



Department
for Business
Innovation & Skills

CODE OF PRACTICE

Collection of Waste Electrical
and Electronic Equipment from
Designated Collection Facilities

MARCH 2014

Withdrawn

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Code of Practice for the Collection of Waste Electrical and Electronic Equipment (WEEE) from Designated Collection Facilities (DCFs)

1. This Code of Practice replaces the Code of Practice published by the Department for Business, Innovation and Skills – BIS in July 2010.
2. The Code of Practice (“the Code”) must be adopted by all Producer Compliance Schemes (PCSs) that have been approved by the environment agencies³ under Part 7 of the Waste Electrical and Electronic Equipment Regulations 2013⁴ (“the Regulations”) and operators of Designated Collection Facilities (DCFs) that have been approved by the Secretary of State under Regulation 70 of the Regulations.
3. The Code should be read in conjunction with the 2013 WEEE Regulations and accompanying Government Guidance Notes.

Purpose of the Code of Practice

4. The Code is issued by the Secretary of State under Regulation 72 of the Regulations.
5. The Code contains practical guidance on compliance with the minimum standards which must be met by PCSs and the operators of DCFs under the Regulations. This forms part of the approval for both PCSs and DCF operators. Not complying with these minimum standards may result in an enforcement action taken against the PCS or removal of DCF status under the Regulations.
6. The Code sets out the minimum requirements for the arrangements between the DCF operator and the PCS contracted to clear the DCF site. These include:
 - The nature and content of service level agreements or other contractual arrangements to ensure that the separate collection of WEEE at DCF sites is maximised; and
 - The respective roles and responsibilities of the parties involved.
7. The Code does not seek to prescribe the details of the agreements between PCS and DCF operators. Neither BIS nor the environment agencies will enter into discussion on the content of such agreements.
8. The Code should not prevent a PCS and DCF operator from putting in place agreements which go beyond the requirements set out in the Code, provided those agreements observe the requirements of the Regulations.

³ In England “The Environment Agency”, in Wales “Natural Resources Wales” in Scotland “The Scottish Environment Protection Agency” and in Northern Ireland “The Northern Ireland Environment Agency”.

⁴ SI 2013 no. 3113 .

9. The Code does not seek to modify or interpret any requirements of the Regulations or any other legislation.
10. The Code does not cover:
 - relationships between Local Authorities (LAs) and distributors under the Distributor Take Back Scheme (the DTS);
 - provision and funding for the upgrade or other modifications to Household Waste Recycling Centres (HWRC);
 - the approval process for CA sites to become DCFs;
 - non-Household WEEE.
11. DCF operators, including LAs or their appointed third party contractors, have sole responsibility for financing the costs in relation to operation of DCFs, including site layout and associated facilities.

Local Authority DCFs only – Self treat option

12. Regulation 53 provides LA DCF operators with an option to choose whether or not to retain any of the WEEE collection streams and assume responsibility for ensuring the proper treatment of any WEEE in those streams which has been collected at their DCF, themselves.
13. Operators of LA DCFs must decide which WEEE collection streams they want their PCS to assume financial responsibility for collecting, treating and recovering and which streams (if any) they want to retain themselves. A DCF operator will be financially responsible for arranging the treatment of any WEEE streams that they choose to retain under Regulation 53. DCF operators who have not opted to self treat must have all WEEE streams separately collected at their DCFs collected free of charge by a PCS.
14. Operators of LA DCFs who decide to retain WEEE streams collected at their DCF must notify BIS by 31 January of the relevant compliance year of which of the WEEE collection streams they will retain. A local authority taking up this option must ensure that all separately collected WEEE is delivered to and treated by an AFT and will no longer that the right to request a PCS to collect and treat the specified WEEE streams for that compliance year.
15. Operators of LA DCFs seeking to continue year on year with managing WEEE arising at their DCFs will have to notify BIS each year by 31 January. Where no notification is made the local authority must arrange with a PCS to collect the WEEE.
16. Notifications to BIS must be made to wEEE@bis.gsi.gov.uk and must advise:
 - Which streams are to be “self-treated” and the previous year’s tonnage that was collected at the DCF in those streams;

- Details of the AATF(s) to whom the WEEE will be sent
 - Full contact details of the relevant person in the local authority to whom queries should be addressed.
17. Those choosing to retain WEEE streams must notify BIS via weee@bis.gsi.gov.uk of the tonnage that was actually “self-treated” at the DCF for each stream by 31 January of the following year.

