

**AIWOLG – Actions and Notes**  
**Agencies' and Industry WEEE Operational Liaison Group**  
**6<sup>th</sup> September 2011 10.30 – 15.00**

Held at Church House Conference Centre, Dean's Yard, Westminster, London. SW1P 3NZ  
[www.churchhouseconf.co.uk](http://www.churchhouseconf.co.uk)

**Attendees**

**Industry:** Craig Anderson, Phil Burgon, Scott Butler, Justin Greenaway, Simon Hill, David Hulse, Phil Morton, Hannah Rogers, Stuart Uster for Sarah Chapman

**EA:** Sue Stocks, Chris Grove, Carly Chambers, Rob Scarpello, Howard Thorp

**SEPA:** Nathaniel Chalamanda

**BIS:** Graeme Vickery

**ICER:** Claire Snow

**Apologies:** C Brailsford

**1. Introductions**

Introduction was given for Claire Snow (ICER) who joined the group and to Stuart Uster who stood in for Sarah Chapman.

It was discussed that actions from previous meetings will be covered at the end of the meeting since many of the points will be covered during the rest of the agenda.

**2. BATRRT**

Paul Barker shared an update on the ongoing BATRRT project being led by the Environment Agency. The project aims to clarify the BATRRT requirements for specific waste streams to ensure a level playing field for operators and ensure appropriate environmental protection. The initial focus of the project is to target a prioritised list of WEEE waste streams to ensure that all operators meet BATRRT within a suitable timeframe. The list has been prioritised based on the environmental hazards associated with operators failing to comply with BATRRT and compliance officer and industry concerns.

Views were sought from industry representatives on the priority list of waste streams being targeted by the BATRRT project. Simon Hill suggested that small mixed WEEE (SMW) should be dealt with as a higher priority because of the large volumes of waste and large number of sites with potentially differing treatment standards.

### **Action 1:**

Consider the priority order in which SMW will be targeted by the BATRRT project

**P Barker**

The difference between the DEFRA BATRRT guidance and the Environment Agency regulatory position statement was clarified. The DEFRA BATRRT guidance sets out the general standards that must be achieved whereas the regulatory position statement sets out the framework to bring operators up to speed with these requirements by setting out a timeframe to implement specific systems in order to meet the regulatory requirement.

An update was given on the recently issued CRT guidance which sets requirements for the way waste CRTs are stored, bulked and processed to ensure that breakage is prevented and when they are likely to break during processing or deliberately broken, we expect operators to use BAT to ensure emissions of dusts are captured and collected before they are dispersed. In general the group were satisfied with the approach being taken on this.

Concerns were raised around the practicalities of ensuring that BATRRT is met by overseas treatment facilities. The Agencies position was clarified in that exporters must be able to demonstrate that equivalent standards are met at any overseas sites that the material will be treated at.

Concerns were raised regarding the potential for an AATF to bale up untreated WEEE and then seek to have it exported by an AE and in so doing the AATF would issue the relevant evidence. The question was asked whether the baling and subsequent export of untreated WEEE was a compliant practice under the WEEE and Waste Shipment regulations.

### **Action 2:**

Agencies to confirm the legally compliant position on this point.

**Steve Skitt**

### **Action 3:**

Industry requested to share any intelligence on where such practices may be occurring.

**All**

Scott Butler raised concerns that there are currently split responsibilities for ensuring BATRRT compliance. Schemes, the Agencies and WRAP all currently have a role to play in regulating this. This leads to a lack of clarity on who is responsible and potential inefficiencies with the same work being done by each of the parties involved.

### **Action 4:**

Clarify the role of all stakeholders in ensuring that the AATFs they are using adhere to BATRRT.

**Chris Grove**

### 3. Illegal WEEE Exports

#### Update on illegal exports and enforcement

An update was given by Chris Smith and Paul Keay of the Environment Agency's National Enforcement Service on the approach being taken by the Environment Agency to tackle illegal WEEE exports. The Environment Agency's intelligence based approach was explained where the aim is to achieve a better understanding of the whole waste crime picture so that the root causes of problems are addressed rather than just dealing with the symptoms. It was discussed that this approach requires a large amount of partnership working. All members of the group were asked to consider opportunities for working together and it was emphasised that all players in the WEEE sector have a role to play in ensuring that illegal activity is prevented.

The group were also reminded that any information on waste crime can be reported either directly to the Environment Agency or if people would prefer to report anonymously the information can be reported to Crimestoppers on **0800 555 111**.

