

## A guide to when electrical and electronic equipment is considered waste and the controls that apply

### 1. Introduction

Since July 2007, a system has been operating in the UK to take-back, reuse or treat and recycle used electrical equipment. This system is intended to reduce the amount of untreated waste electrical and electronic equipment (WEEE) going to landfill and to ensure that what gets separately collected is dealt with properly. Further information about the WEEE system is available on our website here: [www.environment-agency.gov.uk/weee](http://www.environment-agency.gov.uk/weee)

We want to promote the genuine reuse of electrical and electronic equipment (EEE) whilst ensuring that electrical equipment that is waste (WEEE) is stored, transported and dealt with in a way that doesn't risk harming the environment.

People who collect, keep or treat used electrical equipment need to understand when that equipment is classed as waste and what controls apply. This short guide is designed to help.

This Environment Agency guidance applies to England and Wales. You can get advice for operations in Scotland and Northern Ireland from SEPA and the NIEA respectively.

We will periodically review this guidance and may revise it.

### 2. Common Scenarios

#### 2.1 Householder Equipment

**Scenario 1:** A householder has an item of used electrical equipment that's in working order but they no longer want it. They decide to sell it or give it away. The equipment is not waste. The sale of working, second-hand items for their original intended purpose is a normal commercial activity and not a waste operation.

**Scenario 2:** A householder has an item of EEE that needs to be repaired. They take it to a repairer who carries out the repair and returns the equipment to them. The item is not waste at any stage.

There is no intention to discard. Repair of equipment for return to the original owner is not a waste management operation.

**Scenario 3:** A householder has an item of used EEE that does not work but is not obviously beyond repair. They decide to donate it to a charity or community sector re-use / refurbishment workshop. The equipment is not considered waste; there is a clear intention that the item be repaired and made available for its original intended use.

Householders should act sensibly and not donate items that are clearly beyond economic repair (such as monitors with cracked screens). Similarly, we expect charities, the community sector and other refurbishers to take steps to ensure they do not accept waste unless they are willing and appropriately authorised to do so.

If the recipient of properly donated equipment (i.e. equipment that appears to any reasonable person to be capable of repair) subsequently decides that the item cannot be refurbished but has to be disposed of or dismantled for parts, it will be regarded as waste from the point at which that decision is made. The original recipient of the donated equipment will be considered to be the waste producer.

**Scenario 4:** A householder has an item of used electrical equipment and returns it to a retailer offering in-store take back for WEEE. There is clear intention by the householder to discard the used equipment and we consider it becomes waste at the retailer's premises (i.e. the retailer will be treated as the waste producer).

**Scenario 5:** A householder returns an item of electrical equipment to a retailer under warranty. The equipment will normally be subject to an assessment by the retailer or the manufacturer. If it is decided not to return the item to the customer and not to repair it so that it can be reused for its original intended purpose, the equipment will be regarded as waste when that decision is made.

**Scenario 6:** A householder purchases a new item of EEE and has their old equipment taken away by the retailer when the new item is delivered. The condition of replaced equipment varies considerably. It is not practical to assess what each householder intended to happen to their used equipment. Therefore, the retailer should determine whether an item of equipment is waste at the time of collection from what the retailer plans to happen to it.

If all the items collected by the retailer are sent for materials recycling or disposal, the equipment should be regarded as waste from the time it is collected.

If the retailer has an established system for separation of equipment for re-use (including re-use after repair), only the equipment that is assessed and destined for recycling or disposal will be regarded as waste at the point the assessment is made. Items that have been competently assessed and segregated for re-use (even with repair) will not be regarded as waste. An established system means the retailer must have an auditable system that ensures that almost all of the items segregated for reuse will in fact be re-used.

If only the occasional item is actually re-used or there isn't an auditable system in place that demonstrates that the items segregated for reuse have been reused, the equipment is likely to be waste from the time it is collected.

**Scenario 7:** A householder disposes of an item of EEE in their wheeled bin or other waste receptacle. The item is waste; there is a clear intention to discard. It would be better for the environment if the householder donated or sold working, used equipment or took it to a take-back facility for WEEE. There are over 1,500 Designated Collection Facilities (DCFs) for household WEEE; most of which are local authority Civic Amenity Sites. Some retailers also provide take-back of an item of used equipment when buying a new replacement. Householders can identify their nearest DCF from the *recycle-more* website at:

[www.recycle-more.co.uk/banklocator/banklocator.aspx](http://www.recycle-more.co.uk/banklocator/banklocator.aspx)

**Scenario 8:** A householder arranges for their used equipment to be taken away by their local authority as part of the bulky waste collection service. The equipment is waste; there is a clear intention to discard.

**Scenario 9:** A householder has an item of EEE they no longer want and take it to a local authority Civic Amenity (CA) site. The item (whether fully functional, repairable or beyond repair) will almost always be regarded as waste. The householder has taken the item to a waste management facility in preference to selling it as second-hand equipment or donating it for reuse.

The equipment will remain waste until it has been completely recovered. See section 3 for more information.

## 2.2 Non Household Equipment

Similar considerations also apply to equipment from non-household sources such as hospitals, offices, schools and factories.