Arrangements for the clearance of WEEE from DCF sites

18. For the purpose of the Code, a DCF operator is the organisation responsible for the control of the DCF. Where a Local Authority (LA) has placed the day to day running of a DCF in the hands of a third party contractor, the LA remains responsible for compliance with the WEEE Regulations and the terms of the Code of Practice at that site irrespective of any contractual arrangements that have been made with the contractor.
19. Third party contractors appointed by LAs that also operate Approved Authorised Treatment Facilities (AATFs) are not permitted under the Regulations to insist that WEEE arising at the DCF site is transported and treated at their facilities to generate evidence without the advance agreement of the PCS aligned to the DCF.
20. If any WEEE is removed from a DCF site without prior agreement of the PCS this will have been removed from the site in contravention of the Code. Any such WEEE that is subsequently delivered to an AATF will remain the responsibility of the DCF operator for the site from which it was removed. It will remain the responsibility of that DCF operator to ensure that the WEEE is treated as non obligated WEEE and cannot have evidence issued on it.
21. DCF operators or third party contractors, including those who also operate as AATFs, are not permitted to transport and treat WEEE independently with the aim of generating evidence. Evidence can only be issued for WEEE delivered from a DCF into an AATF under an advance agreement with a PCS.

Service Level Agreements

22. The respective responsibilities of DCF operators, PCSs and third party organisations are the minimum standards that must be met to ensure the separate collection of WEEE is maximised on DCF sites. Whole items of WEEE must be assigned to the contracted PCS and must be collected whole and transported to the PCS nominated AATFs for treatment, recovery and recycling in line with the requirements of the Regulations. Where the DCF / PCS agreement covers specified items to be refurbished/reused, these items must be collected whole and transported to the appointed refurbishment/re-use operator.

Responsibilities of all DCF operators

23. A DCF operator is responsible for:

- having in place an agreement with a PCS to clear all separately collected household WEEE deposited at the site (except any WEEE streams that are being collected and treated under Regulation 53). Where problems occur between a DCF operator and a PCS the process outlined in paragraph 33-36, (Failure to Clear DCFs), should be followed;
- setting aside sufficient space for the separation of household WEEE in line with the categories stated in the site's approval. This can be via containers or other suitably defined areas to allow collection by the PCS;
- , providing access, where appropriate, to members of the public to dispose of household WEEE and providing clear, visible and appropriate signage to direct them to the relevant area or container;
- ensuring that all separately collected WEEE is assigned to the appropriate container according to the collection categories under the DCF approval (see the annex A);
- making separately collected household WEEE deposited at the site(s) they operate available to the PCS without charge.
- ensuring that there is no diversion of WEEE from the site to channels outside of those agreed by the PCS unless this has been notified as self-treated WEEE under Regulation 53. This includes diversion for reuse not agreed by the PCS or "toting". Removal of some items, e.g. cables, for health and safety reasons is acceptable, but the removed item must still be assigned to the relevant PCS and remain as part of the separately collected WEEE sent for treatment.
- ensuring systems are in place to identify whole items of WEEE suitable for refurbishment and reuse (see paragraphs 26-30). This should be in partnership with the PCS and third party organisations where necessary;
- giving access to the PCS (or their appointed contractor) to remove WEEE free of charge from the DCF in accordance with the agreements in place between the PCS and the DCF site operator.

Changes in agreements between local authority DCF operators and PCSs

24. DCF operators must inform BIS (weee@bis.gsi.gov.uk) when any changes in agreements with PCSs occur, including when there is a change of PCS clearing the site.