Further information on the Environment Agency's approach to tackling waste crime can be found at:

<http://www.environment-agency.gov.uk/business/130133.aspx>

Hannah Rogers asked for clarification on Local Authorities' responsibilities as end users of WEEE. It was discussed that all players in the WEEE system must work together to ensure that WEEE is prevented from leaking to illegal sites, sometimes this can mean working beyond the strict requirements of the legislation. Wherever possible we will work with Local Authorities to provide a steer on companies they may be using that they should investigate further. It was explained that we're currently looking into the legal implications of publicising lists of companies that we have issued stop notices on.

Concerns were raised by Scott Butler and Phil Morton that the current provision in the Regulations for Schemes to collect WEEE on behalf of other Schemes leads to a loss of control over where WEEE is treated. This means that Schemes cannot always be satisfied that WEEE collected and treated on their behalf is dealt with legitimately and prevented from leaking from the system.

The role of the DCF code of practice in preventing illegal exports and minimising costs for access to WEEE and the regulation of the code of practise was then discussed. Graeme Vickery of BIS explained that DCF code of practice is not currently being reviewed but can be considered if there are specific concerns raised directly to him. In addition, any suspected breaches of the code of practice should be reported directly to Graeme Vickery.

Claire Snow discussed plans for holding a session at the ICER group on the 28<sup>th</sup> September on how all the key players can work together under the current Regulations to try and prevent some of these issues from occurring.

**Action 5:**

Ensure representatives from the Agencies attend this meeting.

**Chris Grove**

**Action 6:**

Report back the key findings from this meeting to the next AIWOLG group.

**Claire Snow**

#### **4. Technical Issues**

##### **PAS141**

An update was given by Chris Grove on the recently published PAS141 guidance on re-use standards produced in cooperation with the Department for Business Innovation and Skills, the Environment Agency, the Department for the Environment, Food, Rural Affairs and the Waste and Resources Action Program.

The standard sets out practical advice that may help reduce costs and ensure reused products and WEEE are of high quality and may potentially raise confidence in the refurbishment of WEEE. It's a matter for Schemes whether or not they will encourage their reuse partners to be certified as working to PAS 141 - certification is **not** a statutory requirement.

It was asked whether the guidance means that re-use evidence can only be issued by those organisations that have been audited by PAS141 auditors. It was confirmed that it would be above and beyond the regulatory requirements for this to be required.

#### **5. Regulatory Issues**

##### **WEEE avoided costs**

An update was shared with the group on proposals currently being shared with the WEEE Scheme forum to collate evidence costs for each category paid by Scheme members. The information is being sought to allow the Environment Agency use aggregated data to present estimates of avoided costs to courts when taking cases against 'freeriding' producers who have failed to register with a Compliance Scheme. Not having this information currently means that there are difficulties in ensuring appropriate prosecutions and fines are issued by the courts.

Opinions were sought from the Schemes on the group on whether they would be prepared to share their data to feed into this project. Concerns were raised that even aggregated costs data would potentially artificially affect the market if it were to enter the public domain.

**Action 7:**

Consider a case specific approach rather than collating a generic dataset up front and share proposals with the group.

**Rob Scarpello**

**Action 8:**

Provide estimated tonnage figures for freeriders that have been issued with warning letters.

**Rob Scarpello**

**Broadly equivalent queries including export of contaminated plastics**

Justin Greenaway raised concerns about inconsistent approaches being taken where material that requires treatment at multiple downstream sites is exported overseas. He felt that some exporters may only be providing evidence of equivalent standards for the first overseas treatment facility for material that requires treatment at several downstream sites.

**Action 9:**

Confirm the Environment Agencies' information requirements for material exported for treatment overseas including equivalent standards information for exported WEEE.

**Steve Skitt**

David Hulse raised concerns with the level of support received from PRRS staff in identifying acceptable evidence from overseas sites.

**Action 10:**

Ensure that PRRS staff are consistent and as customer focussed as possible in their approach to supporting operators in obtaining this information.

**Steve Skitt**

**6. Metrics & Regulators Activity**

**WEEE AATF & AE Workshops**

An update was given on the success of the recent AATF / AE days on improving the quality of quarterly data submissions received following the event. The results of feedback

collated at the event on the service received from the Environment Agency was also discussed. Overall the results showed good service across the range of measures.

### UK Data

Number of producers = 5,769 – an increase of 47 from the previous month and looks to be steadily increasing towards the final end of year figure for 2010 of 5,815.

