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STATUTORY INSTRUMENTS

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**2013 No. 3113**

The Waste Electrical and Electronic  
Equipment Regulations 2013

PART 8

APPROVAL OF AUTHORISED TREATMENT FACILITIES AND EXPORTERS

**Requirement for approval**

**60.**—(1) A person will not issue an evidence note under regulation 61(2) unless they are at the time of issue an operator of an AATF and that evidence relates to WEEE received by, or on behalf of, that AATF in a relevant approval period.

(2) A person will not issue an evidence note under regulation 61(2)(b) unless they are at the time of issue an approved exporter and that evidence relates to WEEE received by them in a relevant approval period for export.

**Application for approval**

**61.**—(1) An application for approval of an ATF or an exporter under this Part will be made to the appropriate authority and will—

- (a) be made in writing,
- (b) contain the information set out in Part 1 of Schedule 11, which must be submitted in the format published by the appropriate authority under regulation 81; and
- (c) be accompanied by—
  - (i) where the appropriate authority is the Environment Agency, the Natural Resources Body for Wales or SEPA,
    - (aa) in the case of an applicant who undertakes to issue evidence notes for not more than 400 tonnes of WEEE in the approval period to which the application relates, the application charge specified in regulation 65(1)(a); and
    - (bb) in any other case, the application charge specified in regulation 65(1)(b); or
  - (ii) where the appropriate authority is the Department of the Environment;
    - (aa) in the case of an applicant who undertakes to issue evidence notes for not more than 400 tonnes of WEEE in the approval period to which the application relates; and
    - (bb) in any other case,  
the application charge specified in the Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006(1).

- (2) An application for approval made by—
- (a) an operator of an ATF, to issue an evidence note in relation to WEEE received; or
  - (b) an exporter, to issue an evidence note in relation to—
    - (i) WEEE that is received for treatment, recovery or recycling in one or more specified reuse, treatment, recovery or recycling operations at a specified site outside the United Kingdom or a combination of such operations, or
    - (ii) used EEE that is received for export for reuse as a whole appliance,will be granted where the appropriate authority is satisfied as to the matters set out in paragraph (3) and will otherwise be refused.
- (3) The matters referred to—
- (a) in paragraph (2)(a) are—
    - (i) that the applicant is an operator of an ATF,
    - (ii) that the applicant will comply with the conditions referred to in regulation 63(1); and
    - (iii) that the application has been made in accordance with paragraph (1); and
  - (b) in paragraph (2)(b) are—
    - (i) that the applicant is an exporter,
    - (ii) where the application for approval relates to one or more reuse, treatment, recovery or recycling sites outside the EEA, that the requirements of Article 9(3) of the Directive will be met in respect of each such site,
    - (iii) that the applicant will comply with the conditions referred to in regulation 64(2); and
    - (iv) that the application has been made in accordance with paragraph (1).
- (4) The appropriate authority will notify the applicant in writing of its decision under paragraph (2) no later than 12 weeks after the application was made and, if the decision is a decision to refuse approval, such a notification will state—
- (a) the reasons for the decision; and
  - (b) the right of appeal under Part 12.
- (5) Subject to regulation 64, where approval is granted under paragraph (2), it will take effect—
- (a) where the application is made in the preceding year to that in which the person has applied to be approved—
    - (i) from 1st January where the decision to grant approval was made before that date, and
    - (ii) in all other cases, from the date of the decision, andwill remain in force until 31st December in the year for which the person has applied to be approved;
  - (b) where the application is made during the year in which the person has applied to be approved, from the date of the decision, and will remain in force until 31st December in that year.
- (6) Where an operator of an ATF or an exporter who has—
- (a) given the undertaking referred to in paragraph (1)(c)(i)(aa); and
  - (b) paid the application charge specified in regulation 65(1)(a),
- subsequently breaches that undertaking, that operator of an ATF will from the date of that breach be liable to pay the appropriate authority the balance of the charge which would have been payable under paragraph (1)(c)(i)(bb) had the undertaking not been given.

(7) In this Part, “relevant approval period” means the period in respect of which a grant of approval that has been made under this regulation remains in force.

