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Environment
Agency

Approval Process

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Overview

- Applications received
- Common issues
 - Termination
 - B2B WEEE - alternative arrangements
 - B2B WEEE - your arrangements
 - Contingency planning
- What next?

•I want to give you a flavour of the applications the agencies have received for the 2007 compliance period

•And an indication of some of the issues we have been dealing with that you might hear from us about, if you haven't already.

•And what is going to happen next

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Applications received

- 37 applications have been received
 - 32 to the Environment Agency
 - 5 to the Scottish Environment Protection Agency
- Breakdown:
 - Open applications = 33, Closed applications = 4
 - 27 are all types of EEE: 10 with limits
 - B2B only - 9; B2C only - 3; both - 25

- Altogether the agencies have received 37 applications:
 - 32 came in to the Environment Agency
 - 5 came into the Scottish Environment Agency
- This is the high end of the number of applications we were expecting.
- The provisional list on our website should now have all the operators who made an application on it
- The list of approved schemes is also on the website
- As you can see - most applications were for:
 - Open schemes
 - that will handle all types of EEE
 - and accept both B2C and B2B members
 - **(B2C business to consumer or EEE intended for use by private households and B2B - business to business - users other than private households.**
 - Most applications are a good standard but because this is the first time we are finding interpretation issues that are slowing us down.
- There are some common ones cropping up.

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Common Issues

■ Termination

- Is only allowed at the end of a compliance period.
- Regulations still say this.
- Until the regulations are changed you have to find a way to deal with this.

We realise the problems with not being able to terminate a membership part way through the compliance period
- non payment, not providing data

We know that Dti have proposed to amend this requirement in the regulations
BUT

The regulations haven't been changed yet and your application needs to reflect the regulations as they are.

This means that you may have to get creative in how you will protect yourself from members who don't pay - you will still have to meet their obligations for the rest of the compliance period.

For members who don't provide you with data - come to us if that happens and we'll find a way forward.

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B2B WEEE (Waste Electrical & Electronic Equipment)

- Alternative arrangements
 - The **producer** makes arrangements for the collection and treatment of WEEE from its customers
 - The producer **must**:
 - report to you on levels of treatment taking place
 - pass evidence to you to accompany your declaration of compliance
 - Will the producer's arrangements meet your other obligations?
 - How will you make sure this happens?

Alternative arrangements with your producer do not absolve you of your obligations under regulation 23.

This means that you are still responsible for making sure the financing of WEEE from users other than households happens.

Your producer will need to obtain evidence of treatment, recovery and recycling and supply this to you for your declaration of compliance.

You also still have responsibility under:

regulation 24 - Prioritising re-use

regulation 25 - WEEE is treated using the best available treatment, recovery and recycling techniques and is treated at an ATF or exported by an approved exporter.

Regulation 26 - that the recovery targets will be met and that WEEE is recovered or recycled by a reprocessor or exported by an approved exporter and

Regulation 27 - Reporting WEEE that has been treated.

How will you make sure this happens?

What will you do if it is not happening?

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B2B WEEE (2)

- Alternative arrangements
 - The **business end-user** has a contractual arrangement with the producer to take physical and financial responsibility for treatment of the WEEE
 - the producer's obligation does not pass to the end-user
 - the scheme still has an obligation to demonstrate compliance with this obligation
 - how will you make sure this happens?

The same applies when your producer members make alternative arrangements with their end-users to finance the costs of collection, treatment, recovery and disposal of B2B WEEE.

The producer's obligation does not transfer to the end-user. The producer has contracted the end-user to undertake the work on their behalf. You, as the producer's scheme, still have an obligation to demonstrate compliance with this obligation.

In principle this means that end-users will have to get evidence of treatment and recovery and recycling of this WEEE to pass back to the producer, to pass back to you as the scheme, so you can report on the WEEE in your declaration of compliance.

We are having further discussion with Dti on how this may work in practice.

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B2B WEEE (3)

- Your arrangements
 - often difficult to understand how collection will work
 - often difficult to understand how WEEE is allocated to a particular producer

- Non-household EEE that is dual use

Again this is generally for B2B WEEE arrangements

Where schemes are setting up systems that end users can use to have their WEEE collected, treated, recovered and recycled, I have been taking us a bit of time to work out how the system will work.

Often because you know your business and we don't so we miss some of the underlying assumptions if they aren't clearly laid out. Usually on the collection side - how will end-users know the system is available and how will they access it? And how will WEEE arriving at an AATF be tracked so that you will know which producer is responsible for it?

Not a B2B issue - WEEE from businesses that because of its nature and quantity is similar to that from private households.

Examples - PCs, some lighting, the office kettle etc.

We are in discussion with Dti about this - both for reporting EEE in the first place and for reporting WEEE that arises

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Contingency planning

- Clearance of Designated Collection Facility (DCFs)
- Collecting more WEEE than anticipated
- Capacity at Accredited Authorised Treatment Facility (AATFs)
- Capacity at reprocessors and exporters for recycling and reuse of materials and components

This is where we are starting to look forward a bit.

There is probably not as much contingency planning as we would have liked in all these areas really.

We know that it is very difficult because ATFs and exporters haven't been approved yet

And you don't know the size of the obligation you will be dealing with yet

But this is something to bear in mind once those issues are settled.

Operational Plans will need updating once you know the DCFs and AATFs you will be dealing with so you may need to update your operational plans with contingency arrangements then.

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What next?

- We are working hard to approve or refuse applications within 28 days
 - If we are going to miss this deadline we will let you know
 - We will contact you if we need more information
 - All applications will be decided by 28 February 2007

- Thankyou for your patience

We are working very hard to get this done.

The part about letting you know if we feel we are going to miss our 28 day deadline is only for people who applied before the 31 January

because we will have made decisions on them all by 28 February

We will contact you if we need more information - we will not just reject your application.

I want to thank you for the quality of the applications and your patience so far with these tight timescales.

And I would like to add one last thing

If you can please try not to ring us up for progress checks. We can't give you much information and it distracts us from what we are doing. It would help us.

Thanks.