

Paragraph 47 Exemption

1 INTRODUCTION

This document provides guidance, definitions, operational policy and strategy with regard to registering a paragraph 47 exemption under Schedule 1 of the Waste Management Licensing (Scotland) Regulations 2011 (“the Regulations”) for the repair and/or refurbishment of Waste Electrical and Electronic Equipment (WEEE).

2 SEPA’S OPERATIONAL POLICY CONCERNING PARAGRAPH 47 EXEMPTIONS.

2.1 What can I do under a paragraph 47 exemption?

(i) You can repair or refurbish WEEE, including hazardous WEEE, **with a view to reusing it for its original purpose**, e.g. the repair of a TV or refurbishment of a refrigerator prior to their sale and/or reuse. This may include cosmetic cleaning or data removal, the replacement of parts and installation of updated software. If you intend treating WEEE for any other purpose then you will require a waste management licence.

(ii) Refrigeration equipment containing ozone depleting substances such as CFCs can be refurbished but this exemption does not allow the removal and capture of any refrigerant gasses e.g. CFCs.

Annex 1 to this guidance provides a summary of the wastes that you can repair or refurbish under Paragraph 47.

2.2 What conditions must I comply with under a Paragraph 47 exemption?

(i) You must use the Best Available Treatment, Recovery and Recycling Techniques (“BATRR”) when repairing or refurbishing the WEEE. Defra produced [guidance](#) dated November 2006 which outlines the requirements in a straight-forward manner.

(ii) You must meet the technical requirements specified in Annex III of the [WEEE Directive 2002/96/EC](#). See 2.3 below.

(iii) There are storage and treatment limits which represent the maximum quantity of WEEE that you can store and/or treat at **any** time. If either or both of these **limits are exceeded** then a waste management licence is required.

(iii) You must store and handle WEEE carefully, e.g. a cathode ray tube from an irreparable TV should be kept intact in order that it can be recycled elsewhere. The methods for storing and handling WEEE generated during repair/refurbishment must be taken into account of when applying to register the activity.

(iv) WEEE can be stored for up to 12 months. If WEEE is stored for more than 12 months then a waste management licence is required. A system for recording the receipt and dispatch of equipment is advisable.

(v) There is an additional requirement regarding the **storage of WEEE containing CFCs etc**, i.e. refrigeration equipment. Such equipment must be stored in a manner that will prevent the release of CFCs, etc.

Paragraph 47 Exemption

2.3 What are the WEEE Technical requirements that relate to a Paragraph 47 exemption?

Any premises where WEEE is repaired and/or refurbished must comply with the technical requirements of Annex III of the WEEE Directive, which are described below. **Please note that not all requirements are applicable to all activities.**

WEEE must be protected against the elements; hence weatherproof covering for any WEEE stored outside is an absolute minimum. The environment must also be protected from WEEE hence the requirement for suitable impermeable surfaces on appropriate areas (surfaces that prevent penetration by fluids and solids), containers for collecting fluids, spillages, spare-parts and hazardous components, provision of decanters and cleanser-degreasers etc.

Balances (scales) to measure the weight of the treated WEEE are also required. It may, however, be possible to provide estimates based on throughput and using agreed conversion factors. Further guidance regarding this should be available in the near future. If you wish to use this method please indicate this on the application form.

2.4 What do I need to provide with each notification?

(i) **You must give this notice to SEPA 21 days before the date on which you intend to first carry out the exempt activity.** You are also advised to tick „yes“ to the repair and/or refurbishment of both hazardous and non-hazardous WEEE unless you are absolutely certain of the types to be accepted – if you do not then a further application may be necessary at a later date to allow the acceptance of a different category of WEEE.

(ii) If you are requesting that the registration of an existing exempt activity be renewed before the date of its removal from the register, you should tick „yes“ and fill in the requested details. If any of the details of the exemption have changed since it was last registered this information should be recorded in the appropriate section of the form. If the details have changed significantly, you will have to provide notice of a new activity.

The following information **must** accompany the notice of initial registration:

a) A description of the proposed activity and an annotated drawing/plan. In most cases the description contained in Section 5 should suffice, but please provide supplementary information where applicable.

b) The appropriate notification charge (cheques made payable to “Scottish Environment Protection Agency”). The charging scheme may be found on SEPA’s website at www.sepa.org.uk or obtained by contacting your local SEPA office.