### **Application for extension of approval of an exporter to an additional site**

**62.**—(1) An application to extend a grant of approval of an exporter made by an appropriate authority under regulation 61 during a relevant approval period to include an additional site to which he wants to export WEEE for reuse, treatment, recovery or recycling will be made to that appropriate authority and will—

- (a) be made in writing;
- (b) contain the information referred to in Part 1 of Schedule 11, which will be submitted in the format published by the appropriate authority under regulation 81; and
- (c) be accompanied by—
  - (i) where the appropriate authority is the Environment Agency, the Natural Resources body for Wales or SEPA the extension of approval charge specified in regulation 65(2), and
  - (ii) where the appropriate authority is the Department of the Environment, the extension of approval charge specified in the Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006.

(2) An application to extend an exporter’s approval to include an additional site located within the EEA will be granted by the appropriate authority where it is satisfied that the application has been made in accordance with regulation 61, and will otherwise be refused.

(3) An application to extend an exporter’s approval to include an additional site located outside the EEA will be granted by the appropriate authority where it is satisfied that that site meets the requirements of Article 9(3) of the Directive and is satisfied that the application was made in accordance with regulation 61, and will otherwise be refused.

(4) The appropriate authority will notify the applicant in writing of a decision made under paragraph (2) or (3) no later than 12 weeks after the application was made and, if the decision is a decision to refuse approval, such a notification will state—

- (a) the reasons for the decision; and
- (b) the right of appeal under Part 12.

(5) Subject to regulation 64, where an application is granted under paragraph (2) or (3), it will take effect from the date of that decision or the date that the applicant’s grant of approval under regulation 61 took effect, whichever is the later date, and will remain in force until the date that the applicant’s approval granted under regulation 61 expires.

### **Conditions of approval**

**63.**—(1) An operator of an AATF will comply with the conditions specified in Part 2 of Schedule 11.

(2) An approved exporter will comply with the conditions specified in Part 3 of Schedule 11.

### **Suspension and cancellation of approval**

**64.**—(1) The appropriate authority may suspend or cancel the approval of an ATF or exporter where it appears to it that—

- (a) in the case of an AATF, the operator of that AATF has failed, or is likely to fail, to comply with any of the conditions specified in Part 2 of Schedule 11;

- (b) in the case of an exporter, the person who is approved has failed, or is likely to fail, to comply with any of the conditions specified in Part 3 of Schedule 11; or
  - (c) the operator of an AATF or the approved exporter has knowingly or recklessly supplied false or misleading information—
    - (i) in his application for approval made under regulation 61 or 62,
    - (ii) in the case of an AATF, in connection with compliance with any of the conditions specified in Part 2 of Schedule 11, or
    - (iii) in the case of an approved exporter, in connection with compliance with any of the conditions specified in Part 3 of Schedule 11.
- (2) Where the appropriate authority is no longer satisfied that the requirements of Article 9(3) of the Directive are met in relation to WEEE exported to a site outside the EEA, the appropriate authority will cancel the approval of an exporter to the extent that it relates to that site.
- (3) Where the appropriate authority suspends or cancels a grant of approval under paragraph (1) or cancels the approval of an exporter to the extent that it relates to a site under paragraph (2), it will serve on the operator of the ATF or the exporter concerned a notification in writing stating—
- (a) its decision to cancel or suspend (as the case may be) the grant of approval;
  - (b) its reasons for the decision;
  - (c) the right of appeal under Part 12;
  - (d) in the case of a cancellation, the date when the cancellation will take effect, not being earlier than the expiration of the time limit for an appeal against the notice as provided for in Schedule 14; and
  - (e) in the case of a suspension,
    - (i) the date when the suspension will take effect, not being earlier than the date of receipt of the notification, and
    - (ii) the period of the suspension or any steps which are required to be taken in order to bring the suspension to an end.
- (4) The approval of an ATF or an exporter will be deemed to be cancelled—
- (a) on the date on which the approved facility ceases to be an ATF;
  - (b) on the date on which the person who is approved ceases to be an exporter;
  - (c) in the case where operator of an AATF requests that a grant of approval that relates to that AATF should be cancelled, with effect from the date of cancellation specified by that operator; or
  - (d) in the case where an approved exporter requests that a grant of approval that relates to him should be cancelled, with effect from the date of cancellation specified by that exporter.

