

AIWOLG
Agencies' and Industry WEEE Operational Liaison Group

15th June 2010

Hosted by Environment Agency, Quadrant 2, Sheffield

10.30 – 15.00

Attendees

Industry: S Hill (WAB AATF), S Butler (WAB Scheme), J Boyce (WAB Producer), P Morton (Scheme), J Greenaway (AATF), D Hulse (AATF / AE), S Chapman (DCF)

EA: S Stocks, C Grove, C Chambers, R Scarpello

SEPA: N Chalamanda

BIS: R Freeman, K Barker

Apologies: P Burgon (AATF / AE), D Lucioni (EEE Producer), C Brailsford (Local Authority), H Rogers (Local Authority), G Evans (NIEA)

1. Introductions

2. Finalise 2010 Terms of Reference

Action: Add details of dates and location of forthcoming meetings to the end of the document , ensure document is published on web and the group is informed. **R Scarpello**

Action: Confirm with Hannah Rogers the location for the September meeting and inform the group.

R Scarpello

3. Metrics & Regulators Activity

3.1 UK Data, Data SLA and 2009 final observations.

2009 Final UK Data observations

Settlement Centre WEEE 457,929T

Scheme WEEE 454,283T

AATF and AE WEEE 436,663T

Settlement centre Vs Scheme data – biggest variances:

Cat 11 2,001T more on settlement Centre

Cat 1 898T more on settlement Centre

Cat 12 434T more on settlement Centre

Total variance 3,646T v 3,661T in 2008. There is no consistent trend within the categories variance year on year.

Again, the issue of reconciling Scheme Vs AATF Vs Settlement Centre data was discussed by the group. It is expected that the new reporting requirements set out in the recent Reg amendments will allow us to track this more effectively. It was also suggested that more work is still needed by schemes and AATFs / AEs to reconcile their data. However, limitations were discussed in that

AATFs / AEs may have to wait for middlemen to report back recovery and recycling by scheme for up to 6 months and schemes are not willing to pay for evidence until they are certain that treatment has taken place rather than immediately on receipt of WEEE at AATF.

Action: Consider campaign/workshop for AATFs to show best practice for data reconciliation. **C Chambers**

Quarter 1 2010 UK data observations

EEE ↓ v Quarter 4 2009 (by 98,000T)

↑ v Quarter 1 2009 (by 1,300T)

Scheme WEEE remains static

AATF WEEE ↑ v Quarter 4 2009 (by 12,600T)

↑ v Quarter 1 2009 (by 12,600T)

3.2 EA Activity

Analysis of AATFs and AEs returns Vs Settlement Centre

68 AATF/AE sites have issued more evidence than the household WEEE reported in their 2009 qtr returns. This could be an indicator of possible evidence over issue but is normally as a result of AATFs/AEs not reconciling data returns with evidence issued. 60,748T variance versus a variance of 56,900T in 2008 indicates a worsening picture. We have identified 20 repeat offenders.

All cases are currently being investigated in conjunction with Independent Audit Report assessment outcomes when the appropriate action will be pursued. Results will inform risk profiling for future compliance work.

Trend analysis of Scheme WEEE reported, AATF/AE WEEE reported and evidence posted on the settlement centre has been carried out to understand pattern of resubmissions, scale of adjustment and time lag for evidence availability. This gives us a baseline to monitor the impact of the regulatory changes where evidence can now be issued on receipt of WEEE at the AATF.

Scheme Declaration of Compliance

Assessment of B2B and B2C compliance is still ongoing. However, initial assessment doesn't raise any concern from a UK perspective in terms of B2C obligations.

Public Register drop offs (potential freeriders)

Of the 511 public register drop offs initially identified 148 are still being investigated. 363 have either subsequently registered or have demonstrated that they do not need to register for the 2010 compliance period. 2010 registrations = 5,308.

EA Forward look

Scheme Activity: DoC completion, 2010 Viable Plans review, Scheme Approval window for new schemes 2011, risk profiled Scheme Audits.

