

Principal statutes and statutory instruments

<p>Producer Responsibility Obligations (Packaging Waste) Regulations 2007 SI 871</p>	<p>These Regulations (which apply to Great Britain) impose on producers the obligation to recover and recycle packaging waste, and related obligations, in order for the United Kingdom to attain the recovery and recycling targets set out in Council Directive 94/62/EC on packaging and packaging waste as amended.</p>
<p>Producer Responsibility Obligations (Packaging Waste) Regulations 2008 SI 871 – Part II</p>	<p>Provides that where a producer satisfies the two threshold tests (set out in Schedule 1, paragraph 3), he will have producer responsibility obligations for that year. The criteria for being a producer are to have a turnover of more than £2M and to have handled packaging or packaging materials weighing > 50 tonnes in the previous year. A producer is obligated under recovery and recycling obligations based on the materials handled and quantities handled. A producer can purchase packaging waste recovery notes ("PRNs") or packaging waste export recovery notes ("PERNs") or both to satisfy his obligations himself, or may join a compliance scheme. Where he joins a scheme that is registered with an appropriate Agency he is exempt from complying with his producer responsibility obligations for that year. The scheme must meet the recovery and recycling obligations and, where appropriate, the consumer information obligations, that its members would have had, but for their membership of the scheme.</p>
<p>Producer Responsibility Obligations (Packaging Waste) Regulations 2007 SI 871 – Part III</p>	<p>Sets out the requirements for registration of a producer or a compliance scheme, the conditions that apply and why (and how) that registration may be cancelled. Under regulation 6 producers who are not members of registered compliance schemes need to be registered, in England or Wales with the Environment Agency or, in Scotland with the Scottish Environment Protection Agency.</p>
<p>Producer Responsibility Obligations (Packaging Waste) Regulations 2007 SI 971– Parts IV to VIII</p>	<p>Part IV of these Regulations sets out the requirements on producers and operators of schemes to keep records and furnish returns to the appropriate Agency and on producers to provide certificates demonstrating compliance with their recovery and recycling obligations. Part V of these Regulations sets out the procedure for applying for accreditation as a reprocessor to issue PRNs or as an exporter to issue PERNs. Part VI of these Regulations sets out the right of appeal. Part VII of these Regulations sets out the duties of the appropriate Agencies to monitor compliance and keeping a public register. Part VIII of these Regulations sets out how to apply these Regulations to groups of companies and to situations where two or more businesses are in relationships involving licenses of trade marks or pub operating agreements and how to apportion the recovery and recycling obligations and other obligations where mid-year changes occur.</p>
<p>End of Life Vehicles Regulations 2003 SI 2635 and End-of-Life Vehicles (Producer Responsibility) Regulations 2005 SI 263</p>	<p>These Regulations implement Directive 2000/53/EC of the European Parliament and the Council on end-of-life vehicles. The Regulations require a producer to register with the Secretary of State and declare responsibility for those vehicles which he has placed on the market. A producer is obliged to make provision for vehicles for which he has declared responsibility, or has been ascribed responsibility by the SoS, or when a producer's business is transferred to another person. The Regulations require a producer to apply to the SoS for approval of the system he has established to collect vehicles for which he is responsible. A producer's system for collection must contain sufficient capacity to treat those end-of-life vehicles for which he is responsible and must also be reasonably accessible to any person who wants to deliver an end-of-life vehicle to it. There are reuse, recovery and recycling targets for end-of-life vehicles treated at authorised treatment facilities. Producers and where appropriate owners or operators of authorised treatment facilities are required to submit a certificate of compliance to demonstrate that they have met their obligations under regulation 18.</p>

