

Producer Compliance Schemes

21 April 2008

Dear Colleague

The Waste Electrical and Electronic Equipment Regulations 2006 and 2007

As we approach the 1 June deadline for approved Producer Compliance Schemes (schemes) to submit declarations of compliance under the WEEE Regulations, this seems an appropriate time to clarify a number of issues.

The Settlement Centre (SC)

Users of the Settlement Centre have raised questions over the operation and functionality of the Settlement Centre (SC). I feel therefore that it would be helpful to clarify the function, our plans for the future development of the SC and the position of Rtel.

The SC has been developed as a data collection facility to help schemes manage their obligations including monitoring evidence levels against indicative obligations, providing a notice board facility to show evidence for sale or requests to buy and the recording of trading activity.

Rtel are the appointed contractor to develop and operate the SC on behalf of BERR. They do not have any decision making role in terms of the function of the SC or the underlying policy. They are however, on hand to provide technical advice in the event of difficulties in inputting or retrieving data, including helping to rectify input errors.

Turning to specific queries recently raised by users. A number of schemes have requested a facility within the SC to identify the original source of the WEEE in relation to the corresponding evidence. For example, evidence specifying the DCF or if the WEEE has entered the system via regulation 32 (or 40A from CP2). Evidence is issued by AATF/AEs in accordance with agreements made with schemes. It is highly likely that evidence will cover WEEE which has entered the system via more than one route. To insist that evidence could be tracked to specific loads of WEEE is currently considered an undesirable change to the Regulations so this requirement will not be added to the function of the SC.

I am aware that some schemes are not happy with the barriers placed on the SC preventing evidence being transferred from one scheme account to another until there is sufficient evidence to discharge its indicative obligation. I have considered this request and on balance, view the current system to be sufficient for schemes to operate effectively. Schemes are able to make agreement for the purchase and sale of evidence outside of the SC but the final trade will not be activated until the selling scheme has sufficient evidence in their account to discharge their indicative obligations.

Although the basics of the SC are now in place, my team will be discussing with Rtel enhancements to the core facility. If schemes have suggestions I would be grateful if you could

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pass them to Kath Barker at Kath.Barker@berr.gsi.gov.uk no later 1 May 2008. All suggestions received will be given appropriate consideration and will be considered alongside any recommendations put forward as a result of the WEEE Advisory Body's work.

Evidence System

A number of concerns have been raised around the issuing of evidence in particular the timing and accompanying documentation. As you are aware we have recently issued a note outlining a temporary flexibility to the system for the export of metals. This flexibility will stay in place for the first and second compliance periods. A copy of the supplementary guidance is on the BERR website.

As part of our work moving forward I am planning a full review of the evidence process across all categories and materials later in the year. The details of this review have yet to be finalised but details will be communicated to stakeholders shortly. Any changes to the evidence system arising out of the review will be considered for Compliance Period 3 onwards.

Enforcement

I am aware that a number of schemes have raised concerns over the enforcement powers of the agencies in relation to the discharging of obligations at the end of the compliance period and the requirements of Schedule 7 of the Regulations.

The agencies have sufficient powers to take enforcement action against any scheme, individual producer or AATF/AE who is not working within the Regulations. This includes securing sufficient evidence to show they have discharged their obligations, the requirements of Schedule 7 to collect in line with their notified obligations, and supplying appropriate and accurate data. The agencies have requested that schemes update their operational plans and will be analysing their content in line with the requirements of the Regulations.

Any organisations obligated or approved under the Regulations are exposed to enforcement action as set out in Part 13 (Regulations 70 – 72) and ultimately Offences and Penalties (Regulations 73 – 74) set out in Part 14.

A copy of this letter will be placed on the BERR website.

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