AATF/AE Activity: IAR completion, routine desktop monitoring

3.3 SEPA Activity (to include update on B2B compliance)

- Have been assessing the DoC of schemes
- Been assessing viable plans for 2010 focusing, on DCF infrastructure. (It should be noted that reference to DCF names is not common, and everybody should be using the names that are on DTS as per approval of site.)
- We intend to visit and carry out audits on ALL AATFs which have issued evidence in 2009 and to date in 2010. The visit will also incorporate all requirements of IAR since SEPA does not require one at the moment and decision will be reviewed in November.
- We are also comparing evidence issued by AATFs vs their Quarterly WEEE returns and against their Waste Management data returns
- SEPA aim to audit 30 WEEE producers. These will be selected on the basis of having placed large amount of EEE on market, no EEE at all in the last compliance period or data reporting issues.

3.4 Public Sector Business WEEE Project undertaken by SEPA (to extend to private sector in 2010)

Key Recommendations

- Targeted awareness campaigns to individuals relevant in an organisation's B2B WEEE disposal
- Proactive engagement with targeted audience
- SEPA to maintain constant audits of the known sites, focusing on high risk ones
- Step by step "idiot's guide" on considerations and practical steps to undertake when disposing of B2B WEEE
- Review possibility of public register to provide detail of what AATFs and ATFs are permitted to treat

Action: Where does UK sit in terms of overall B2B performance?

K Barker

* Further details of project included as appendix A

4 Technical Issues

4.1 Update on amendments to regulations

BIS have issued a further amendment to the WEEE regulations to bring the date of registration into line with the date as to when the offence is committed for failing to register and have also moved back the date for issuing producer registration numbers to allow time for processing the registrations and issuing the numbers.

Industry raised concerns around the time available for operators to get their independent audit reports completed. No plans to revise the data. Agreed that industry need to have clear guidance on what the audit report should contain.

BIS confirmed that approved exporters can issue evidence on whole WEEE exported for treatment and subsequent recovery of the WEEE materials. All exports of WEEE must be undertaken in compliance with the Waste Shipment Regulations.

Action: Updated guidance to be issued setting out what information will be required in an independent audit reports for 2010. **C Grove**

Action: Agencies to confirm to all approved exporters the position on issuing evidence on whole WEEE exported.. **C Grove**

C Grove

4.2 Revised data reporting and IT system development

Confirmation was given that the EA has secured internal approval to move forward the enhancement to the WEEE IT system to accommodate the revised data reporting. The project will deliver the 'must haves' arising from the amending regulations. The system changes will encompass the way operators supply their data for uploading into the system and discussions with relevant AIWOLG members will continue to ensure issues/concerns are considered in the enhancement of the system.

Industry request made for enhancement to Settlement Centre to show where evidence has come from in order to aide reconciliation of data by compliance schemes.

Action: Investigate feasibility of using Industry funding to carry out this enhancement and report back to AIWOLG schemes. **K Barker**

Action: EA to confirm reporting requirements and auditing process for non obligated WEEE going to AATFs to ensure it is clear following the Reg amendments in order to prevent double counting. **C Grove**

C Grove

4.3 Review of external guidance documentation – Review timetable. Is anything additional required?

Chris Grove discussed the Environment Agency's current timetable of issuing new guidance notes and amending existing guidance notes. GN04, GN06, Batteries in WEEE to be brought into single document and issued to schemes / AATFs. Protocols will be kept separate so these can be updated once reviewed.

Action: EA to investigate producing a list of currently available guidance to publish on the website. This will link to the up to date guidance note and give details of when it will be revised. **C Grove**

Action: Agency to ensure that relevant customer groups are informed when guidance / data is issued. **C Chambers**

Can the mixed WEEE protocol be extended to protocols to cover non obligated WEEE by category?

EA agreed that for the purpose of the new AATF/AE reporting requirement on non obligated WEEE, operators could utilise the current (and the planned revision of) Small Mixed WEEE protocol to estimate the tonnages of non obligated WEEE received.

AE acceptance requirements and broadly equivalent guidance are to be issued in August.

Action: Ensure that this is harmonised as much as possible with the packaging guidance and clarify the changes for this year asap. **C Grove**

Action: Confirm whether the concerns on Broadly Equivalent standards raised by David Hulse in previous correspondence with the EA have been taken into consideration in the review of this guidance. **C Chambers**

Concern raised about inconsistency in approach by EA staff in conducting AATF annual audits.

