

AIWOLG

Agencies' and Industry WEEE Operational Liaison Group

21st September 2010

Hosted by West Sussex County Council – Ford Road, Arundel, West Sussex, BN18 0FL

09.30 – 15.00

Attendees

Industry: S Hill (WAB AATF), J Greenaway (AATF), D Hulse (AATF / AE), S Chapman (DCF), P Burgon, H Rogers

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

SEPA: N Chalamanda

Apologies: D Lucioni, C Brailsford, G Evans, S Butler, P Morton, J Boyce (WAB Producer), R Freeman, K Barker

1. Implications of WAB dissolving on AIWOLG Terms of reference

At the time of the meetings the implications of any changes remained unclear. Agreed to await outcomes of the next WAB meeting and discuss impacts at next meeting.

Action: Ensure this issue is added to the next AIWOLG agenda

R Scarpello

2. Metrics & Regulators Activity

2.1 UK Data, Data SLA and 2009 final observations

5,668 UK Producers of EEE in 2010 vs **5,623** UK Producers of EEE in 2009 an increase of **+1%** and an all time high in the number of registered producers.

268,642 tonnes of **B2C EEE** placed on the market in Q2 2010. This was a **decrease of -3% on Q1**. Cumulatively during Q1 and Q2, **544,610 tonnes** of B2C EEE have been placed on the market (B2B EEE doesn't need to be reported until year end).

Significant variances are noted in the following categories:

Cat 8 Medical devices	83%↓ (4,513T → 770T)
Cat 6 Tools	29%↓ (47,272T → 33,629T)
Cat 4 Consumer Equipment	26%↓ (44,862T → 33,063T)
Cat 13 Gas Discharge Lamps	18%↓ (4,657T → 3,814T)

Drop offs

- ⇒ Total number of drop offs – **511**
- ⇒ Drop offs now registered – **77**
- ⇒ Drop offs not required to register – **311 (61%)**
- ⇒ Currently under investigation – **123**

119,013 tonnes of B2C WEEE and **2,997 tonnes of B2B WEEE** were collected by Producer Compliance Schemes (PCS) in Q2 2010. This was an **increase of +4% on Q1**. Cumulatively during Q1 and Q2, **233,432 tonnes of B2C WEEE** and **5,742 tonnes of B2B WEEE** were collected by PCS.

125,118 tonnes of B2C WEEE and **6,015 tonnes of B2B WEEE** were received by AATFs / AEs during Q2. This was an **increase of +4% on Q1**. Cumulatively during Q1 and Q2, **244,905 tonnes of B2C WEEE** and **10,573 tonnes of B2B WEEE** were received by AATFS / AEs.

There has been **214,241 tonnes** of B2C WEEE and **3,654 tonnes** of B2B WEEE evidence accepted on the Settlement Centre by Q2 2010. (Cumulative for Q1 and Q2),

There remains an 11,473T difference between WEEE reported by schemes and AATFs. Significant variances were noted in the following categories:

Cat 1 Large Household Appliances	6,889T More reported by AATFs / AEs than schemes
Cat 11 Display Equipment	2,161T More reported by AATFs / AEs than schemes
Cat 2 Small Household Appliances	1,982T More reported by AATFs / AEs than schemes
Cat 12 Cooling Appliances	1,889T More reported by AATFs / AEs than schemes

There are **191 UK AATF Operators** registered by Q2. These operate **across 272 registered sites**. There are **62 AEs registered** by Q2, operating from **312 sites** throughout the UK.

2.2 EA Regulatory Activity

Schemes:

Routine desktop monitoring to check for compliance with Operational plans is ongoing each quarter.

Scheme audits have been scheduled by risk profiling. 6 Visits have taken place so far resulting in a number of improvements being required. Common issues identified relate to accuracy of member data.

2011 Operational plan assessment for ongoing approval and 2011 new approval are underway with decisions due at the end of September. Common issues that have been identified relate to viable plan imbalance, not providing enough detail on what systems are in place to ensure that regulatory requirements are met and general inaccuracy (eg, Reg amendments not being taken into consideration, missing appendices, copy and paste errors, etc)

Freeriders:

- ⇒ **183** identified
- ⇒ **40** now registered
- ⇒ **46** not needed to registered
- ⇒ **97** investigation ongoing
- ⇒ **1** prosecutions complete
- ⇒ **£30,905** prosecution fines (including packaging fine)

Action: Investigate whether the recent WEEE producer prosecution has caused an increase in the number of companies registering? R Scarpello