## **Charges**

- 65.**—(1) The application charge referred to in—
- (a) regulation 61(1)(c)(i)(aa) will be £500; and
  - (b) regulation 61(1)(c)(i)(bb) will be £2,570.
- (2) The extension of approval charge referred to in regulation 62(1)(c)(i) will be £110.
- (3) Where for any reason approval is refused under regulation 61 or 62 or is suspended or cancelled under regulation 64 the appropriate authority will not be under any obligation to refund the whole or any part of the application fee that has been paid in accordance with regulation 61(1)(c)(i)(aa), 61(1)(c)(i)(bb) or 62(1)(c)(i).

(4) The provisions of paragraphs (1), (2) and (3) will not apply if, or to the extent that, they have been superseded by the provisions of a charging scheme made under section 41 of the Environment Act 1995—

- (a) by the Environment Agency in respect of applications for approval made under regulation 61 or 62 to that appropriate authority;
- (b) by the Natural Resources Body for Wales in respect of applications for approval made under regulation 61 or 62 to that appropriate authority; or;
- (c) by SEPA in respect of applications for approval made under regulation 61 or 62 to that appropriate authority.

(5) A charging scheme made under section 41 of the Environment Act 1995 will specify the extent to which it supersedes any of the provisions in paragraphs (1), (2) and (3).

(6) To the extent that any of the provisions of paragraphs (1), (2) and (3) are superseded in accordance with paragraph (4), any reference in these Regulations to a charge specified in paragraph (1) or (2) will be read as a reference to the charge which supersedes that charge and which is prescribed by a charging scheme.

## Reporting

**66.**—(1) An operator of an AATF or an approved exporter will provide reports to the appropriate authority—

- (a) on or before 30th April in a relevant approval period in respect of the first quarter period in that approval period;
  - (b) on or before 31st July in a relevant approval period in respect of the second quarter period in that approval period;
  - (c) on or before 31st October in a relevant approval period in respect of the third quarter period in that approval period; and
  - (d) on or before 31st January in the year immediately following the end of a relevant approval period in respect of the fourth quarter period in that approval period.
- (2) During the transitional period, the reports referred to in paragraph (1) will, include details of—
- (a) in the case of an AATF—
    - (i) the total amount in tonnes of WEEE received for treatment under these Regulations, and
    - (ii) the total amount in tonnes of WEEE delivered to another ATF for treatment under these Regulations,
  - (iii) where sub-paragraph (a)(ii) applies
    - (aa) the name and address of the operator of the ATF referred to in that sub-paragraph; and
    - (bb) the address of the ATF where the treatment referred to in that sub-paragraph was carried out;
  - (iv) the total amount in tonnes of WEEE in respect of which evidence of reuse as a whole appliance has been issued by that AATF under these Regulations,
  - (v) where sub-paragraph (iv) applies and the evidence relates to WEEE that has not been received at the premises of that AATF, the name and address of the reuse establishment or undertaking in receipt of that WEEE, and
  - (vi) where sub-paragraph (a)(i), (ii) or (iv) applies, details of the amounts in tonnes of WEEE will be provided by reference to the following categories—

- (aa) each of the categories listed in Schedule 1 (excluding display equipment, appliances containing refrigerants, gas discharge lamps, LED light sources and photovoltaic panels),
- (bb) display equipment,
- (cc) appliances containing refrigerants,
- (dd) gas discharge lamps, and LED light sources; and
- (ee) photovoltaic panels

and in the case of each category will specify the amount in tonnes of WEEE from private households, WEEE from users other than private households and from or on behalf of which scheme it was received;

- (b) in the case of an approved exporter, the total amount of WEEE in tonnes received and the total amount of WEEE in tonnes exported for reuse as a whole appliance, treatment, recovery or recycling by reference to the following categories—
  - (i) each of the categories listed in Schedule 1 (excluding display equipment, appliances containing refrigerants, gas discharge lamps, LED light sources and photovoltaic panels),
  - (ii) display equipment,
  - (iii) appliances containing refrigerants,
  - (iv) gas discharge lamps and LED light sources, and;
  - (v) photovoltaic panels

and in the case of each category will specify the amount in tonnes of WEEE from private households, WEEE from users other than private households and from or on behalf of which scheme it was received; and

- (c) in relation to each scheme to whom an evidence note has been issued—
  - (i) the name of the scheme; and
  - (ii) the total tonnage of WEEE stated in all evidence notes issued to that scheme.

