

# WEEELABEX

Architecture and governance of WEEELABEX  
Conformity Verification

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## 0. Introduction

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WEEELABEX is a project run by the WEEE Forum in co-operation with stakeholders from the producers' community and WEEE processing industry. The project (2009-2012) is co-financed by the European Community under the LIFE programme (LIFE07 ENV/B/000041). The WEEELABEX project aims to design, on the one hand, a set of European standards (or 'normative requirements') with respect to the collection, sorting, storage, transportation, preparation for re-use, treatment, recycling and disposal of all kinds of WEEE, and, on the other hand, a set of rules and procedures that will guarantee harmonised conformity verification. The project affects all parties with whom the WEEELABEX compliance schemes (producer responsibility organisations) contract with.

The standards and the WEEELABEX conformity verification organisation will level the playing field by making environmental performance more transparent. The prospective new business will stimulate operators to meet high standards, while fraudulent companies will find it harder to dodge 'the system'.

In time, the European standards organisations will translate the WEEELABEX requirements into formal EN standards that confer a set of rules for all operators on the market to comply with WEEE legislation.

The WEEELABEX standards are the world's first continental, comprehensive and coherent set of requirements on operations from collection to disposal of WEEE. As such, they have started to resonate globally; standard-makers in other parts of the world have identified WEEELABEX as a source of inspiration.

All WEEE systems in the WEEE Forum will have the requirements in place by 31 December 2013 or 31 December 2014 (new member states).

Actions 3, 4, 5, 13 and 14 of the WEEELABEX project proposal (LIFE07 ENV/B/000041) require the WEEE Forum to construct a conformity verification (CV) architecture, i.e. governance for the organisation and management of CV, develop CV guidelines, train and recruit WEEELABEX auditors, set up, and properly staff and budget, a WEEELABEX organisation and conduct pilot audits of a number of processes/facilities.

Chapters 1 to 4 in this paper focus on the architecture of the WEEELABEX CV organisation, its governance, procedures and financials. The development of audit process documents is the subject of a separate line of discussions (see Annex I). The principles outlined in this paper will be further detailed in separate work packages (see Annex II).

This paper is the result of more than one year of meetings of technical and general managers, in working groups, task forces and the governance bodies of the WEEE Forum (Project Steering Group, Board and General Assembly). The draft final version was endorsed by the project's stakeholders and adopted by the General Assembly at its session in Brussels on 27 June 2012.

This document complements the WEEELABEX standards ('normative requirements') concerning collection, logistics and treatment, adopted in Amsterdam on 1 April 2012 by the General Assembly of the WEEE Forum (see [www.weee-forum.org/weeelabexproject](http://www.weee-forum.org/weeelabexproject)).

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# 1. Basic conceptual principles

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## A. WEEELABEX governance

1. **WEEELABEX auditing scheme resulting in Conformity Verification (CV)** – The WEEELABEX organisation is a scheme involved in training and auditing activities. It is a non-profit organisation of which the WEEELABEX systems are the members. Auditing activities result in CV with WEEELABEX or equivalent requirements<sup>1</sup> of processes (of a (potential) supplier). The processes, operations or facilities which have undergone successful WEEELABEX CV are referred to as ‘WEEELABEX processes’. WEEELABEX CV is conducted by auditors that have undergone WEEELABEX training, use uniform WEEELABEX reporting tools and provide fully documented and objective evidence that audited processes conform to the WEEELABEX requirements at a particular moment in time (‘WEEELABEX auditors’).
2. **WEEELABEX and CENELEC** – WEEELABEX requirements will be lodged with CENELEC for discussion and translation into EN standards (and Technical Specifications)<sup>2</sup>. In order to avoid conflicting requirements, WEEELABEX requirements will be replaced by equivalent EN standards, once these EN standards have been finalised.
3. **Unrestricted participation in WEEELABEX** – Any WEEE system may apply to become a member of the WEEELABEX organisation (a ‘WEEELABEX system’). Any operator with whom a WEEELABEX system has a contractual relationship, or who expresses an interest in participating in a tender issued by a WEEELABEX system, can undergo CV for one or several of its processes and become a WEEELABEX operator for those processes.
4. **Financing of WEEELABEX CV** – WEEELABEX CV is either paid for by the WEEELABEX system that has or intends to have a contractual relationship with the operator or, as the case may be, by the operator. In both cases, the WEEELABEX CV procedures of Part III apply in full.
5. **WEEELABEX lists** – The WEEELABEX Office manages two lists. First, it records the identity of the party that commissioned the audit and the outcome of the WEEELABEX CV of a given process. Upon positive evaluation, conformity is attested, resulting in the process being listed as ‘WEEELABEX processes’, and the operator as ‘WEEELABEX operator’. If afterwards a WEEELABEX operator fails to meet WEEELABEX requirements, it has to make appropriate corrective actions within a certain timeframe, in the absence of which the WEEELABEX process

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<sup>1</sup> In the present document, ‘WEEELABEX requirements’ must be read as ‘WEEELABEX requirements or equivalent EN standards’, whichever is in place.