2.3 SEPA Activity

- 2.3.1 Audits of registered producers 16 out of target of 25.
- 2.3.2 12 advisory visits take to non registered recyclers, exporters and exempt sites known to deal with WEEE.
- 2.3.3 41 mid year visits to AATFs and AEs which include 11 Approval inspections for 2011 compliance period and spot check. All AATF and AEs that apply for approval for 2011 will be audited in 2010 before approval.
- 2.3.4 61 free riders for WEEE contacted out of target of 100, resulting in 11 obligated WEEE producers of which 6 have so far registered.
- 2.3.5 Unit has reviewed DCF data for Scottish Local Authorities and is checking the performance levels and assessing their relationship to WEEE that might be potentially missing from the system and may be exported.
- 2.3.6 The second phase of B2B WEEE project is ongoing where further B2B end users have been contacted from private business to obtain intel on their WEEE disposal systems.
- 2.3.7 Completed assessment of operation plans for continued approval and also approved an extra compliance scheme to a total of six.
- 2.3.8 Desktop monitoring of AATFs and AEs is ongoing focusing mostly on data from quarterly returns, evidence issued and schemes that are contracted to them

2.4 NIEA Activity

Audits of registered producers – 3
Freerider visits – 8
Enforcement Activity – 1 warning letter issued
Audits and spot checks of AATFs / AEs – 6

Action: At next meeting provide further information behind the stats given in the NIEA update. G Evans

Concerns were raised about the influence waste management companies have in determining who WEEE will be aligned to.

Action: Agencies to consider the implications and whether this should be investigated further. R Scarpello

Discussions were again held on the discrepancies between WEEE reported by Schemes, AATFs/AEs and that held on the Settlement Centre. It was highlighted that the new data reporting requirements will allow the agencies to identify where these differences are occurring.

The point was raised that AATFs / AEs often post evidence on the settlement centre in arrears.

Action: Agencies to investigate whether this will prevent them from carrying out the analysis to check for discrepancies between scheme / AATF and AE data. R Scarpello

Concerns were raised about the lack of clarity on the new data reporting requirements. It was explained that guidance and templates would be issued shortly to clarify the requirements for schemes and AATFs/AEs and allow IT systems to be implemented.

Action: Ensure that an explanation of the methodology that must be used in calculating non obligated WEEE and a confirmation of what quarters this data will be required for is included when guidance and a final more specific request for the data is issued to AATFs / AEs. Ensure AIWOLG AATFs and AEs are consulted prior to issuing this guidance. R Scarpello

Discussions were held on the discrepancies between B2B WEEE reported by Schemes and AATFs/AEs. It has been noted that a number of schemes have failed to report B2B WEEE in Q1 and 2 despite reporting in previous compliance periods.

Action: Investigate whether the difference in B2B WEEE reported is caused by AATFs / AEs inadvertently reporting non obligated WEEE or miss-reporting by schemes. R Scarpello

3. Ongoing actions from previous meeting

Action: Consider campaign / workshop for AATFs in 2011 to show best practice for data reconciliation. We will consider the findings from our data analysis and if any problems are identified we will target specific companies where analysis of the new data reporting shows there are discrepancies after Q2 2011. R Scarpello

BIS confirmed that the UK's overall performance was to be discussed at the technical adaptation committee meeting. However, this data will not be broken down by B2B / B2C.

Action: Discuss with WAB whether the UK is going above and beyond the requirements of the EU directive by separating out B2B and B2C. S Hill

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. R Scarpello

Action: Chris Grove has circulated a list of currently available guidance to publish on the website that links to the most up to date guidance. All to provide comment and suggestions for improvement of this list. All

Action: Ensure list is published on the EA website prior to next AIWOLG meeting.

H Thorp

C Grove, N Chalamanda and D Hulse had discussed prior to the meeting concerns raised about Equivalent standards and how we can ensure that requirements are harmonised as far as possible with those required for packaging in the updated guidance.

D Hulse raised concerns about the amount of evidence required for exports of WEEE when compared to those required for metal exports in the packaging regime. It was explained that any change in requirements would require a change in regulatory position from BIS. Discussions were also held on why ISO14001 is not accepted as evidence of equivalent standards for all countries. It was clarified that ISO14001 is not accepted where the activity is regulated by a licensing regime. Where the activity is not required to be licensed, a relevant ISO14001 will be accepted.

The requirement to include a copy of the original certificate as well as a renewal letter when renewing a previously approved overseas reprocessor was discussed. It was explained that renewal letters do not provide any details as to what the original certificate covered and what the operating conditions were. Whilst these details could be retrieved as part of the assessment process this would slow down the rate at which applications can be processed.

It was agreed that where a permit is time limited, as long as the permit is valid at the time of application then it will be accepted for the entire compliance year.

