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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**

**Application for approval**

**61.**—(1) An application for approval of an ATF or an exporter under this Part [<sup>F1</sup>must] be made to the appropriate authority and [<sup>F1</sup>must]—

- (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 [<sup>F2</sup>Department of Agriculture, Environment and Rural Affairs];
    - (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 [<sup>F3</sup>The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2014].

[<sup>F4</sup>(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 WEEE that is received for export for reuse as a whole appliance,

must be granted where the appropriate authority is satisfied as to the matters set out in paragraph (3) and must otherwise be refused.]

(3) The matters referred to—

- (a) in paragraph (2)(a) are—

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- (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,
  - <sup>F5</sup>(iii) the applicant must comply with the conditions referred to in regulation 63(2); and]
  - (iv) that the application has been made in accordance with paragraph (1).
- (4) The appropriate authority <sup>F6</sup>[must] 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 <sup>F6</sup>[must] 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, and
 will 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.

#### Textual Amendments

- F1** Word in [reg. 61\(1\)](#) substituted (25.7.2014) by virtue of [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), 3(3), **Sch. 2 Pt. 1**
- F2** Words in [reg. 61\(1\)\(c\)\(ii\)](#) substituted (1.1.2019) by [The Waste Electrical and Electronic Equipment \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/1214\)](#), regs. 1, **20**
- F3** Words in [reg. 61\(1\)\(c\)\(ii\)](#) substituted (25.7.2014) by [The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment \(Amendment\) Regulations 2014 \(S.I. 2014/1771\)](#), regs. 1(b), **2(2)**

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- F4** Reg. 61(2) substituted (25.12.2015) by The Waste Electrical and Electronic Equipment (Amendment) Regulations 2015 (S.I. 2015/1968), regs. 1, **2(31)**
- F5** Reg. 61(3)(b)(iii) substituted (25.7.2014) by The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014 (S.I. 2014/1771), regs. 1(b), **2(8)**
- F6** Word in reg. 61(4) substituted (25.7.2014) by virtue of The Waste Electrical and Electronic Equipment and Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2014 (S.I. 2014/1771), regs. 1(b), 3(3), **Sch. 2 Pt. 1**

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**Commencement Information**

- I1** Reg. 61 in force at 1.1.2014, see **reg. 1(2)**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 8 Pt. 3 para. 31 word substituted by [S.I. 2015/1968 reg. 2\(43\)\(b\)\(i\)](#)
- Sch. 8 Pt. 3 para. 31 word substituted by [S.I. 2015/1968 reg. 2\(43\)\(b\)\(ii\)](#)