



**TERMS OF REFERENCE FOR AUDITS  
BY A SELF-COMPLIANT PRODUCER OF  
ELECTRICAL AND ELECTRONIC EQUIPMENT**

**[VERSION 2 UPDATED 11 APRIL 2016]**

- The auditor shall be independent, certified, and approved by the Environment & Resources Authority (ERA). The auditor should fulfil the requirements set by ERA, which requirements can be downloaded from the Authority's website.

*[N.B. Only those parties listed on ERA's website shall be considered to be suitable Auditors, approved by ERA, to conduct audits under S.L. 549.89 – the Waste Management (Electrical and Electronic Equipment) Regulations]*

- The Authority exempts a self-compliant producer from providing an audit report, provided that the self-compliant producer provides evidence of participating in a certified environmental management system(s), namely EN ISO 14001 **OR/AND** the Eco-Management & Audit Scheme (EMAS).

*[N.B. ISO 14001 or/and EMAS certified producers are required to contact the Authority for further guidelines]*

- The auditor would be required to certify that all the information reported to the Authority by the Self-Compliant Producer of Electrical and Electronic Equipment is correct.
- A sound auditing procedure for traceability, monitoring, and control should be in place for all the waste electrical and electronic equipment managed in terms with the S.L. 549.89 – Waste Management (Electrical and Electronic Equipment) Regulations, 2014 as published by Legal Notice 204 of 2014 and its amendments.
- The audit trail should cover all waste electrical and electronic equipment from the point of generation or collection to the end recovery or disposal facility (local or foreign).

**The points overleaf shall be covered by the auditors in such audits, providing a detailed report of their findings. The Authority may reserve the right to request clarifications and further information from the auditors other than that provided in the audit report.**

**Should you require further assistance please contact us on:**

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	<i>Nature and extent of audit procedures</i>	<i>Timing</i>	<i>Done by and date</i>
1	<p><b>Objective: To verify whether the quantities declared in the declaration form by the producer make reasonable sense.</b></p> <ul style="list-style-type: none"> <li>- Obtain all ancillary documents and verify that the figures submitted are reasonably correct, confirming the arithmetical correctness of the information declared about the amount of EEE placed on the market.</li> <li>- To verify that the information initially submitted in the registration form is correct, and the amounts declared in the renewal form are also correct.</li> </ul>		
2	<p><b>Objective: To ensure that the producer has only used waste management undertakings in compliance with regulations 19 to 24 of Subsidiary Legislation 549.63 – the Waste Regulations, 2011, duly authorised by the Authority.</b></p> <ul style="list-style-type: none"> <li>- Obtain a list from the Authority of authorised waste management undertakings during the specific time period and confirm that the producer has only used authorised waste management undertakings.</li> </ul>		
3	<p><b>Objective: To check and confirm that the amounts being reported are indeed waste electrical and electronic equipment and whether the waste electrical and electronic equipment are correctly identified according to the Categories laid down in Schedule 1 S.L. 549.89 – the Waste Management (Electrical &amp; Electronic Equipment) Regulations, 2014.</b></p> <ul style="list-style-type: none"> <li>- To verify and confirm that the amounts of waste electrical and electronic equipment being declared as being collected and treated are indeed waste electrical and electronic equipments as defined in Schedule 1 S.L. 549.89 – the Waste Management (Electrical &amp; Electronic Equipment) Regulations, 2014.</li> </ul>		

4	<p><b>Objective: To ensure that the relevant collection rate pursuant to Regulation 7 of S.L. 549.89 – the Waste Management (Electrical &amp; Electronic Equipment) Regulations, 2014 has been attained by the Producer.</b></p> <ul style="list-style-type: none"> <li>- To provide a detailed calculation of the amount of waste electrical and electronic equipment collected and confirm whether the collection rate stipulated in S.L. 549.89 – the Waste Management (Electrical &amp; Electronic Equipment) Regulations, 2014 has been attained by the Producer.</li> </ul>		
5	<p><b>Objective: To ensure that the amounts declared as being recovered and/or prepared for reuse and recycled have indeed been recovered and/or prepared for reuse and recycled.</b></p> <ul style="list-style-type: none"> <li>- Check and confirm that the amounts being declared are indeed the actual amounts that have been recovered and/or recycled by the facility (ies) (local and/or foreign).</li> <li>- Confirm arithmetical correctness of all reported data in this regard.</li> </ul>		
6	<p><b>Objective: To ensure that the relevant recovery and/or preparing for reuse and recycling targets pursuant to Regulation 11 of S.L. 549.89 – the Waste Management (Electrical &amp; Electronic Equipment) Regulations, 2014 have been attained by the Producer.</b></p> <ul style="list-style-type: none"> <li>- To provide a detailed calculation of the amount of WEEE recovered and/or prepared for reuse and recycled and confirm whether the targets stipulated in S.L. 549.89 – the Waste Management (Electrical &amp; Electronic Equipment) Regulations, 2014 have been attained by the Producer.</li> </ul>		
7	<p><b>Objective: To check and confirm that the producer has ensured the following requirements.</b></p> <ul style="list-style-type: none"> <li>- To verify and confirm that for WEEE treated in Malta, the producer has submitted to the Authority a signed declaration(s) from a local authorised waste management undertaking(s)</li> </ul>		

that the WEEE has been recovered and/or prepared for reuse and recycled in an environmentally sound manner.

- To verify and confirm that in cases of direct exports of WEEE for further treatment in other Member States or third countries, the producer has submitted to the Authority:
  - i. a declaration issued by the facility in the Member State or third country recovering and/or recycling the WEEE indicating that the operations are taking place in conditions that are equivalent to the requirements of Directive 2012/19/EU;
  - ii. a copy of the permit issued by the competent authority in which the facility is situated for WEEE exported within the EU or in the cases of WEEE exported to third countries a declaration by the competent authority in which the facility is situated stating that the facility receiving the WEEE is authorised to conduct WEEE treatment operations in accordance with national procedures, including any applicable legal requirements.
- To verify and confirm that in cases of non-compliance, the amount of such WEEE treated has not been counted towards the fulfilment of obligations and targets of the Producer.
- Ensure that all certificates are available and ensure that all certificates are correct and cover all WEEE reported to have been recovered/prepared for reuse/recycled.