D Hulse expressed concerns that individually collating the same evidence that equivalent standards are being met for each overseas site remains a large admin burden for approved exporters.

Action: Discuss with AE forums options for reducing the admin burden and report back to the EA / SEPA with any proposed solutions.

D Hulse

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

P Morton

Action: Agencies to review the proposed protocol at an inter-agency meeting planned for October, advise on acceptance of revisions and include in the forthcoming revision to GN04 WEEE evidence and national protocols guidance.

EA/NIEA/SEPA

Concerns raised in previous meeting on inconsistency in approach by EA staff in AATF / AE annual audits remain. It was reiterated that specific examples are required in order for these to be investigated.

Action: Agencies to share draft AATF / AE compliance monitoring guidance with AIWOLG members to allow feedback and comment. R Scarpello

S Hill and D Hulse gave an overview of how their work to propose some guidelines for AATFs on best practice for demonstrating recovery rates is progressing

Action: Further update on progress to be given at next AIWOLG meeting. S Hill, D Hulse, P Burgon, J Greenaway

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

EA confirmed that the public register is now updated immediately when the suspension status of an AATF/AE changes.

Action: Investigate whether the date that suspension commenced can be added to the public register. R Scarpello

Action: Investigate whether the categories of WEEE that an AATF / AE is able to accept can be added to the public register. R Scarpello

Discussion was held on the EEE and WEEE categorisation of laptops, the position was clarified in the last AIWOLG meeting (see minutes from previous meeting), and by communications to schemes and AATFs/ AEs. However, concerns remain that laptops continue to be found in the small mixed WEEE stream at AATFs.

Action: Share concerns with how this is covered in the guidance / DCF code of practice with the agencies. H Rogers

Concerns were raised at the previous meeting that exports of EEE that are never placed on the UK market are increasing a producer's obligation and no WEEE will be available to meet the obligation.

Action: Schemes to provide detail to the Agencies on situations where producers have certainty that their EEE products are exported from the UK but are still required to report data and attract an obligation on that EEE. S Butler/P Morton

4. Technical Issues

GN04 – WEEE evidence and national protocols guidance

Action: EA to confirm when this document is being issued and confirm that Simon Hill's comments made via WAB SG1 have been taken into consideration in drafting this. C Grove

Action: Agencies to confirm whether AATFs are able to include their own protocols in their applications and whether there can be a de minimus for which a protocol needs to be applied / scope for reduced sampling for low risk / volume if this can be demonstrated effectively. C Grove

Action: Agencies to confirm and include in the GN04 guidance whether the LDA DEFRA protocol can be applied to calculate what the material mix is for this category (ie how much steel in 15T of Cat 1). C Grove

5. AOB

The question was raised as to whether an operator of multiple sites can register just one as an AATF on the proviso that they are working to a single evidence management system.

It was confirmed by the Agencies that the amendments to the WEEE regulations made it a requirement that operators of more than one ATF site must complete a separate form (WMP5) for each ATF and pay the correct fee for **each** application.

AATFs can only issue evidence on waste they have received. The exception is where they can issue evidence for WEEE they've not received if it is for re-use, and the re-use operator is a re-furbisher operating under an exemption.

Any exceptions to this, ie an AATF issuing evidence for WEEE treated at an ATF, would only be considered under exceptional circumstances and be considered on a case by case basis. Operators would need to demonstrate that not only was there an exceptional circumstance but that this was occasional and for an environmental benefit

Action: Ensure communication with all AATFs to confirm this position.
R Scarpello, N Chalamanda, G Evans

Action: Investigate whether companies are avoiding the need to register multiple AATFs by acting as brokers distributing to a number of ATFs. R Scarpello

Discussion was held on PAS guidance that is currently being produced to provide guidelines on testing needed to demonstrate that WEEE is suitable for re-use. It was discussed that it would be useful for this document to give worked examples of what tests are expected. The group would like the chance to feed into any consultation on this document.

Action: Ensure internal EA guidance reflects the requirements of the PAS guidance.
C Grove

Action: Ensure forthcoming meetings are not planned for dates when RWM and futuresource events are scheduled. R Scarpello

RWM = 13th – 15th September 2011

Futuresource = 14th – 16th June 2011

Action: Ensure that a discussion on protocols beyond mixed WEEE is added to the agenda for the next meeting. R Scarpello

Action: Ensure that a discussion of the implications of changes in the definition of waste are added to the agenda for the next meeting. R Scarpello
Action: Confirm location for next meeting. R Scarpello

Future Meetings

1st December 2010 – London (R Scarpello to confirm location)

Dates and locations of forthcoming meetings to be discussed in December meeting.