
- (dd) gas discharge lamps; and

(ii) the applicable treatment, recovery and recycling operations carried out by that site.

8. Confirmation of whether or not the operator of the ATF or the exporter has been convicted of an offence under these Regulations; and where a positive confirmation is given an explanation of how the contravention of these Regulations which resulted in the conviction occurred and what steps have been taken to ensure such a contravention will not occur in the future.

PART 2

Conditions of approval of authorised treatment facilities

1. An evidence note for treatment shall only be issued with respect to WEEE that has arisen as waste in the United Kingdom and that has been received for treatment at an ATF.

2. An evidence note for recovery or recycling shall only be issued with respect to WEEE that has arisen as waste in the United Kingdom and that has been received for recovery and recycling by a reprocessor.

3. An evidence note for treatment, recovery and recycling shall specify the amount in tonnes of WEEE that has been treated, recovered or recycled by reference to each of the following categories—

- (i) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
- (ii) display equipment,
- (iii) cooling appliances containing refrigerants,
- (iv) gas discharge lamps; and

in the case of each category shall specify the amount in tonnes of WEEE from private households and of WEEE from users other than private households.

4. The amount of WEEE in tonnes recorded on an evidence note shall be—

- (a) rounded up to the nearest whole tonne where the part tonne is 0.5 or more; and
- (b) rounded down to the nearest whole tonne where the part tonne is less than 0.5.

5. Duplicate copies of any evidence note issued by the operator of the AATF shall be retained by that operator of the AATF and made available for inspection by the appropriate authority at all reasonable times.

6. One or more substitute evidence note shall be issued by an operator of an AATF, on request, to the holder of the original evidence note in exchange for the original, provided that—

- (a) the aggregate tonnage of any substitute evidence note so issued remains equal to that exchanged;
- (b) the substitute evidence note relates to the same year as the original; and
- (c) no substitute evidence note which relates to WEEE received for recovery or recycling in any relevant approval period may be issued after 31st January in the year immediately following the end of that relevant approval period.

7. An evidence note for treatment, recovery or recycling shall not be issued by an operator of an AATF for more than the total amount of WEEE—

- (a) received for treatment, recovery or recycling at the AATF in the relevant approval period; and
- (b) which is capable of being recovered or recycled no later than the end of the year immediately following the end of the relevant approval period.

8. An evidence note for treatment, recovery or recycling shall not be issued by an operator of an AATF in respect of any WEEE that has previously been treated by another AATF.

9. An evidence note shall only be issued by an operator of an AATF to—

- (a) an operator of a scheme;
- (b) a producer to whom regulation 10(8) applies;
- (c) the Secretary of State;
- (d) the operator of a designated collection facility; or
- (e) an appropriate authority where paragraph 10 applies.

10. Where an evidence note has not been issued by an operator of an AATF on or before 31st January in any relevant approval period in respect of an amount of WEEE received for treatment, recovery or recycling in the relevant approval period that ended on 31st December in the previous year, an evidence note for that amount shall not be issued by an operator of an AATF to any other person than to the appropriate authority on or before 15th February in that year.

11. Where WEEE is treated at an AATF and is subsequently exported, it must be exported by an approved exporter.

PART 3

Conditions of approval of exporters

1. An evidence note for treatment, recovery or recycling shall only be issued in respect of WEEE that is exported in accordance with [Council Regulation \(EEC\) No. 259/93](#) of 1st February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁽²⁾, as amended by [Commission Regulation \(EC\) No. 2557/2001](#)⁽³⁾, with respect to WEEE that has arisen as waste in the United Kingdom and that—

- (a) has been exported for treatment at any establishment or undertaking located outside the United Kingdom which carries out treatment operations and which is of an equivalent standard to an ATF; or
- (b) has been exported for recovery or recycling at any establishment or undertaking located outside the United Kingdom which carries out recovery or recycling operations and which is of an equivalent standard to a reprocessor.

2. The amount in tonnes of WEEE recorded on an evidence note shall be—

- (a) rounded up to the nearest whole tonne where the part tonne is 0.5 or more; and
- (b) rounded down to the nearest whole tonne where the part tonne is less than 0.5.

3. Duplicate copies of an evidence note issued under these Regulations shall be retained by an approved exporter and made available for inspection by the appropriate authority at all reasonable times.

⁽²⁾ OJ No. L30, 6.2.1993, p.1.

⁽³⁾ OJ No. L349, 31.12.2001, p.1.

Status: This is the original version (as it was originally made).

