

AIWOLG
Agencies' and Industry WEEE Operational Liaison Group
12 January, 2011
Held at the London Strand Palace Hotel, 372 Strand, London, WC2R 0JJ
10.30 – 15.00

Attendees

Industry: S Hill, J Greenaway, D Hulse, P Burgon, S Chapman, H Rogers, S Butler, P Morton, C Brailsford

EA: S Stocks, C Chambers, R Scarpello, H Thorp, A Harding

SEPA: N Chalamanda

BIS: G Vickery

Apologies: C Anderson, G Evans, K Barker, R Freeman

1. Introductions, review and update of representatives list

Action: Update representatives list with changes in contact details received following the meeting and post updated list on website. **R Scarpello**

2. Sign off of revised AIWOLG Terms of Reference

A new version of the Terms of Reference was put together to reflect the abolition of the WAB. The new TOR was shared with the group for comment.

Action: Post updated TOR on website. **R Scarpello**

3. Update on AIWOLG AATF and AE telecom held on 21st December, 2010

The group were briefed on the December telecon held to discuss a number of important issues relating to AATFs and AEs that required urgent consideration ahead of this postponed full meeting.

Action: Ensure a record of the meeting is posted on the website. **R Scarpello**

The new mixed WEEE protocol was discussed, the group were consulted on options for calculating the amount of batteries that should be deducted using the protocol. It was agreed that the figure of 0.06 determined from the sampling work should be used and all other category percentages should be rounded to two decimal places.

Concerns were raised that AATFs and AEs that chose to report data using the revised protocol would potentially report that waste has been received in categories that they are not permitted / approved to accept or treat. It was agreed that all sites should have provisions in

place to deal with the receipt of waste for which they aren't permitted and that guidance for auditing staff would be clear that reporting evidence in these categories is acceptable.

Action: Cascade message to area staff involved in auditing to ensure they are aware of the implications of the protocol on categories AATFs and AEs are able to issue evidence on. H Thorp

The group discussed the influence waste management companies have in determining who WEEE will be aligned to and the implications this has for AATFs and AEs to meet the new reporting requirements. It was suggested that AATFs and AEs may not be advised which PCS WEEE has been received on behalf of until several months after the waste has been received. This has implications for compliance schemes data reporting and adherence to operational and viable plans and AATFs / AEs data reporting.

It was agreed that the requirement for AATFs and AEs to report waste received by PCS will allow the agencies to monitor the extent of this problem ahead of further consideration.

Action: Confirm how AATFs / AEs should report when they don't know which scheme the data should be aligned to. H Thorp / L Hatton

Action: Clarify to all AATFs and AEs the mechanism for reporting Q4 data and annual breakdown by PCS. H Thorp / L Hatton

Action: Check communications that have been sent out to inform AATFs and AEs of the new reporting requirements, timetables and mechanisms to submit data and consider whether a week's grace can be provided to submit the Q4 and Summary data. H Thorp / L Hatton

Action: Investigate data available on the settlement centre at year end and ensure that the summary breakdown by PCS isn't already available. H Thorp / L Hatton

Action: Investigate the implications of Local Authorities passing to waste management companies the responsibility of determining which PCS WEEE should be aligned to. A Harding

A draft version of the new Independent Audit Guidance was circulated to the AATFs and AEs on the group prior to the meeting. Feedback was given that the document has been produced too late to be useful for this year particularly with respect to demonstrating downstream recovery rates. Audits should be taking place at AATFs and AEs now in order to meet the end of March deadline for submission.

Action: Consider whether it is appropriate to expect AATFs and AEs to follow the revised Independent audit guidance this year given the timing of its issue. Send reminder to all AATFs and AEs of the deadline for submission of an Independent Audit Report and confirm which guidance we expect companies to follow. H Thorp

Action: Work with AATFs and AEs to minimise the burden of demonstrating downstream recovery rates as far as possible. H Thorp

Action: Ensure the requirements for demonstrating downstream recovery rates are clear in the new Independent Audit guidance. C Grove

4. Metrics & Regulators Activity

4.1 UK Data

5,798 Producers were finally registered in 2010, this is an increase of **3%** on 2009 and an all time high in the number of registered producers.

5,256 UK producers of EEE have registered in 2011 to date. This reduction in numbers is typical for this time of year and is expected to rise throughout the year as drop offs are investigated and new producers join.

279,997 tonnes of B2C EEE placed on the market in Q3 2010. This was an **increase of 5% compared to Q2 (267,754 tonnes)**. Cumulatively during Q1, Q2 and Q3, **823,651 tonnes** of B2C EEE have been placed on the market a 3% reduction on 2009 where **844,839 tonnes** were reported (B2B EEE doesn't need to be reported until year end).