For renewals where there are no changes, the relevant sections of the notification form should be completed. Where minor changes are identified at the renewal stage these should be highlighted in the notification form. It is good practice to discuss this with your local SEPA office prior to renewal commencing to ensure that SEPA consider them to be minor.

Paragraph 47 Exemption

Ensure that all relevant information is attached (you may attach further information on separate sheets provided these are cross-referenced to the application form) and that you have signed and dated the application form. The form should now be sent to your local SEPA office, the addresses of which are given at the back of the form. If you are unsure of the correct location please telephone SEPA before submitting your application.

2.5 What happens after the Notice for Registration is submitted?

Once SEPA has received notice of your intention to carry on an exempt activity it will determine whether it should be registered or not. A quick assessment will be carried out on receipt of your form to quantify if there is sufficient information to progress. Where insufficient information is provided your registration form will be returned together with the charge. Due to SEPA's internal financial arrangements your charge may be returned separately.

Where there is sufficient information, you will receive either confirmation that the particulars have been entered on to the public register or a notice of refusal stating that registration is refused and giving reasons for that decision. This will be within 21 days of SEPA receiving your notification.

You should inform SEPA in writing of the actual date the activity is completed.

2.6 What are the main reasons a notification will be taken off the public register?

Although not exhaustive there are several principal reasons why a notification would be taken off the register. These are:

- The operator is no longer carrying out the activity;
- The activity is being carried out in breach of any of the conditions or limitations of the relevant exemption;
- The operator fails to meet the Registration Obligations; and
- The type and quantity of waste submitted to the activity, and method of recovery are not consistent with the Relevant Objectives.

Schedule 4 of the Waste Management Licensing (Scotland) Regulations 2011 specifies that it must be ensured that waste is managed without endangering human health and without using processes or methods which could harm the environment and in particular without:

- Risk to water, air, soil, plants or animals; or
- Causing nuisance through noise or odours; or
- Adversely affecting the countryside or places of special interest.

An exemption is removed from the register when the activity is no longer being undertaken in accordance with the Regulations. The continuation of the activity without either a waste management license or registered exemption is an offence.

Paragraph 47 Exemption

3 OTHER SOURCES OF INFORMATION AND GUIDANCE

- [Guidance on Best Available Treatment Recovery and Recycling Techniques \(BATRRT\) and treatment of Waste Electrical and Electronic Equipment \(WEEE\):](#)
- [The Waste Management Licensing \(Scotland\) Regulations 2011, Scottish Statutory Instrument 2011:228](#)
- [SEPA's Regulatory Position Statement on the Storage of WEEE](#)

ANNEX 1

Paragraph 47 – Relevant European Waste Codes and Descriptions

16 WASTES NOT OTHERWISE SPECIFIED IN THE LIST

16 02 wastes from electrical and electronic equipment

16 02 09*	transformers and capacitors containing PCBs	M
16 02 10*	discarded equipment containing or contaminated by PCBs other than those mentioned in 16 02 09	M
16 02 11*	discarded equipment containing chlorofluorocarbons, HCFC, HFC	M
16 02 12*	discarded equipment containing free asbestos	M
16 02 13*	discarded equipment containing hazardous components (2) other than those mentioned in 16 02 09 to 16 02 12	M
16 02 14	discarded equipment other than those mentioned in 16 02 09 to 16 02 13	
16 02 15*	hazardous components removed from discarded equipment	A
16 02 16	components removed from discarded equipment other than those mentioned in 16 02 15	

20 MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS

20 01 separately collected fractions (except 15 01)

20 01 21*	fluorescent tubes and other mercury-containing waste	A
20 01 23*	discarded equipment containing chlorofluorocarbons	M
20 01 35*	discarded electrical and electronic equipment other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components **	M
20 01 36	discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35	

* Wastes having an asterisk are deemed as potentially hazardous.

** Hazardous components from electrical equipment may include accumulators and batteries mentioned in 16 06 and marked as hazardous; mercury switches, glass from cathode ray tubes other activated glass etc

Wastes coloured red and coded A (absolute) are always hazardous (special) wastes regardless of quantity

Wastes coloured blue and coded M (Mirror) may or may not be hazardous (wastes) depending on hazardous properties and concentrations.