4. One or more substitute evidence note shall be issued by an approved exporter, on request, to the holder of the original evidence note in exchange for the original, provided that—
 - (a) the aggregate tonnage of any substitute evidence note so issued remains equal to that exchanged;
 - (b) the substitute evidence note relates to the same year as the original; and
 - (c) no substitute evidence note which relates to WEEE exported for treatment, recovery or recycling in any given year may be issued after 31st January in the following year.
5. An evidence note for treatment, recovery or recycling outside the United Kingdom shall not be issued by an approved exporter—
 - (a) for more than the total amount of WEEE exported by that exporter; and
 - (b) for WEEE that is partially treated, recovered or recycled in the United Kingdom before being exported by that exporter.
 - (c) An evidence note for treatment, recovery or recycling shall only be issued by an approved exporter in a format approved by the Secretary of State.
6. An evidence note shall only be issued by an approved exporter to—
 - (a) an operator of a scheme;
 - (b) a producer to whom regulation 10(8) applies;
 - (c) the Secretary of State;
 - (d) the operator of a designated collection facility; or
 - (e) an appropriate authority where paragraph 7 applies.
7. Where an evidence note has not been issued by an approved exporter on or before 31st January in any relevant approval period in respect of an amount of WEEE exported for treatment, recovery or recycling in the relevant approval period that ended on 31st December in the previous year, an evidence note for that amount shall not be issued by an approved exporter to any other person than to the appropriate authority on or before 15th February in that year.

SCHEDULE 9

Regulation 55

Criteria for approval as a designated collection facility

1. The facility is likely to subsist for at least one compliance period.
2. That—
 - (a) the operator of the collection facility agrees to comply with the code of practice; and
 - (b) the collection facility has the capacity and arrangements in place to collect WEEE in compliance with the code of practice.
3. The operator of the collection facility is willing to work with one or more operator of a scheme to secure the collection and removal of WEEE from a private household that is deposited at the facility during each compliance period.
4. The operator of the collection facility holds a relevant authorisation.
- 5.—(1) Where an operator of a collection facility—
 - (a) finances the costs of collecting and delivering WEEE from private households to—
 - (i) an AATF for treatment; or

(ii) an approved exporter for treatment outside the United Kingdom, during a compliance period; and

(b) possesses an evidence note issued in relation to the activities mentioned in subparagraph (a),

he agrees to provide to the appropriate authority information on the total amount of WEEE from private households that he has been responsible for collecting from a designated collection facility and delivering to an AATF for treatment or an approved exporter for treatment outside the United Kingdom during a compliance period.

6. The information referred to in paragraph 5 shall—
- (a) be in writing;
 - (b) specify the amount in tonnes of WEEE from private households by reference to each of the following categories—
 - (i) each of the categories listed in Schedule 1 (excluding display equipment, cooling appliances containing refrigerants and gas discharge lamps),
 - (ii) display equipment,
 - (iii) cooling appliances containing refrigerants, and
 - (iv) gas discharge lamps; and
 - (c) be provided for each quarter period of a relevant compliance period on or before the last day of the month that immediately follows the end of that quarter period.

SCHEDULE 10

Regulation 60

Public register

1. The producer's name.
2. The address of the registered office or, where the producer is not a body corporate registered in the United Kingdom, the address of the principal place of business in the United Kingdom of that producer.
3. The producer's EEE producer registration number.
4. The name of the scheme that the producer has joined indicating whether that producer has joined the scheme for the purposes of discharging his obligations under regulation 8(1) or 9(1) or both.
5. The name of the operator of that scheme and the address of his registered office if he is a body corporate registered in the United Kingdom or, where he is not a body corporate registered in the United Kingdom, the address of his principal place of business in the United Kingdom.
6. A description of the producer identification mark used on that producer's products in compliance with regulation 16.

SCHEDULE 11

Regulation 67

Procedure of appeals

1.—(1) Where a person wishes to appeal to an appeal body under regulation 66, he shall do so by notice in writing served on that appeal body.

(2) The notice mentioned in paragraph (1) shall be accompanied by—

- (a) a statement of the grounds of appeal;
- (b) where the appeal relates to refusal to grant approval under regulation 41 or 47, a copy of the appellant's application and any supporting documents;
- (c) where the appeal relates to refusal to grant an extension of approval under regulation 48, a copy of the appellant's application and any supporting documents;
- (d) where the appeal relates to withdrawal of approval under regulation 44, a copy of the notification of the decision and any supporting documents;
- (e) where the appeal relates to suspension or cancellation of approval under regulation 50, a copy of the notification of the decision and any supporting documents;
- (f) a copy of any correspondence relevant to the appeal;
- (g) a copy of any other document relevant to the appeal; and
- (h) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be determined on the basis of written representations.

(3) The appellant shall serve a copy of his notice of appeal on the appropriate authority together with copies of the documents mentioned in sub-paragraph (2).

2.—(1) Subject to sub-paragraph (2), notice of appeal shall be given before the expiry of the period of two months beginning with the date of the decision that is the subject of the appeal.

(2) The appeal body may for good reason at any time allow notice of an appeal to be given after the expiry of the period mentioned in sub-paragraph (1).

3. Where under regulation 67(2) the appeal is by way of a hearing, the person hearing the appeal shall, unless he has been appointed to determine an appeal under regulation 67(1)(a), make a written report to the appeal body that appointed him under regulation 67(1)(b) which shall include his conclusions and recommendations or his reasons for not making any recommendations.

4.—(1) The appeal body or other person determining an appeal shall notify the appellant in writing of its or his decision and of the reasons for that decision.

(2) If the appeal body determines an appeal after a hearing under regulation 67(2), he or they shall provide the appellant with a copy of any report made to it under paragraph 3.

(3) The appeal body or other person determining an appeal shall, at the same time as notifying the appellant of it or his decision, send the appropriate authority a copy of any document sent to the appellant under this paragraph.