<p>End of Life Vehicles Regulations 2003 SI 2635</p>	<p>Set out design requirements for materials and components of vehicles and requires producers to ensure that materials and components of such vehicles do not contain lead, mercury, cadmium or hexavalent chromium. Producers may be required to submit technical documents showing compliance with the requirements which must be kept for a period of four years from the date the materials and components are put on the market. Enforcement is by a compliance notice procedure.</p> <p>A producer is required to use material and component coding standards to facilitate the identification of those materials and components which are suitable for reuse and recovery. A producer is obliged to keep the information necessary to demonstrate compliance for a period of four years from the date the materials and components are put on the market. A producer is required to provide the enforcement authority with dismantling information within six months after the date that each type of new vehicle is put on the market. Producers are required to publish information on the recoverability and recyclability of vehicles. Enforcement is by a compliance notice procedure.</p> <p>When an end-of-life vehicle is transferred for treatment, an authorised treatment facility may issue a Certificate of Destruction (CoD) to the last holder /owner of the end-of-life vehicle. Authorised treatment facilities are prevented from imposing a charge on the last holder/owner for issuing the CoD. For end-of-life vehicles put on the market on or after 1st July 2002, producers are responsible for meeting the costs of treatment of an end-of-life vehicle which has no market value when delivered to an authorised treatment facility for treatment..</p> <p>All recovery operations currently carried out under the cover of registered exemptions from the requirement to have a site licence, (with the exception only of those carried out on depolluted vehicles) are now required to be conducted under the authorisation of a site licence (see E Key Facts No.2)</p>
<p>Waste Electrical and Electronic Equipment Regulations 2006 SI 3289</p>	<p>These Regulations transpose the main provisions of Council Directive 2002/96/EC on waste electrical and electronic equipment. They apply, with certain exceptions, to the categories of EEE specified in Schedule 1. The products listed in Schedule 2 fall within the categories set out in Schedule 1. The first compliance period is from 1st July 2007 to 31st December 2007. All producers who put EEE on the market in the United Kingdom in a compliance period will be responsible for financing the costs of the collection, treatment, recovery and environmentally sound disposal of (a) WEEE from private households that is deposited at designated collection facilities (DCFs), or returned under an in-store take back service. All producers must join an approved compliance scheme. Regulation 8 sets out the rules for working out the level of a producer’s financing obligation under that regulation. A producer must provide a declaration of compliance, together with supporting evidence, to the Environment Agency(ies). Charges that must be paid to the EA or SEPA for registration of compliance schemes.</p> <p>A producer must mark EEE that he puts on the market with the crossed out wheeled bin symbol, a producer identification mark and a date mark and must also provide information on reuse and environmentally sound treatment for each new type of EEE put on the market by that producer.</p> <p>Approved compliance schemes must register or notify each producer who is a member of that scheme with the Environment Agency. An operator of a scheme has reporting, compliance and record keeping obligations. Distributors shall be responsible for providing an in-store take back services for customers in relation to specified WEEE unless they are a member of a distributor take back scheme. Distributors have a right to return WEEE from private households free of charge to a system set up by a producer compliance scheme and must keep records of transfers.</p> <p>There are special provisions relating to the financing obligation on users of business WEEE that arises from EEE that was put on the market in the United Kingdom before 13th August 2005.</p> <p>A person who collects or transports WEEE must ensure that reuse and recycling of that equipment, or its components, is optimised and they may refuse to handle contaminated WEEE.</p> <p>A person who treats WEEE must be an authorised treatment facility (“ATF”) or an exporter for the purpose of issuing evidence of producer or scheme compliance under these Regulations through ‘evidence notes’ which may be sold to producer compliance schemes.</p> <p>There are three new exemptions for storing or treating WEEE for the purposes of reuse, recovery or recycling introduced under the Environmental Permitting Regulations 2007 (see E Key Facts No.4)</p>
<p>Waste Batteries and Accumulators Regulations 2009 SI 890</p>	<p>These Regulations and the Accumulators (Placing on the Market) Regulations 2008 implement Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators</p> <p>The Regulations apply to all batteries other than those used in certain equipment connected with the essential security interests of EEA states and equipment designed to be sent into space (regulation 6). The Regulations divide batteries into three categories: automotive batteries, industrial batteries and portable batteries.</p> <p>Part 2 imposes obligations on producers of portable batteries that require that producers other than small producers each finance the costs of collection, treatment and recycling of a share of all the portable batteries placed on the market for the first time in the United Kingdom. Regulation 9 requires producers of portable batteries to join a battery compliance scheme and regulation 10 provides that such membership exempts a producer from its financing obligation and the need to demonstrate individual compliance with that obligation. Regulation 11 requires scheme members to provide information to battery compliance schemes, regulation 12 requires them to keep records and regulation 13 requires small producers to provide information to the appropriate authority.</p>