(3) In addition to the requirements in paragraph (2), the reports referred to in paragraph (1) will include details of the total amount in tonnes of non-obligated WEEE received by the AATF or approved exporter and will also specify the total amount in tonnes of non-obligated WEEE received by the AATF that was retained by the operator of a designated collection facility under regulation 53, by reference to the following categories—

- (a) each of the categories listed in Schedule 1 (excluding display equipment, appliances containing refrigerants, gas discharge lamps, LED light sources and photovoltaic panels);
- (b) display equipment;
- (c) appliances containing refrigerants;
- (d) gas discharge lamps and LED light sources; and
- (e) photovoltaic panels.

(4) In addition to the requirements in paragraph (2), the report referred to in paragraph (1)(d) will include all of the information provided in the quarterly reports that relate to the relevant approval period.

(5) From 1st January 2014 until 31st December 2015 an operator of an AATF or an approved exporter will allow the appropriate authority to assess whether the conditions in Schedule 11 part 2 paragraph 22 have been met during the relevant approval period.

(6) From 1st January 2016 until 31st December 2018 an operator of an AATF or an approved exporter will allow the appropriate authority to assess whether the conditions in Schedule 11 part 2 paragraph 23 have been met during the relevant approval period.

(7) From 1st January 2019, an operator of an AATF or an approved exporter will allow the appropriate authority to assess whether the conditions in Schedule 11 part 2 paragraph 16 have been met during the relevant approval period.

(8) From 1st January 2019, the reports referred to in paragraph (1) will, include details of—

- (a) in the case of an AATF—
  - (i) the total amount in tonnes of WEEE received for treatment under these Regulations, and
  - (ii) the total amount in tonnes of WEEE delivered to another ATF for treatment under these Regulations,
  - (iii) where sub-paragraph (a)(ii) applies
    - (aa) the name and address of the operator of the ATF referred to in that sub-paragraph; and
    - (bb) the address of the ATF where the treatment referred to in that sub-paragraph was carried out;
  - (iv) the total amount in tonnes of WEEE in respect of which evidence of reuse as a whole appliance has been issued by that AATF under these Regulations,
  - (v) where sub-paragraph (iv) applies and the evidence relates to WEEE that has not been received at the premises of that AATF, the name and address of the reuse establishment or undertaking in receipt of that WEEE; and
  - (vi) where sub-paragraph (a)(i), (ii) or (iv) applies, details of the amounts in tonnes of WEEE will be provided by reference to each of the categories listed in Schedule 3 and in the case of each category will specify the amount in tonnes of WEEE from private households, WEEE from users other than private households and from or on behalf of which scheme it was received,
- (b) in the case of an approved exporter, the total amount of WEEE in tonnes received and the total amount of WEEE in tonnes exported for reuse as a whole appliance, treatment, recovery or recycling by reference to each of the categories listed in Schedule 3 and in the case of each category will specify the amount in tonnes of WEEE from private households, WEEE from users other than private households and from or on behalf of which scheme it was received; and
- (c) in relation to each scheme to whom an evidence note has been issued—
  - (i) the name of the scheme, and
  - (ii) the total tonnage of WEEE stated in all evidence notes issued to that scheme.

(9) In addition to the requirements in paragraph (8) the reports referred to in paragraph (1) will include details of the total amount in tonnes of non-obligated WEEE received by the AATF and the approved exporter by reference to each of the categories listed in Schedule 3.

(10) In addition to the requirements in paragraph (8), the report referred to in paragraph (1) (d) will include all of the information provided in the quarterly reports that relate to the relevant approval period.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **Record keeping**

67.—(1) An AATF or an approved exporter will maintain records that enable completion of the reports referred to in regulation 66(1), 66(2), 66(5), 66(6) and 66(7) for each quarter period in a relevant approval period.

(2) The records referred to in paragraph (1) will be kept for a period of at least four years commencing on the date on which any such record is made and will be made available to the appropriate authority on demand.