Significant variances between 2010 and 2009 (Q1-3) are noted in the following categories:

Cat 5 Lighting Equipment	131%↑ (77T (2009) → 179T (2010))
Cat 8 Medical devices	29%↓ (1,619T 2009→ 1,145 2010)
Cat 6 Tools	19%↓ (57,118T 2009→ 46,394T 2010)
Cat 13 Gas Discharge Lamps	16%↓ (6,559T 2009→ 5,589T 2010)
Cat 11 Display Equipment	12%↓ (86,229T 2009→ 76,144T 2010)

Large variances are being investigated, the large changes in Cat 5 are thought to result from shifts in the lighting sector towards LEDs

2010 Drop offs

- ⇒ Total number of drop offs – **511**
- ⇒ Drop offs now registered – **66**
- ⇒ Drop offs not required to register – **317 (62%)**
- ⇒ Currently under investigation – **128** (these companies account for only 0.1% of the total EEE on the market)

114,726 tonnes of B2C WEEE and **2,713 tonnes of B2B WEEE** were collected by Producer Compliance Schemes (PCS) in Q3 2010. This was a **decrease of 3% for B2C and 9% for B2B compared to Q2**. Cumulatively during Q1, Q2 and Q3 **347,917 tonnes of B2C WEEE**

and **8,624 tonnes of B2B WEEE** were collected by PCS This represents an increase of **3%** of B2C and a decrease of **25%** of B2B compared with the same period in 2009. The B2B reduction relate to a misunderstanding of the new reporting requirements and is being investigated.

115,121 tonnes of B2C WEEE and **5,375 tonnes of B2B WEEE** were received by AATFs / AEs during Q3. This was a **decrease of 8% for B2C** and **11% for B2B** when compared to Q2. Cumulatively during Q1, Q2 and Q3 **360,077 tonnes of B2C WEEE** and **15,948 tonnes of B2B WEEE** were received by AATFS / AEs. This is an increase of **9% for B2C** and **26% for B2B** when compared to 2009 Q1-3.

There has been **378,835 tonnes** of B2C WEEE and **5,224 tonnes** of B2B WEEE evidence accepted on the Settlement Centre. (Cumulative for all quarters to date).

There remains an 12,160T difference between WEEE reported by schemes and AATFs for Q1-3 (this is slightly larger than the 11,473T difference reported at the end of Q2. Significant variances were noted in the following categories:

Cat 1 Large Household Appliances	7,974T More reported by AATFs / AEs than schemes
Cat 2 Small Household Appliances	1,097T More reported by AATFs / AEs than schemes
Cat 12 Cooling Appliances	2,871T More reported by AATFs / AEs than schemes

There are **195 UK AATF Operators** registered in 2010. These operate **across 277 registered sites**. There are **64 AEs registered** by Q3, operating from **387 sites** throughout the UK.

Action: Handouts of UK data and regulatory activity summaries to be issued to AIWOLG members for consideration prior to future meetings. R Scarpello

4.2 EA Activity

Schemes:

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

Scheme audits have been scheduled by risk profiling. 9 Visits have taken place so far resulting in a number of improvements being required. Common issues identified relate to accuracy of member data.

Desktop monitoring:

Quarterly monitoring is ongoing and has resulted in a number of improvements in schemes operations relating to:

- Late returns
- B2B non reporting
- WEEE Returns Accuracy
- Evidence accuracy
- Use of AATFS not identified in ops plans
- viable plan problems

Freeriders:

We have established a central system for recording reports of potential free-riders so that these can be assessed and where appropriate, forwarded to our local Area teams to investigate.

277 companies identified as potential free-riders have been investigated by our local Area teams with 93 companies now accounted for (now in compliance or not required to register).

We have concluded enforcement action against 14 companies. In 13 cases this has taken the form of a warning letter. The other investigation resulted in a combined prosecution for failure to register under the WEEE and Packaging regulations.

The use of warning letters was considered appropriate after taking account of factors such as the attitude of the offender and the relatively small tonnage of EEE placed on the market. Each of the 13 companies that received a written warning subsequently registered as a producer as did the company that was prosecuted.

We have continued to work with delivery partners, Trade Associations and the media to tackle misconceptions around the scope of the regulations, encourage the reporting of free-riders and help businesses comply with the legislation.

Action: Investigate whether there are any AATFs that aren't issuing evidence.

R Scarpello

4.3 SEPA Activity

20 Producer audits undertaken out of target of 25 .

8 advisory visits were carried to companies that contacted SEPA for advice either as potential producers, or potential applicant to become AATF or AE.

SEPA contacted 79 free riders and out of these 13 were found to be obligated and so far 12 have registered with a compliance scheme

All 5 compliance schemes that were approved for 2010 were audited above the regular compliance assessments that we carry out on a routine basis specifically focusing on viable plans.

30 AATFs and 9 AEs approved for 2011, an increase of 2 AATF from 2010

All AATFs have been audited for approval in 2011, mainly focusing on the requirement to meet the recycling efficiencies

One new PCS has been approved for 2011; S3 Interactive Ltd based in Glasgow and is for both B2B and B2C WEEE IT and Telecoms.