Action: Specific issues to be raised directly to C Grove for investigation. **J Greenaway/S Hill**

4.4 EEE Small Mixed WEEE protocol

The WEEE Scheme Forum project is reviewing the current small mixed WEEE protocol. 5 large schemes in partnership with 5 large AATFs are conducting the study between now and September. In total the project will assess 300T of WEEE (60T from each AATF). Intend the new protocol to be available for the next compliance period.

Action: Data and a revised SMW protocol to be sent to C Grove and N Chalamanda by end of September 2010. **P Morton**

Action: Agencies to discuss the revised protocol at inter-agency meeting planned for October and advise on acceptance of the revisions. **EA/NIEA/SEPA**

4.5 Viable plans

Schemes provided feedback that the use of growth factors, as outlined in recent guidance to schemes, can cause issues particularly with technology changes and light weighting. C Chambers re-iterated that schemes can use alternative means to forecast their obligations and WEEE collected, provided that they can justify the approach.

Schemes feedback that there was still uncertainty as to what constituted a material change. The Agencies requested that where schemes have concerns they should, in the first instance, discuss changes with their account manager, which should then establish if an update to the plan is required.

4.6 Acceptable methods for AATFs to prove WEEE recovery rates

Point clarified by Scott Butler – Checks would be a good way of checking whether eg LCDs have been correctly recycled if they've never had an output; eg backlights

Concerns were raised that IAR and Agency lead audits are not picking up on all these issues.

Action: EA to review findings from IAR and AATF audits **C Chambers**

Action: Propose some guidelines for AATFs on best practice of demonstrating recovery rates

S Hill/D Hulse

Action: Share intelligence from Europe on mass balance methodologies. **S Butler/P Morton**

4.7 Appropriate recycling of non-hazardous CRT glass

Justin Greenaway raised concerns about the management of the CRT glass waste stream and suggested that this should be treated as high risk.

Action: Agencies to consider AATF/AE risk profiling to target compliance. **C Grove**

Action: Clarify whether the Aggregates Quality Protocol prevents the use of CRT glass for aggregates.

C Grove

4.8 End of year scheme evidence balancing

Schemes spending disproportionate amount of time finding the small tonnages of evidence required at the end of the compliance year. Request made for agencies to help define a process. (Agencies reminded schemes the functionality is available on the Settlement Centre for all evidence available for transfer to be made visible.) Suggested that schemes need to discuss and agree between themselves a process to use this functionality.

Action: Progress via the WEEE Scheme Forum. **P Morton**

5 Regulatory Issues

5.1 ICER request to provide schemes with outcomes of WEEE visits

Action: EA to provide schemes with quarterly update of producer audit outcomes for their members – to start in July. **R Scarpello**

6 Actions from previous Meetings

One remaining action:

Action: Agencies still to investigate feasibility of detailing suspension status on the public register.

C Grove

7. AOB

7.1 EEE and WEEE categorisation of laptops

As discussed at WAB, Agencies have confirmed that Laptops (with mercury containing backlights) are hazardous waste when discarded. This is not a change of position. Any waste which contains hazardous waste will have to comply with the requirements of the hazardous waste regulations.

The Agencies advised that schemes and DCFs should have systems, processes etc in place to prevent the mixing of hazardous waste with non hazardous waste. In the case of laptops (and other hazardous waste), steps should be taken to prevent them entering into the Small Mixed WEEE collections/containers at DCFs.

The Agencies also highlighted that where laptops are segregated and stored with display equipment the parties handling the collections and subsequent treatment should be clear that laptops will still need to be reported as category 3 EEE and WEEE.

Action: Matter to be raised at ICER to ensure that all schemes are managing this consistently
S Butler/P Morton

Action: PRRS to check what comms have been sent out so far. PRRS to resend this info (as required) and state that companies can get in touch with schemes if they need further clarification.
C Chambers

Action: EA to ensure that staff are briefed on the appropriate assessment of compliance. **C Grove**

7.2 Assessment of approved exporters for end of year compliance.

Concerns were discussed about the timing by which independent audit reports are required given the date changes in the amended regulations. Little evidence has been uploaded by AEs over the last year. AEs are audited irrespective of whether they have issued evidence on whole appliances.

