

SEPA Regulatory Position Statement – Repair and Refurbishment of Waste Electronic and Electrical Equipment (WEEE)

Introduction

Following the outcome of the *Thorn International vs Environment Agency* case, the EA has published new guidance on when EEE becomes waste. The new guidance differs from SEPA's established position described in this statement.

The **WEEE Regulations 2006** require 'producers' (those who manufacture electrical and electronic equipment ("EEE"), re-brand equipment produced by others or who import such equipment into the UK) to finance the costs of collecting, treating, recovering and the environmentally sound disposal of waste EEE ('WEEE') from private households and in some circumstances WEEE from other sources.

WEEE is defined as electrical and electronic equipment that is **discarded**, including all components, subassemblies and consumables which are part of the equipment at the time of discarding. It is important that WEEE is correctly classified in order to protect the environment and human health from the potential negative impacts of recovery and disposal activities. In particular, the Transfrontier Shipment of Waste Regulation (EC1013/2006) prohibits the export of WEEE which is hazardous waste to developing countries.

SEPA Position

WEEE is waste and as such is subject to the usual regulatory controls applicable to waste. Whether an item of EEE has been discarded must be determined on a case-by-case basis in light of all the circumstances of the case and having regard to the aims of the Waste Framework Directive and the need to ensure that its effectiveness is not undermined. Further advice with respect to the definition of waste is contained in SEPA's guidance note "Is it waste?" and supplementary guidance.

The following materials and activities provide some examples when SEPA will in most cases apply the regulatory controls applicable to waste and to WEEE specifically:

1. Used appliances returned to retailers under contractual take back schemes.
2. Used appliances taken to a Civic Amenity site or other Designated Collection Facility.
3. Used appliances taken to a commercial or not-for-profit sector refurbisher or redistributor.
4. Segregation, assessment, testing, repair and refurbishment of WEEE.
5. Used appliances, which have been assessed and/or tested and/or only partially repaired prior to onward transportation for additional recovery operations (note SEPA considers that such materials will generally remain waste until they are fully recovered).

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WEEE is generally considered to be fully recovered (i.e. no longer regarded as waste or subject to regulatory controls), when it is made available for direct reuse for its original purpose with no further recovery processes required.

Movement of WEEE that is special waste must be accompanied by a special waste consignment note.

Exemption Guidance

SEPA wishes to encourage take back and recovery, thereby reducing disposal to landfill. The Waste Management Licensing Regulations 1994 (as amended) provide three exemptions that are directly related to WEEE. These exemptions should cover most activities carried out by small scale WEEE recovery operators and are:

1. [Paragraph 43](#) - Crushing of waste gas discharge lamps
2. [Paragraph 47](#) - Repair and/or refurbishment of WEEE
3. [Paragraph 48](#) - The storage of WEEE pending recovery elsewhere.

WEEE as Special Waste

WEEE can be Special Waste. Please see the relevant [SWAN](#) for more information on the obligations and controls applicable to Special Waste.

Producer Responsibility

For more information about the producer responsibility implications of the WEEE Directive and Regulations please follow this [link](#).