<sup>2</sup> In the present document, ‘EN standards’ must be read as ‘EN standards and Technical Specifications’.

receives a negative evaluation (de-listing)<sup>3</sup>. The WEEELABEX Office also administers a list of WEEELABEX auditors.

6. **Recognition of WEEELABEX lists** – All WEEELABEX systems recognise all WEEELABEX operators (as far as that operator’s WEEELABEX processes are concerned) and all WEEELABEX auditors. Conversely, all WEEELABEX systems also acknowledge negative evaluations (de-listing) of a WEEELABEX process or WEEELABEX auditor. In that case, and, as the case may be, after the appeal procedure, all WEEELABEX systems will cancel the WEEELABEX process concerned from their supplier’s list within an appropriate timescale or, as the case may be, will no longer work with a de-listed WEEELABEX auditor. There is no obligation for a WEEE system to use the services of an operator on the sole grounds of it being a WEEELABEX operator. A WEEELABEX system can run additional audits which it requires to verify day-to-day processes of a WEEELABEX operator.
7. **WEEELABEX competition law compliance** – The WEEELABEX organisation is a scheme designed and implemented in compliance with competition law. Particular attention goes to assuring the confidentiality of commercially and/or technologically sensitive data and the motivated, objective and non-discriminatory nature of decisions pertaining to the listing and de-listing of WEEELABEX processes and WEEELABEX auditors.

## **B. WEEELABEX architecture**

1. **WEEELABEX systems** – WEEELABEX systems are WEEE systems that are members of the WEEELABEX organisation. Eligibility is reserved, inter alia, to (individual or collective) WEEE systems that are contracted by producers to undertake producer obligations related to WEEE legislation.
2. **WEEELABEX organisation** – The WEEELABEX organisation is essentially a pan-European organisation set up to act as a scheme for operational issues related to WEEE management. Three bodies, whose rules and functioning will be specified in the by-laws, constitute the WEEELABEX organisation:
  - a. WEEELABEX General Assembly
  - b. WEEELABEX Governing Council
  - c. WEEELABEX Office
3. **WEEELABEX General Assembly** – The WEEELABEX General Assembly (WGA) is composed of representatives of the WEEELABEX systems. The GA has decision-making powers on all aspects of the WEEELABEX organisation, save for those which the articles of association reserve to the WGC. The GA elects the members of the WEEELABEX Governing Council, approves the membership fees, adopts the

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<sup>3</sup> The list of WEEELABEX operators will indicate whether an operator is undergoing an appeal procedure. ‘De-listing’ will occur when the outcome of the audit process (including appeal), laid down in Annex IV, is negative.

budget and annual accounts and provides discharge to the members of the WEEELABEX Governing Council.

4. **WEEELABEX Governing Council** – The WEEELABEX Governing Council (WGC) is composed of representatives of WEEELABEX systems. It has executive function with decision-making powers on all aspects of the WEEELABEX organisation in accordance with the articles of association. The WGC is extended to stakeholders whenever a matter arises which concerns them<sup>4</sup>. On certain matters, e.g. concerning training, definition of limit values and the development of standards, the opinion of the stakeholders (representative bodies of producers and operators) in the extended WGC will be of a binding nature, subject to applicable law.
5. **WEEELABEX Office** – The WEEELABEX Office is the secretariat of the WEEELABEX organisation. It provides clarification concerning the interpretation of applicable WEEELABEX requirements, implements decisions to suspend or exclude members, organises training of auditors (listing and de-listing of WEEELABEX auditors) and records the outcome of the WEEELABEX CV of a process performed by the WEEELABEX auditors (listing or de-listing of WEEELABEX processes).
6. **Appeal** – Any candidate or party to the WEEELABEX organisation – a (candidate) WEEELABEX operator, a (candidate) WEEELABEX system or a (candidate) WEEELABEX auditor – is entitled to lodge an appeal against a decision which negatively affects that candidate or party. The appeal suspends the decision against which the appeal is introduced.
7. **WEEELABEX trademark** – The WEEELABEX organisation owns the ‘WEEELABEX’ trademark and assumes responsibility for and control of the handling, defence or settlement of any dispute relation to its use. Any party to the WEEELABEX organisation will promptly notify the WEEELABEX Office if it becomes aware of any possible infringement.