PCS Responsibilities

25. The PCS is responsible for:

- having in place agreements with DCF operators to clear sites of separately collected household WEEE to meet their collection target ;

- ensuring all WEEE made available to the PCS is transported to an AATF for treatment, recovery and recycling to meet regulatory requirements. Where the PCS appoints a contractor to undertake this on their behalf, the PCS still retains the responsibility for moving the WEEE from the DCF to the appointed AATF,
- the full costs attached to the provision, maintenance, refurbishment and replacement of containers for WEEE that are made available to the PCS by the DCF;
- the costs of transporting WEEE that is made available to the PCS by the DCF from outlying DCFs to a central transfer point (for either onward transportation by the PCS or collection by an appointed AATF):
- treatment charges by the AATF and Duty of Care documentation;
- ensuring systems are in place, in partnership with the DCF operator and third party organisations as necessary, to identify whole WEEE items suitable for refurbishment and reuse;
- ensuring that all WEEE that is made available to the PCS by the DCF is treated in line with BATRRT (the Best Available Treatment, Recovery and Recycling Techniques) under Regulation 31;
- responding to requests received for local authority DCFs or its site operator under Regulation 34 to arrange for the collection, treatment, recovery and environmentally sound disposal of the WEEE deposited at that DCF and to ensuring that WEEE is cleared within 5 working days of receiving such a request regardless of whether the PCS has met its target under Regulation 28,
- providing information that is required by LAs to meet any other statutory duties relating to waste and recycling. The information should be provided within one calendar month of the end of the month following collection. Where possible this information should be provided in an electronic format to be agreed with the LA concerned. Other information needed by LAs may be agreed on a local basis.

Reuse

26. PCSs are encouraged to develop relationships and agreements with organisations specialising in the refurbishment and reuse of whole appliances either on a commercial or charitable basis.
27. The Regulations allow for whole items of WEEE that have been refurbished and can be reused to be offset by PCSs against their obligations. For whole items to be counted towards the obligations of the PCS, the WEEE must have evidence issued against it by an AATF.
28. It is the responsibility of both the PCS and the DCF operator to be satisfied that such items are going to legitimate re-use organisations that have the necessary capabilities and systems to test items, carry out or arrange

refurbishment (where necessary) and ensure reuse occurs and can generate evidence of reuse. Where the DCF operator holds the material supply arrangement with the reuse operator the DCF operator remains responsible. Where the PCS holds the material supply arrangement with the reuse operator the PCS remains responsible

29. PAS 141⁵ is the UK standard for the treatment process related to the reuse of electrical & electronic equipment. Published in March 2011, PAS 141 provides reassurance that such equipment is both electrically safe to use and functionally fit for purpose. It also helps the environment agencies differentiate between the legitimate export of equipment being sent overseas for reuse from that being illegally exported in contravention of the international Correspondents Guidelines agreed under the Basel Convention.⁶ PCSs and DCF operators are therefore encouraged to promote PAS 141 in their relationships with reuse organisations.
30. See Chapter 10 of the Government Guidance Notes⁷ on the WEEE Regulations for further information.

Treatment of WEEE at DCFs

31. DCF Operators must not carry out any form of treatment of WEEE which they intend to assign to a PCS. The only exception to this is where actions are taken to mitigate health and safety risks e.g. removing trailing cables. Where cables / doors etc are removed, then these items should remain with the WEEE and be available free of charge to the PCS clearing the WEEE from a site – not disposed of separately as scrap. Appropriate storage of WEEE and attentive site management should be employed at all times to address all health and safety concerns.
32. All WEEE deposited at a DCF must be regarded as waste. It can only be transferred to permitted or exempt reuse or treatment operators in conjunction and agreement with the DCF operator, the PCS and the AATF that will issue evidence.

Failure to clear DCFs – required action

33. In the event of the contracted PCS failing to clear the DCF in line with the agreement reached with the DCF, the DCF should take up the issue directly with the PCS concerned to ascertain the reason for the site not being cleared. Where possible an agreement should be reached at this stage to clear the site,
34. If no resolution can be found it may result in termination of the contract. In this situation an agreement with an alternative PCS will be necessary. Where necessary, under Regulation 34, a LA DCF site operator can

⁴Copies of PAS 141:2011 are available from the British Standards Institution (BSI) at:
<http://shop.bsigroup.com/en/ProductDetail/?pid=000000000030245346>

⁵<http://www.basel.int/portals/4/basel%20convention/docs/text/baselconventiontext-e.pdf>

⁷<http://www.bis.gov.uk/files/file54145.pdf>

request any PCS to arrange for the collection, treatment, recovery and environmentally sound disposal of the WEEE deposited at the DCF. A PCS who receives a request under Regulation 34, must in accordance with the requirement set out in regulation 34(3) collect the WEEE which needs to be cleared from the site which is the subject of the request.