Total number of AATFs = 228 – 1 AATF has been suspended for failing to submit a 2010 audit report. 9 AATFs have been cancelled because of site changes and changes in legal entity.

Total number of AEs = 72

The difference between WEEE data reported by Schemes and WEEE data as reported by AATFs / AEs was very small in Q1 (<1000T), however, in Q2 this has now widened to approximately 4,500T with Schemes reporting more than AATFs / AEs in a number of categories.

The amount of WEEE collected to date in 2011 exceeds all previous years' Q1 and Q2 figures, yet EEE placed on the market is lower for 2011 Q1 and Q2 than all previous years' figures.

### EA Activity

The Environment Agency have focussed activity over the last quarter on:

Improving the quality of quarterly returns received from AATFs and AEs and preparing for the forthcoming round of AATF / AE approvals. Both of which were addressed at the AATF / AE event in Sheffield.

Reducing the number of resubmissions needed by Compliance Schemes.

Desk top monitoring of all our Compliance Schemes and site based audits at 4 Compliance Schemes.

Investigating 2010 viable plan compliance following submission of 2010 DoCs

### SEPA Activity

The unit has undertaken 12 producer audits this year. Our target for this compliance period is to complete a total of 25

18 mid year inspections and spot checks on AATFs/ AEs have been undertaken

6 WEEE advisory visits have taken place for producers seeking assistance in data collation, potential producers or ATFs seeking approval.

45 EEE Free riders were contacted (out of target of 100). Of these 39 have been resolved and 8 were obligated.

Assessment of data returns from PCS as well as AATF and AEs continues to be a large activity. AATFs are still making some fundamental mistakes in their quarterly returns which require amending or resubmitting.

Continuous monitoring of compliance schemes' operations against their operational plans

Preparation for a large amount of work processing applications for 2012 approvals for ATFs and AEs.

Monitoring performance of DCFs in Local Authorities focusing on average WEEE collected per Local Authority per population head. This information is also assisting in intelligence gathering and disruption exercises on potential illegal WEEE exports.

Processing an approval of a new Compliance Scheme commencing from 2012.

## **NIEA Activity**

### **AATF/AE**

This year NIEA have been operating with the largest number of AATF and AEs since the introduction of the regulations, and three new AATF applications have been approved for the 2011 compliance year. We have 11 AATF and 3 AE facilities currently approved.

In terms of regulatory activity 15 spot checks have been carried out at AATF and AE facilities. These have focussed upon a number of areas, including the evidence the facility has issued, and checking that the facility is operating as described in its application, especially with regard to down-stream processing.

1 full audit has been carried out to an AATF. Full Audits to other AATF's and AE's are planned for the next quarter of the compliance year.

### **Producers**

Desk based compliance monitoring has been carried out on 43 possible producers. A total of 15 possible free riders have been visited in the period.

7 new producers have registered in this period.

There are 83 companies on the public register as WEEE compliant based in Northern Ireland.

## Schemes

NIEA is currently processing 2 scheme applications for the 2012 compliance year.

### 7. Review of actions from previous meeting

A discussion was held on the approach being taken by the Agencies to monitor to ensure that reuse is prioritised. It was agreed that further discussion was needed to come to agreement on whether this is a priority.

#### **Action 11:**

Industry to consider arranging a workshop to identify areas for change to put forward to the Agencies. **All Industry Reps**

Clarification is still needed on how AATFs / AEs should report when they don't know which Scheme the data should be aligned to.

#### **Action 12:**

Ensure this message is clarified to all AATFs and AEs and area officers are targeting this appropriately. **Howard Thorp**

### 8. AOB

A query was raised in writing prior to the event by Rupert Foxhall of DHL on inconsistencies between Schemes and AATFs and AEs on the classification of B2B WEEE as B2C based on interpretation of the 'nature and quantity' provision in the Regulations.

#### **Action 13:**

Schemes and AATFs / AEs to report any examples where they believe inappropriate classification has occurred. **All**

#### **Action 14:**

Provide clarity of the Agencies' approach to regulating this aspect of the Regulations. **Howard Thorp**

Justin Greenaway raised concerns about the practice of cable cutting taking place at DCFs.

#### **Action 15:**

Confirm the Agencies' position on this practice and whether this contravenes the code of practice. **Howard Thorp**

## 9. Forthcoming meetings

29<sup>th</sup> November – AMDEA, London, WC1N 3NW

### **Action 15:**

Agree dates and locations of forthcoming meetings at the November meet. **Rob Scarpello**