## C. Transition to WEEELABEX

1. A transition period expiring on 31 December 2014 is put in place to allow the WEEELABEX organisation to reach full maturity. More specifically, transition refers to the time during which:
  - Operators with whom WEEELABEX systems have a contractual relationship (or who express an interest in participating in a tender issued by a WEEELABEX system) undergo CV for one, several or all of their processes.
  - WEEELABEX systems integrate the WEEELABEX requirements into contracts.
  - The WEEELABEX constituent bodies are set up and become fully operational; in the meantime, PSG will act as an interim WGC.
  - WEEELABEX requirements are fully replaced by equivalent EN standards,

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<sup>4</sup> The list of the issues that require involvement of the stakeholders and the approval rules will be defined by 31 December 2012.

once these EN standards have been finalised.

- Both employees at auditing companies and employees of WEEE systems are, in principle, eligible to become WEEELABEX auditors.
2. In 2014, the WGC will assess the definitive institutional set-up and governance of the organisation.



## 2. Functional and contractual specifications

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The parties to WEEELABEX are:

- A. Operators
- B. WEEELABEX auditors
- C. WEEELABEX systems
- D. WEEELABEX organisation

WEEELABEX systems can choose to set up a national or supra-national audit group (E) to mandate, co-ordinate and finance audits.

### A. Operators

The operators' processes are the object of WEEELABEX CV.

The audit report is shared with the WEEELABEX system that commissioned the CV<sup>5</sup>. The operator owns the audit report and is therefore the sole party that decides to share the audit report with other WEEELABEX systems. Only the summary audit report is available to the WEEELABEX Office and other WEEELABEX systems.

#### *Functional specifications*

1. Prior to WEEELABEX CV, voluntarily assesses whether its operations and processes conform to the WEEELABEX requirements. This assessment may consist of tests, batches or analyses to demonstrate conformity with the WEEELABEX requirements.
2. Issues a declaration of intent as a pre-requisite for the start of WEEELABEX CV.
3. Must admit WEEELABEX auditors to demonstrate conformity with the WEEELABEX requirements.
4. Can provide comments on a draft audit report within a given timeframe.
5. Can, as representative of an operators' trade federation, be a representative in the extended WGC.
6. Can promote its processes as WEEELABEX processes once they have been listed by the WEEELABEX organisation, in accordance with the WEEELABEX trademark agreement.
7. Can mandate and pay WEEELABEX auditors to conduct WEEELABEX CV of a process, in which case CV procedures of Part III apply in full.
8. A candidate WEEELABEX operator can appeal against a WEEELABEX organisation's decision not to list him; an existing WEEELABEX operator can appeal against a WEEELABEX organisation's decision to de-list him.

#### *Contractual specifications*

1. Conclude a confidentiality agreement with the WEEELABEX auditor.

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<sup>5</sup> In case a WEEELABEX system is involved in handling, trading or treatment of WEEELABEX streams, only the summary audit report will be shared.

2. Conclude a 'WEEELABEX trademark agreement' with the WEEELABEX organisation.

## **B. WEEELABEX auditors**

During the transition period, both employees at auditing companies and employees of WEEELABEX systems are eligible to become WEEELABEX auditors. Subject to the contractual principles of objectivity, confidentiality and non-discrimination, WEEELABEX auditors that are employees of a WEEELABEX system can conduct audits of operators' processes in a market where the WEEELABEX system has or envisages a contractual relationship with an operator. After the transition period, only individuals at accredited auditing companies will be allowed.

All auditors must successfully pass the WEEELABEX training and maintain continuous professional development training as a pre-condition to be listed as WEEELABEX auditors. The WEEELABEX auditor should meet a defined profile, i.a. be knowledgeable about the legal framework in its area, the latest technological developments and audit process tools.

### *Functional specifications*

1. Conduct audits in accordance with the principles of objectivity, confidentiality and non-discrimination.
2. Provide the detailed framework of its audit process to the WEEELABEX Office.
3. Plan, prepare, implement and report the audit in accordance with the WEEELABEX reporting template, manuals and guidelines to the WEEELABEX system and auditee (or only to the auditee in the event that the latter commissions and pays for the audit).
4. Participate in the experience exchanges with a view to improving WEEELABEX CV.
5. A candidate WEEELABEX auditor can appeal against a WEEELABEX organisation's decision not to list him; an existing WEEELABEX auditor can appeal against a WEEELABEX organisation's decision to de-list him.

### *Contractual specifications*

1. Conclude a 'WEEELABEX audit agreement' with the WEEELABEX system.
2. Conclude a confidentiality agreement with the operator.
3. Sign a declaration with the WEEELABEX organisation that they shall comply at all times with the WEEELABEX requirements as they apply to WEEELABEX auditors.

## **C. WEEELABEX systems**

WEEELABEX systems are officially recognised WEEE systems that are members of the WEEELABEX organisation.

### *Functional specifications*

1. Inform the WEEELABEX Office, by 30 June 2014 at the latest, of their existing contracts with operators and operators' preparedness to provide a declaration of intent, to allow the WEEELABEX Office to ensure that the processes of these operators will be the first to undergo WEEELABEX CV.

