

## ENVIRONMENT AGENCY INTERIM POSITION: WEEE LICENSING

### SUMMARY

Existing licensed sites that are authorised to accept Waste Electrical and Electronic Equipment (WEEE) may apply to be Approved Authorised Treatment Facilities (AATFs) and can be approved without a licence modification.

Sites that operate under a 'Paragraph 45' exemption from Waste Management Licensing will not be allowed to accept separately collected WEEE from a Designated Collection Facility or hazardous WEEE from 1 July 2007. These sites will also not be able to become AATFs for WEEE; the only exception will be where the operator has applied for a Waste Management Licence before 1 July and this has not yet been determined.

This position applies to England and Wales and will expire when it is amended or withdrawn by the Environment Agency.

### Background

*The Waste Electrical and Electronic Equipment (Waste Management Licensing) (England and Wales) Regulations 2006<sup>1</sup>* ('the Regulations') implement the treatment and permitting aspects of the WEEE Directive in England and Wales.

The Regulations amend the Waste Management Licensing Regulations 1994 and came into force on 5 January 2007. They introduce three new exemptions for (a) storage of WEEE, (b) refurbishment of WEEE, and (c) lamp crushing prior to recycling. These can be registered with the Environment Agency. The application forms can be downloaded from our website at [www.environment-agency.gov.uk/weee](http://www.environment-agency.gov.uk/weee) under the heading, 'What the Waste Management Industry needs to know'.

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<sup>1</sup> S.I. 2006 No. 3315

The Regulations also remove WEEE from the scope of most other exemptions and require existing site licences that allow the treatment of WEEE to be modified to authorise treatment in accordance with the WEEE Directive.

We will implement these requirements in a way that supports the delivery of an efficient and environmentally beneficial system for collecting, treating and recycling WEEE. We will seek to ensure:

- ◆ minimal interruption to the existing network of collection and treatment facilities,
- ◆ no increase in fly-tipping of WEEE, and
- ◆ that separately collected WEEE is being appropriately treated.

## **INTERIM POSITION**

Existing licensed sites that are authorised to accept WEEE may apply to be Approved Authorised Treatment Facilities (AATFs) and can be approved without a licence modification.

An existing site operating under a paragraph 45 exemption may continue to accept small amounts of WEEE either as individual items or mixed in with general scrap metal. In effect, the WEEE will be regarded as scrap metal. However, the site cannot accept separately collected WEEE from a Designated Collection Facility or hazardous WEEE after 1 July 2007. Unless the operator has applied for a Waste Management Licence by 1 July 2007, he cannot be approved as an AATF.

In Appendix 1, we have set out what this means for operators in different circumstances.

This interim position has the following limitations:

- ◆ Operators must ensure they do not cause pollution of the environment or harm to human health.
- ◆ Operators must continue to comply with the requirements of all other applicable legislation covering the movement and transfer of WEEE e.g. hazardous waste consignment, Duty of Care, and Registration of Carriers.
- ◆ This interim position is without prejudice to any on-going investigation or enforcement activity.
- ◆ Operators of currently licensed facilities must continue to comply with the conditions of their Waste Management Licence.
- ◆ Operators of sites registered under the Paragraph 45 exemption must continue to comply with the terms of their exemption.

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This is an interim position that has been adopted by the Environment Agency, it will be kept under review and may be changed. It will remain in force until it is withdrawn or amended by the Environment Agency.

This position applies in England and Wales. Advice in respect of operations in Scotland and Northern Ireland should be sought from SEPA and the Environment and Heritage Service respectively.

## **ENVIRONMENT AGENCY**

### **June 2007**

V1.04

## **APPENDIX 1**

### **WHAT DOES IT MEAN FOR ME?**

#### **(a) I operate a site under a Paragraph 45 exemption**

Many sites have traditionally accepted small amounts of WEEE either as individual items or mixed in with general scrap metal. This can continue beyond 1 July so long as the site does not accept separately collected WEEE from a Designated Collection Facility or hazardous WEEE. In effect, the WEEE will be regarded as scrap metal.

Facilities benefiting from this position are not allowed to become Approved Authorised Treatment Facilities (AATFs) for WEEE except in the limited circumstances set out in (b).

#### **(b) I operate a site under a Paragraph 45 exemption and wish to be an Approved Authorised Treatment Facility**

There will be some operators who hold a paragraph 45 exemption that will need a Waste Management Licence in order to be approved as an Approved Authorised Treatment Facility.

If you have applied for a Waste Management Licence and approval as an AATF before 1 July 2007, we will determine your AATF application for the first compliance period as if you already hold a relevant permit. You will be expected to meet the treatment and infrastructure requirements of the WEEE Regulations.

#### **(c) I operate a site that is licensed to treat WEEE**

Sites that were authorised to treat WEEE at the time the WEEE Regulations came into force can continue to accept WEEE. Separately collected WEEE must be treated in accordance with the requirements of the WEEE Regulations.

These sites may apply to be AATFs.

We will give operators appropriate notice before seeking modifications for the purposes of the WEEE Regulations.