At the time of the report, there were a total of 349 producers registered by SEPA approved compliance schemes.

Action: Provide further detail on the process followed during AATF / AE audits and set out in the WMP7 guidance for checking recycling efficiencies – are particular waste streams investigated as priority? How are contaminants dealt with? e.g. have deductions been made for level of non plastic present in plastics waste stream?

N Chalamanda

4.4 NIEA Activity

AATF/AE

6 full audits have been carried out to AATF's and AEs. They have followed the established procedure and pro-forma as developed in previous years. Depending upon the size of the AATF/AE these have taken up to a half-day, and looked in detail at the processes on site, down-stream reprocessors, and the recycling efficiencies which are being achieved.

In some cases documentation to support meeting recycling efficiency targets has not been immediately forthcoming and further investigations have taken place to give clarity. We are working with the AATFs and Scheme to resolve these issues.

2 warning letters have been issued to AATFs relating to deviation from original applications and not informing the agency of changes.

2 spot checks have been carried out.

We have two new AATF applications for consideration before the 2011 compliance year. However these cannot be fully processed as we are awaiting changes to their waste management licenses.

We also have the same 8 AATFs and 3 AEs applying to re-new their approval. At time of writing, these have almost all been granted approval for 2011.

Producers

Desk based compliance monitoring has been carried out on 28 possible producers. This activity uses the internet to look at the products being placed on the market by the company and provides the introduction to carrying out a 'free-rider' visit.

A total of 11 possible free riding producers have been visited in the period. Often there is a follow-up phase after the visit to check information given on suppliers, and sometimes query elements of scope with the other agencies.

4 registered producers have been visited in the period. This allows us to keep track of which schemes NI producers join and the service that they receive.

Three new producers have registered in this period.

5. Technical Issues

5.1 Hazards associated with batteries

It was discussed that there should be a mechanism for the group to feed into any forthcoming batteries process and best practice review and guidance.

Action: Investigate whether there are any forthcoming guidance review that group should feed into and ensure that guidance is shared with the WEEE community.

A Harding

Action: Ensure there are links on the web pages to link the AIPOLG, AIBOLG and AIWOLG notes.

R Scarpello

6. Regulatory Issues

6.1 GC020 – WEEE from Republic of Ireland

The Environment Agency has reviewed the suitability of this code for movements of crushed and whole non hazardous WEEE from and to England and Wales. It is likely that we will announce that this code is not applicable for these types of waste. This would mean that exports of such waste from England and Wales would need to be notified. A transitional arrangement has already been adopted in respect of imports from the Republic of Ireland. A decision on this issue is expected shortly and we expect to be able to issue a guidance note in February.

6.2 Update on viable plans

Update given on the work currently being undertaken by the Agencies to track changes in scheme operations (particularly those relating to the large number of DCF contracts that are currently changing hands) to ensure that schemes maintain viable plans to demonstrate that they have arrangements in place to collect an amount of WEEE that is 'equivalent' to the amount of WEEE for which they are responsible for financing.

Action: Investigate when Local Authorities and compliance schemes are required to advise EA / BIS on which schemes DCFs are aligned to.

R Scarpello / G Vickery

Action: Raise awareness of the requirements for local authorities via NAWDO.

G Vickery

6.3 Protocols beyond mixed WEEE

Discussion held on the protocols document currently being finalised by Chris Grove in conjunction with AIWOLG members. This is due for completion in the next two weeks.

6.4 Implications of changes in the definition of waste

These changes will mean that certain recovered metals will no longer be classed as waste.

Action: Ensure this topic is added to the agenda for the next meeting to consider the timing of when these changes are likely to occur and the implications on guidance and procedures.
R Scarpello

7 Review of actions from previous meeting

Actions to carry forward:

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

Action: Continue dialogue with EA / SEPA on concerns with the AATF and AE approval process and proposed solutions.
D Hulse

Action: Provide feedback on concerns shared by Hannah Rogers on with how laptops are categorised in the guidance / DCF code of practice.
R Scarpello

8 AOB

7.2 Auditing guidance

AIWOLG AATFs and AEs have been consulted on the Compliance monitoring guidance used by Agency officers. The importance of feeding in suggested improvements or areas of concern was reiterated.

7.3 CRT/TV/Monitor BATRRRT guidance

Discussion held on the TV treatment and handling best practice that has recently been circulated.

Action: Provide electronic copy of the recent update to recycle small mixed WEEE issued to all householders in West Sussex. R Scarpello to circulate to group.

H Rogers

9 Agree dates and locations of forthcoming meetings (proposed dates and venues below):

22nd March Solihull EA
8th June Sheffield EA
6th September London (sarah on Holiday)
29th November Solihull EA

Action: Members of the group to investigate whether they are able to offer a London Venue for the September meeting either rooms available to their own business or groups such as ICER / Intellect that they are members of. Feed back to R Scarpello.

All