2. Can, within their area, request auditors to be trained as WEEELABEX auditors and give advice pertaining to the listing of WEEELABEX auditors.
3. Mandate and pay WEEELABEX auditors to conduct an audit of an operator's processes.
4. Neither employees of a WEEELABEX system that is involved in handling, trading or treatment of WEEE streams, nor persons acting on that WEEELABEX system's behalf, unless those persons are independent parties, can be implicated in WEEELABEX CV as WEEELABEX auditor, co-ordinator or observer.
5. Recognise the result of WEEELABEX CV conducted by a WEEELABEX auditor for other WEEELABEX systems, and therefore recognise all WEEELABEX operators – as far as their WEEELABEX processes are concerned– as well as recognise all WEEELABEX auditors.
6. Can delegate an observer (an employee of a WEEELABEX system or of a manufacturer) to witness the audit.
7. Cross-border WEEELABEX systems can request the WEEELABEX Office to co-ordinate WEEELABEX CV across Europe.
8. Can nominate a member of the WGC.
9. A candidate WEEELABEX system can appeal against a WEEELABEX organisation's decision to refuse its membership; an existing WEEELABEX system can appeal against a WEEELABEX organisation's decision to terminate its membership.

*Contractual specifications*

1. Membership of the WEEELABEX organisation.
2. Conclude a 'WEEELABEX audit agreement' with the WEEELABEX auditors they mandate.

**D. WEEELABEX organisation**

Three constituent bodies make up the WEEELABEX organisation: the WGA, the WGC and the WEEELABEX Office. The articles of association, accompanied by internal rules, will specify the rules and functioning of the WEEELABEX organisation.

**WEEELABEX General Assembly (WGA)**

The WGA is composed of representatives of the member WEEELABEX systems. The WGA has decision-making powers on all aspects of the WEEELABEX organisation, save for those which the articles of association reserve to the WGC.

*Functional specifications:*

1. Elect the members of the WGC.
2. Suspends or excludes WEEELABEX systems in case of breach of the membership criteria.
3. Approve the membership fees.
4. Approve the budget.
5. Approve the annual accounts.

6. Provide discharge to the WGC.

### **WEEELABEX Governing Council (WGC)**

The WGC is the 'board of directors' of the WEEELABEX organisation and is composed of representatives of WEEELABEX systems. It has executive function and decides on those aspects of the WEEELABEX organisation which are attributed to it by the articles of association.

The WGC is extended to stakeholders whenever a matter arises which concerns them. The opinion of the stakeholders (producers and operators) in the extended WGC will be of a binding nature on certain matters, for example concerning training, definition of limit values and the development of standards, subject to applicable law. In the transition period, before the WGC is in place, the current WEEELABEX Project Steering Group (PSG) acts as the WGC.

#### *Functional specifications:*

1. Decide on strategic and executive plans in accordance with the articles of association.
2. Appoint and supervise the WEEELABEX Office staff.
3. Suspends or de-lists WEEELABEX auditors, such decisions to be motivated, objective and non-discriminatory.
4. Anticipate challenges and issues, and mediate conflicts.
5. Propose to the WGA annual management plans, budget and accounts.

### **WEEELABEX Office**

The WEEELABEX Office is the secretariat of the organisation. It assures the high-quality performance of the WEEELABEX initiatives, acts as a notary (where appropriate) and supervisor of governance processes, initiates updates of WEEELABEX requirements, lists auditors and operators based on documented processes, and verifies compliance with applicable WEEELABEX rules.

The WEEELABEX Office records the outcome of the WEEELABEX CV of a given process performed by the WEEELABEX auditors.

#### *Functional specifications*

1. Identify the need to update the rules governing the WEEELABEX organisation, including the WEEELABEX requirements, tools and CV procedures.
2. List and de-list WEEELABEX systems upon instruction of the WGA in case of breach of the membership rules.
3. List and de-list WEEELABEX auditors upon instruction of the WGC.
4. List and de-list a WEEELABEX operator's processes in accordance with the result of the WEEELABEX CV.
5. Select experts from the WEEELABEX systems and/or qualified WEEELABEX auditors to carry out the training.
6. Offer training to (candidate) WEEELABEX auditors.
7. Manage issues raised to the WEEELABEX organisation.

8. Report to the WGA, WGC and the WEEELABEX systems.
9. Communicate to stakeholders and the public at large.
10. Draft and implement management plans, budgets and accounts, and control financials.
11. Defend, on behalf of the WEEELABEX organisation, the WEEELABEX trademark against infringements.

#### *Contractual specifications of the WEEELABEX organisation*

1. The WEEELABEX organisation adopts and revises the WEEELABEX organisation's articles of association and internal rules.
2. The WEEELABEX organisation concludes a 'WEEELABEX trademark agreement' with the WEEELABEX operators.