Action: EA to confirm how many AEs were audited last year and the scope of those audits.
C Chambers

Can AE authorisations show what type of material an AE can accept?

This is not a regulatory requirement therefore won't be shown as there would be a number of implications in doing so.

7.3 What are the Agency's requirements for schemes to demonstrate compliance on behalf of their B2B members?

If schemes members have made alternative arrangements the scheme therefore has no responsibility to access information about how the WEEE is dealt with.

Action: EA to ensure that Valpak account manager clarifies the specific query with A Hawkes.
R Scarpello

7.4 Concerns were raised that exports of EEE that are never placed on the UK market are increasing a producers obligation and for which no WEEE will be available.

In certain situations producers have certainty that their EEE products are exported from the UK, but they are still required to report data and attract an obligation on that EEE. In such cases that EEE will not arise as WEEE in the UK.

Action: Schemes to provide further detail on these situations to the Agencies for consideration
S Butler/P Morton

Action: Securing Compliant Exports project is developing guidance on exporting whole WEEE need to ensure this reflects current position on EEE exports.. C Grove

7.5 DCF code of practice to be issued in 1st week of July.

Action: Ensure this document is distributed to relevant AATFs, AEs, compliance schemes etc by the Agencies. C Chambers

Future Meetings

21st September 2010 – Kent

1st December 2010 - Sheffield

Appendix A - Public Sector Business WEEE Project undertaken by SEPA (to extend to private sector in 2010)

Principal aim of the project

- To minimise and potentially eliminate illegal shipments of public sector B2B WEEE
- To be rolled out to rest of Scottish business sector
- To Eliminate the potential supply of WEEE to illegal exporters at source
- To Help companies comply with relevant waste legislation
- To Help us understand the B2B WEEE trade

Drivers for the project

- WEEE & Transfrontier of Waste Shipment regulations)
- There is very little B2B WEEE coming back into the system (4.5% of total B2B EEE on market)
- Total of 37% of B2C EEE was collected and financed by PCSs as WEEE
- Small fraction of WEEE is notified under TFS
- There is increase in repatriations of WEEE shipments

SEPA surveyed public sector bodies in Scotland to assess their WEEE management practice and identify companies used to collect, treat, and recycle the WEEE.

Follow up

- SEPA is visiting all the companies mentioned to be collecting / managing B2B WEEE
- Audits include : whether company is appropriately permitted for its WEEE activity and also whether there are potential supplies to illegal exports
- We are following the WEEE recycling trail to final destination
- Any non compliant companies are advised accordingly.

Findings included

- Why organisation opt to finance their B2B WEEE
- Tied into long term waste contracts that include WEEE
- Arrangement for take-back with distributor without producers involvement

Why end users opt to manage own WEEE

Administratively burdensome to :

- Research for producers or scheme especially when disposing multi categories.
- Cost savings if they use an asset management company
- Preference to Re use or “Not for profit organisation” as part of Corporate Social Responsibility
- Offer of financial incentives from “Touters” for WEEE business or totters.

More findings

- Organisations did not have sufficient knowledge or records of types and amounts of WEEE they discarded

- The larger the organisation, the wider the group of individually responsible officers for specific WEEE disposals... e.g. IT Manager; Procurement officer; Facilities Managers
- No centralised WEEE disposal in organisations
- Asset registers, where present, do not track assets to disposal.

Awareness of WEEE and TFS regulations

- 60% were aware of WEEE regulations
- 40% claim to take WEEE into consideration when procuring new EEE
- Only 10% showed proper understanding of these requirements
- Some misinterpret that distributor taking back WEEE is because of the regulations and not just customer service

Companies contracted by surveyed organisations

- 45 companies were mentioned
- 9 were found to be distributors
- 50% have been visited, monitoring is on going
- 33 companies (73%) are known to hold a permit
- 20% (9 out of 45) were AATFs which accounts for only 27% of all AATFs
- Only 6 AATFs are known to have issued evidence (mostly B2C!)
- 40% only deal in IT and Telecoms WEEE as core business