35. 27. Where a PCS is experiencing difficulties in gaining access to a DCF site or has evidence that not all WEEE arising at the site (excluding any being retained under Regulation 53) is being made available for collection free of charge, BIS should be informed. BIS will need a summary of the concerns together with supporting evidence. BIS will only consider taking action in cases supported by substantive evidence.
36. 28. Where BIS concludes that the DCF is not giving access or making all the separately collected WEEE (that is not being retained under Regulation 53) available to the PCS, the DCF will be notified of the corrective actions that are required. Failure to implement the actions may result in removal of the DCF approval under Regulation 71.

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DCF Site Management Issues

DCF operators have a responsibility to maximise the separate collection of WEEE. All WEEE from the public that is brought to a DCF should be treated as waste and separately collected for inclusion in the WEEE system. No activity on site should divert WEEE away from the WEEE system, unless it is to legitimate reuse organisations with the agreement of both the PCS and the DCF operator. This should be done in conjunction with an AATF to allow evidence of reuse to be issued.

As a minimum DCFs should set aside sufficient space for:

- A - Large Household Appliances
- B - Cooling Equipment
- C - Display Equipment i.e. CRT, LCD and Plasma displays (including TVs and monitors)
- D - Lamps (excluding filament light bulbs)
- E - All other WEEE (except photovoltaic panels)

Sites are required to accommodate containers of a size and type appropriate for **Categories C- E** and impermeable surfaced areas or containers for **Categories A and B**

Where this is not possible approval may be given by BIS for a DCF to collect fewer streams provided that:

- evidence is available to demonstrate the restrictions for collecting fewer waste streams – for example limited space;
- all possible avenues have been explored to maximise the number of streams to be collected on site – for example smaller containers, re- organisation of the site or more frequent collections, (giving due regard to the environmental impact); and
- sites are able to receive other streams from the public that are within a reasonable distance in the Local Authority area and are accessible to all on an equal basis

DCFs must separately collect hazardous WEEE in line with the Hazardous Waste Regulations⁴ and have a minimum of one container for mixed WEEE. Where a site has capacity for the further separation of categories under the Regulations this must be accommodated.

In exceptional circumstances streams may be mixed on site, but only when Categories C and D still remain separate and Category B can readily identified and removed separately.

Photovoltaic panels installed in both domestic and business premises are within scope of the 2013 WEEE Regulations. The market and nature of these products such that they are unlikely to appear in any significant quantity in the household waste stream for many years. LA DCFs are therefore not currently required to provide dedicated space for the deposit of such waste. In the event that any PV panels are received on site as household WEEE, a DCF operator should contact their contracted PCS who must make necessary arrangements for their separate collection, treatment, recovery and environmentally sound disposal.

DCF site operators should use all reasonable steps to prevent the mixing of WEEE with other non WEEE waste, or the contamination by hazardous material so as to make it unsafe or disproportionately difficult to treat..

DCF operators must allow PCSs to collect free of charge (or have collected on their behalf) separately collected WEEE that has not been retained under Regulation 53. The timetabling and frequency for collection is a matter of negotiation between the relevant parties. BIS will not intervene in such discussions.

⁴ <http://www.opsi.gov.uk/si/si2005/20050894.htm> http://www.opsi.gov.uk/si/si2009/uksi_20090507_en_1

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Selection of a PCS for clearance of WEEE from DCFs

There will be a number of issues that local authorities will wish to consider in selecting a PCS such as service quality, treatment standards, clear audit and financing trail and provision of data. Below is an illustrative list of questions that local authorities may choose to ask PCSs as part of their selection process:

- How do you ensure that your operations meet expected service levels and comply with the DCF Code of Practice?
- How do you manage the order request and service delivery process?
- How do you manage UK Waste Dataflow data reporting?
- How is this data provided to your local authorities?
- How does your scheme address and support the waste hierarchy?
- What is your scheme's approach to and experience of education and awareness raising amongst householders and what support do you offer DCF operators?
- What is your scheme's position regarding income derived from collection of net value streams from DCFs?
- What AATFs are you likely to use and what systems do you have in place to satisfy yourself that your AATFs comply with all relevant waste and environmental legislation?
- To what extent are collections from our local authority necessary to meet your PCS collection target?

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This publication available from www.gov.uk/bis

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BIS/14/603