### **E. Audit groups**

WEEELABEX systems can set up a national or supra-national audit group to mandate, co-ordinate and finance audits.

### **Co-ordinators**

WEEELABEX systems can appoint a co-ordinator to co-ordinate the audits in a particular area and to mediate possible issues.

In accordance with the functional specification stated in Part II.C.4, neither employees of a WEEELABEX system that is involved in handling, trading or treatment of WEEE streams, nor persons acting on that WEEELABEX system's behalf, unless those persons are independent parties, can be a WEEELABEX co-ordinator. The WEEELABEX systems involved may agree otherwise.

#### *Functional specifications*

1. Contractually adhere to the principles of objectivity, confidentiality, and non-discrimination of WEEELABEX systems.
2. Can provide to the WEEELABEX Office, upon request, his expertise for the formal assessment of a candidate WEEELABEX operator's declaration of intent.
3. Co-ordinate audits in a national or supra-national area. In that respect, the co-ordinator can assist a WEEELABEX system with the composition of audit teams to conduct audits within a given timeframe.
4. Organise experience exchange and support to WEEELABEX auditors in his audit group.

### **F. Appeal**

A (candidate) WEEELABEX system, a (candidate) WEEELABEX operator and a (candidate) WEEELABEX auditor shall be entitled to lodge an appeal against a decision which negatively affects them (fifteen days from receipt of the decision):

1. A (candidate) WEEELABEX system can appeal against a decision refusing its membership or terminating its existing membership of the WEEELABEX organisation because of its breach of the articles of association and/or the internal rules.

2. A (candidate) WEEELABEX auditor can appeal against a decision not to list him or to de-list him because of a breach of the auditor rules of engagement and process requirements<sup>6</sup>.
3. A (candidate) WEEELABEX operator or a WEEELABEX system may appeal against the outcome of WEEELABEX CV.
4. The relevant party lodging an appeal shall be known as 'the complainant'.

The following principles shall apply to an appeal introduced by a complainant (as defined in point 3 above):

1. A complainant may lodge an appeal within fifteen days from receipt of the decision.
2. The grounds of appeal will be limited to the outcome of WEEELABEX CV.
3. The WEEELABEX Office will provide the complainant with the names of up to four independent Appeals Auditors. The complainant shall appoint (and pay for) two Appeals Auditors, who shall receive a copy of the case file, including a copy of the complaint and grounds of appeal, a written response to the complaint from the auditor who conducted the audit, and a copy of the summary audit report, to determine whether or not formal and/or material errors claimed by the complainant have been made in the course of the audit process.
4. If one or both of the Appeals Auditors is of the opinion that errors have been made or a conclusion cannot be reached through the desktop study of the case, the two Appeals Auditors will conduct a new audit. On conclusion of their investigation they shall provide their decision and a case report (and a copy of the second summary audit report if one is performed) to the WEEELABEX Office.
5. The appeal suspends the decision against which the appeal is introduced.
6. The language of the appeal proceedings will be English, unless the parties to the appeal agree otherwise.
7. The WEEELABEX Office will take all best measures to ensure that the appeals procedure is completed within six months from date of receipt of appeal.
8. The decision of the Appeals Auditors shall be definitive.

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<sup>6</sup> The auditor rules of engagement and process requirements and the make-up of the independent Appeals Panel, grounds of appeal and process will be developed and agreed over the coming months.

### 3. Conformity verification procedures

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The WEEELABEX CV approach is de-centralised in nature. Audits are conducted by WEEELABEX auditors. The WEEELABEX Office records the outcome of CV and lists or de-lists the processes concerned of the (candidate) WEEELABEX operators.

The initiative of WEEELABEX CV can be either with (a) an operator unilaterally seeking to have its processes audited, or (b) a WEEELABEX system seeking to have processes at a (potential) supplier audited.