**Scenario 10:** A hospital disposes of ten electric fans in a waste container. The items are waste; there is a clear intention to discard. They will remain waste until they have been completely recovered, for example, through materials recycling. It would be better for the environment if the hospital donated or sold working, used equipment or made arrangements for non-working equipment to be returned into the WEEE system. Guidance on dealing with non-household WEEE is available on our website here:

<http://www.environment-agency.gov.uk/business/topics/waste/32098.aspx>

**Scenario 11:** A factory canteen has a leased vending machine. If the vending machine breaks down and has to be removed for repair or is taken away at the end of the contract period, the vending machine will not be regarded as waste at that point. If, following assessment, the owner of the equipment decides to discard the machine or break it for parts, it will become waste.

**Scenario 12:** A bank refits one of its branches and has 20 monitors that it no longer needs. The monitors are in full working order and the bank decides to donate them to a charity or to sell them. The monitors are not waste. There is no intention or requirement to discard.

**Scenario 13:** An estate agency has an old photocopier that doesn't work but is not obviously beyond economic repair. If it is put out for disposal it will be regarded as waste and will need to be handled as such. If the estate agency decides to donate the photocopier to a community sector refurbishment workshop, the equipment is not considered waste. There is a clear intention that the item be repaired and made available for its original intended use.

Businesses and other organisations must act sensibly and not donate items that are clearly unrepairable or unlikely to be reused. Similarly, we expect charities, the community sector and other refurbishers to take steps to ensure they do not accept waste unless they are willing and appropriately authorised to do so.

### 3. Converting WEEE back into (non waste) equipment

Just because an item of equipment has been discarded and been classified as waste does not mean that it must be destroyed or that it cannot be repaired or refurbished and put back into use. However, for as long as an item is waste, waste management controls will apply.

WEEE remains waste until it has been completely recovered. Recovery might involve materials recycling or dismantling for parts, but can in limited circumstances occur where WEEE is subject to a competent assessment and segregated for immediate re-use or re-use following repair.

If a local authority, business or charity collects and segregates WEEE for re-use, the re-usable WEEE will only cease to be waste at the time of segregation if there is an auditable system that ensures that almost all of the items segregated will in fact be re-used (following repair if necessary).

If you are using an overseas refurbisher you must be able to clearly identify the refurbisher and have a mechanism for ensuring that the equipment will be refurbished and reused. In assessing whether repair is probable, we will take account of the type and condition of equipment, the way it is contained and transported, and the basis for considering that almost all the segregated equipment will in fact be repaired and re-used.

#### **4. Managing waste**

The storage, transport, treatment and disposal of WEEE is covered by waste legislation. The main requirements are summarised below.

##### Site Permitting

An operator of a site that accepts WEEE to dismantle for parts or materials for sale will need an appropriate Environmental Permit. Information is available from our website at [www.environment-agency.gov.uk/epr](http://www.environment-agency.gov.uk/epr)

A free exemption from environmental permitting can be registered with us for sites that store WEEE prior to recovery elsewhere, and a chargeable exemption is available for sites that refurbish WEEE.

##### Duty of Care

Everyone that handles WEEE or other waste, including the waste producer, has a Duty of Care. This aims to look after waste from 'cradle to grave'. A business must:

- store their waste properly to prevent it from harming the environment;
- only pass it to someone authorised to deal with it;
- pass a written description of the waste (Waste Transfer Note) to the waste carrier, this note accompanies the waste and helps others know how to handle the waste.

Waste producers should also check that all wastes leaving their site are taken to a properly authorised site. You can check with us if you have any doubts. If your waste later caused a problem (e.g. it was illegally dumped) you would need to be able to show us that you had taken all reasonable steps to ensure it was properly managed.

### Hazardous Waste

Some WEEE (e.g. most computer monitors and televisions, fridges and fluorescent lighting) is classified as hazardous waste. Movements of hazardous waste will normally require a hazardous waste consignment note to be used. Since July 2005, most non-household producers of hazardous waste have also been required to register their premises with the Environment Agency. Hazardous waste controls may also apply to some of the waste substances and components removed from WEEE. Further information is available from our website at [www.environment-agency.gov.uk/hazwaste](http://www.environment-agency.gov.uk/hazwaste)

### International Movements of Waste

If you have segregated equipment for repair or refurbishment and intend that repair or refurbishment to occur abroad, you must be able to show us evidence of an established system that ensures there is a very high probability that almost all the equipment sent abroad will be re-used, repaired or refurbished. We will consider the nature of the equipment, the method of storage before and during transit and the frequency of shipments in deciding whether we accept the shipment is for re-use.

If you intend to move waste into or out of the UK, then extra controls apply. You will need to understand exactly what is involved **before** moving the waste.

Information on the controls that apply are available here:

[www.environment-agency.gov.uk/wasteshipments](http://www.environment-agency.gov.uk/wasteshipments)

e-mail [nattfs@environment-agency.gov.uk](mailto:nattfs@environment-agency.gov.uk)

telephone: 01925 542265

### **FURTHER INFORMATION**

Free and confidential guidance on all aspects of environmental legislation across the UK is available on-line from the NetRegs website [www.netregs.gov.uk](http://www.netregs.gov.uk)

You can phone us: 08708 506 506

or email us: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

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