1. **Declaration of intent** – A declaration of intent is the pre-condition for CV. An operator unilaterally declares that he is ready to have one or several processes undergo WEEELABEX CV. Any operator with whom a WEEELABEX system has a contractual relationship, or who expresses an interest in participating in a tender issued by a WEEELABEX system, can undergo CV for one or several of its processes.
2. **Acknowledgement** – Within a defined timeframe, the WEEELABEX Office acknowledges the request for CV, lodged by the WEEELABEX system or the operator, and ascertains compliance with WEEELABEX formalities.
3. **Request for co-ordination of WEEELABEX audits** – A WEEELABEX system can request the WEEELABEX Office to co-ordinate audits of candidate WEEELABEX operators across Europe.
4. **Mandate of WEEELABEX auditors** – The WEEELABEX system, c.q. the (candidate) WEEELABEX operator, decides about the type of audit required, and selects and mandates WEEELABEX auditors to perform WEEELABEX CV (or asks the WEEELABEX Office to perform the selection for it). WEEELABEX audit agreements are concluded between the WEEELABEX system and the WEEELABEX auditors. In case the operator pays for the audit, the operator mandates the auditor from the list of WEEELABEX auditors managed by the WEEELABEX Office.
5. **Audit plan and audit** – The WEEELABEX auditor submits the audit plan to the auditee (allowing for comments) and conducts the audit (after having concluded a confidentiality agreement). Before the WEEELABEX auditor leaves the audited facility the auditee signs the audit statement, succinctly outlining when and where what type of audit was conducted.
6. **Draft audit report** – The WEEELABEX auditor provides a copy of the draft audit report to the auditee who can give its comments and propose amendments.
7. **Audit report** – The WEEELABEX auditor finalises the audit report, a copy of which is provided to the auditee and to the WEEELABEX system in case the latter commissioned and paid for the audit.
8. **Summary audit report** – Both in case the audit was mandated by an operator and by a WEEELABEX system, the WEEELABEX auditor provides an English-language summary audit report to the WEEELABEX Office with the outcome of the audit.
9. **WEEELABEX listing** – The WEEELABEX Office records the outcome of WEEELABEX CV of a given process. Conformity with the WEEELABEX requirements leads to the

process being a 'WEEELABEX process' and the operator a 'WEEELABEX operator' for the process concerned.

10. **WEEELABEX attestation** – Listing of the operator as WEEELABEX operator on the WEEELABEX website is conditional upon the conclusion of a WEEELABEX trademark agreement with the WEEELABEX organisation, as part of which the WEEELABEX operator receives an attestation of conformity with its rights and obligations under WEEELABEX. The listing will, amongst other things, mention whether the audit was commissioned by the operator or by a WEEELABEX system as well as the name of the WEEELABEX auditor that conducted the audit.

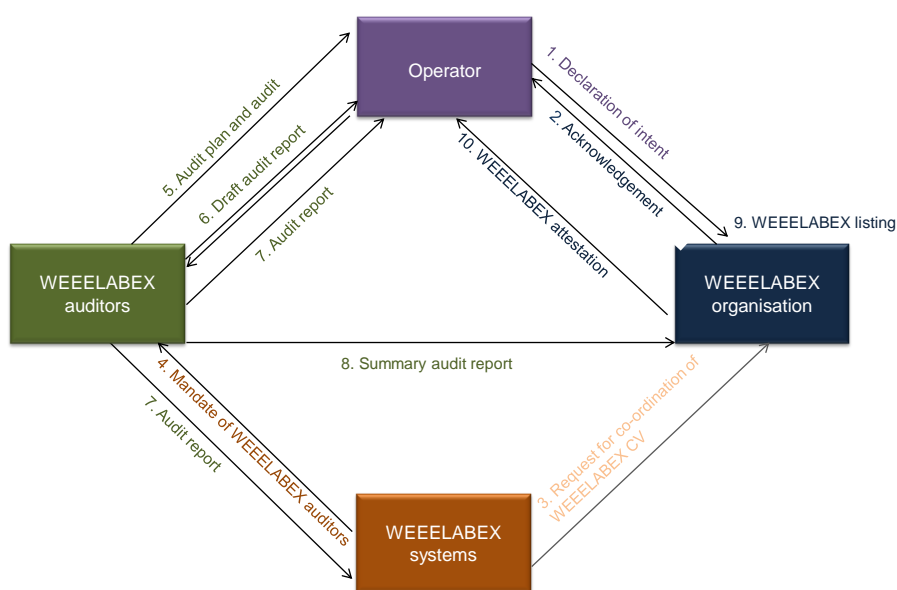


Figure 1 The WEEELABEX system launches CV



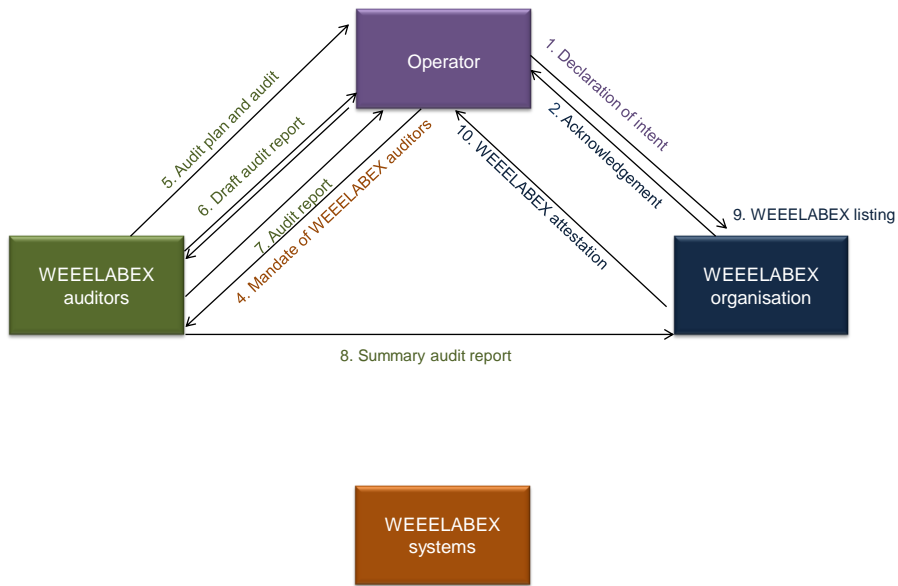


Figure 2 The operator launches WEEELABEX CV

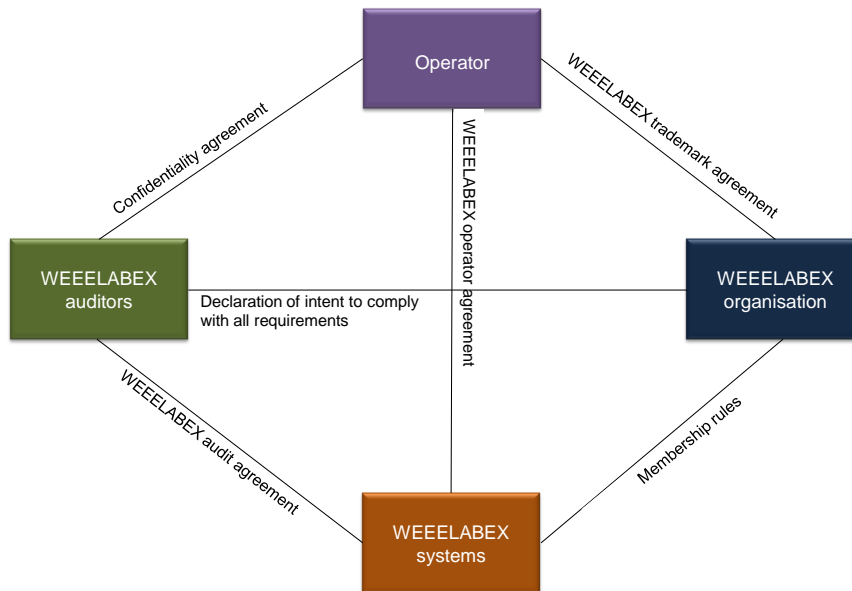


Figure 3 Contractual relationships

## 4. Financials

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The service fees of WEEELABEX auditors are paid by the WEEELABEX system ordering a given WEEELABEX CV, c.q. by the operator.

The only income and expenditures that will be centrally managed relate to the non-profit WEEELABEX organisation.

1. **WEEELABEX membership fee** – The WEEELABEX systems pay a membership fee to finance the running of the WEEELABEX Office (human resources, travel and accommodation, admin, legal, training aimed at WEEELABEX auditors) and the WGC (admin).
2. **WEEELABEX auditors training fee** – The WEEELABEX auditors pay a fee for regular WEEELABEX training courses organised by the WEEELABEX Office.
3. **Service fee** – A WEEELABEX system may pay a fee for professional services, such as co-ordination of audits across Europe, performed by the WEEELABEX Office.

## **Annex I Audit reporting and documentation tools**

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Harmonised WEEELABEX CV across Europe essentially means that all parties to the WEEELABEX organisation are required to use a uniform set of forms (in a uniform manner).

### **Declaration of intent**

All prospected auditees will use one declaration of intent and readiness to audit form. The declaration will in most cases be the result of the operator's internal, voluntary conformity assessment. The declaration of intent will allow for an evaluation of the eligibility of the operator.

The form will include:

- General information about activities
- Administrative data
- Responsibilities
- Copies of operative permissions
- Declaration, in case tests and batches have been performed
- Declaration of compliance with the basic requirements of the standard including requirements relating to legal compliance, de-pollution, and recycling and recovery quota
- Signatures
- The process that will be audited
- Request to receive an updated list of WEEELABEX auditors

### **Audit report and summary audit report**

The audit report will be handed out to the auditee and the customer WEEELABEX system (if any). The summary of this report will be handed over to the WEEELABEX Office.

As a minimum the summary audit report should include (in addition to the formal and administrative information):

- Validity of the official permissions in accordance with legislation
- Activities per category of appliances and type of process
- Number, classification (and subject) of standard deviations (and corrective action measures)
- Conformity to de-pollution requirements
- Conformity to recycling and recovery rates requirements per category of appliances
- Confirmations about downstream monitoring

### **Audit manual**

The manual is addressed only to WEEELABEX auditors and will not be publicly available. It helps the WEEELABEX auditor to prepare and to conduct the audit. It includes:

- Core elements of legislation

- Interpretation of clauses in the standard
- Facts and figures, limit and target values and occupational exposure limits (OEL)
- Benchmarks on de-pollution
- How to draft conclusions and recommendations
- Rules and regulations related to the governance of the WEEELABEX organisation
- Miscellaneous

### **Audit statement**

Before the WEEELABEX auditors leave the site the auditee signs the audit statement, a document that succinctly outlines what type of audit was conducted.

### **Attestation of conformity**

A document issued by the WEEELABEX Office attesting an operator's successful WEEELABEX CV for a process.

## Annex II Specifications to be further developed

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The following specifications will be further developed in work packages:

1. **Business plan** – In 2012, a business plan for the set-up and functioning of the WEEELABEX organisation will be drafted.
2. **WEEELABEX organisation and Office** – In 2012, and in accordance with the 2008 project proposal, a WEEELABEX Office must be “properly staffed and budgeted”. The WEEELABEX organisation must be created and its constituent documents (articles of association and internal rules) drafted.
3. **Template contracts** – Template contracts are required for:
  - a. The WEEELABEX auditors (WEEELABEX audit agreement; confidentiality agreement)
  - b. The WEEELABEX operators (clauses to be included in WEEELABEX operator agreements; WEEELABEX trademark agreement).

Clauses to be included in such agreements include mutual rights and obligations, liability clauses, appeal procedures, confidentiality clauses and financial obligations.

4. **WEEELABEX auditors eligibility criteria** – The profile of WEEELABEX auditors must be specified to decide on the eligibility of candidate WEEELABEX auditors.
5. **WEEELABEX systems eligibility criteria** – The criteria for a WEEE system to become a member of the WEEELABEX organisation will be defined. WEEE systems that fulfil the producer responsibility principle on behalf of producers (or that are run by one single producer), implement WEEELABEX requirements, and accept the rights and obligations of the WEEELABEX organisation will be eligible.
6. **WEEELABEX operators eligibility criteria**– A minimum set of operations for eligibility will be defined, encompassing the main processing performance (de-pollution and mechanical separation as a first step) with a broad range of products. Dealers whose main business is the removal of capacitors from washing machines cannot apply for WEEELABEX CV.
7. **Scope of WEEELABEX CV** – CV can involve audits conducted on one specific sub-stream or all streams covered by the facility. Also sub-suppliers should be made subject to CV.
8. **Frequency and nature of audits** – Frequency typically depends on the type of deviations identified in previous audits. A good score following an audit does not grant a grace period during which the operator is presumed to be in conformity with the requirements.
9. **Tenders in the context of WEEELABEX** – An operator’s processes need to be listed as ‘WEEELABEX processes’ at the moment of the signing of the WEEELABEX operator agreement.
10. **Consequences of de-listing** – The basic consequence of a negative evaluation (de-listing), and after exhaustion of appeal rights, is that the WEEELABEX trademark agreement terminates for a given facility/process and that all WEEELABEX systems cancel that facility/process from their supplier’s list, which includes the termination of the WEEELABEX operator agreements concluded in respect of the de-listed

facility/process, within an appropriate timescale. A final legal scrutiny of the consequences of de-listing and of commercial liability will be performed.

11. **Appeal and sanctioning** – In the coming months, the rules applicable to the appeal proceedings will be elaborated.
12. **The observance of requirements that trigger listing or de-listing, and the conditions that trigger improvement programmes** – Critical and non-critical WEEELABEX normative requirements must be identified, and the consequences of failure in meeting those requirements must be spelled out. For example, operators that meet a set of critical requirements but fail to meet (some of) the non-critical requirements, which do not severely hamper the quality of the rendered service and can be recovered in a limited period of time, e.g. one year, are not de-listed (negative evaluation) but can instead be required to undergo an improvement programme. The audit should be repeated in due time to verify the implementation of the improvement programme.
13. **WEEELABEX bodies** – The articles of association and/or the internal rules will specify the composition of the different bodies and lay down prerogatives and roles of the different bodies, e.g. voluntary vs mandatory consultation, and rules of procedure for the election of representatives in the WEEELABEX GA and the WGC. The articles of association and/or the internal rules will lay down rules of selection procedure and Office's daily management prerogatives. Also the prerogatives of the members of the different bodies will be defined.
14. **Contribution fee** – The structure and level of the (annual or once-in-a-lifetime) membership fee of WEEELABEX systems and other sources of income will be defined.
15. **Uniform rules of financing audit and audit-related activities** – WEEELABEX systems can unilaterally decide on financing models, yet in observance of uniform rules, e.g. that the WEEELABEX auditors receive no fee from the audited operator, unless it is the operator that initiated the CV. Other rules must be specified.