	<p>Part 3 makes provision in relation to battery compliance schemes and registration of producers of portable batteries.</p> <p>Part 4 makes provision in relation to the obligations and rights of distributors of portable batteries and of other economic operators. Regulation 31 requires distributors of portable batteries to take back waste portable batteries free of charge. The requirement does not apply to small distributors. Regulation 32 requires scheme operators to arrange on request for the pick up from distributors of the waste batteries taken back. Part 6 provides for the approval of battery compliance schemes.</p> <p>Automotive and industrial batteries</p> <p>Part 5 of the Regulations makes provision specifically in relation to industrial and automotive batteries. Regulation 35 imposes obligations on producers of industrial batteries to take back waste industrial batteries free of charge from end-users of such batteries on request. Regulation 36 imposes obligations on producers of automotive batteries to collect waste automotive batteries free of charge from final holders of such batteries on request. However, producers of industrial and automotive batteries may enter into contracts making alternative arrangements for financing the costs of the collection, treatment and recycling of waste batteries. Producers of industrial and automotive batteries must ensure that all waste batteries they take back or collect are delivered for treatment and recycling to an approved battery treatment operator or an approved exporter. Regulations 39 to 41 provide that producers must report on and keep records of the amount of batteries placed by them on the market for the first time in the UK and the amount of waste batteries collected by them and delivered for treatment and recycling.</p> <p>Regulations 42 to 46 require producers to be registered with the Secretary of State and to notify any changes in the registration information. Schedule 2 sets out the information which must be supplied with an application for registration.</p> <p>Provision common to all categories of battery</p> <p>Part 7 makes provision in relation to disposal, treatment and recycling of waste batteries. Regulation 56 prohibits the disposal in England, Wales and Northern Ireland of waste industrial or automotive batteries in landfill or by incineration. Regulation 57 restricts the issue of batteries evidence notes (evidencing the delivery of waste portable batteries for treatment and recycling) to approved battery treatment operators and approved exporters. The evidence notes must relate to waste portable batteries accepted by them at sites to which their approval relates. Regulation 57 also prohibits the treatment and recycling of waste industrial or automotive batteries by anyone other than an approved battery treatment operator or an approved battery exporter who has accepted those waste batteries at a site to which their approval relates.</p>
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Criminal penalties and remedies

Producer Responsibility Obligations (Packaging Waste) Regulations 2005 SI 3468	Under regulation 40 it is an offence to contravene the producer responsibility obligations to register, recover and recycle packaging waste, and furnish a certificate of compliance to the appropriate Agency, or to provide false or misleading information, or to prevent the appropriate Agencies from exercising their powers of entry and inspection. All offences are liable to a £5000 fine in summary conviction or to an unlimited upon following conviction on indictment.
End-of-Life Vehicles (Producer Responsibility) Regulations 2005 SI 263 and Waste Batteries and Accumulators Regulations 2009 SI 890	There are variety of offences which are all liable to maximum penalties upon conviction of £5,000 on summary and unlimited on indictment.
End of Life Vehicle Regulations 2003	There are variety of offences created under Reg. 10, 23 42 which are all liable to maximum penalties upon conviction of £5,000 on summary and unlimited on indictment or level 5 fines on the standard scale.
Waste Electrical and Electronic Equipment Regulations 2006	There are variety of offences under the Regulations which are liable to maximum penalties upon conviction of £5,000 on summary and unlimited on indictment or for lesser offences to a level 5 fine on the standard scale

What products may be classed as WEEE Under Schedules 1 and 2 to the WEEE Regs 2006?

Categories of WEEE		
<p>1. Large household appliances Large cooling appliances Refrigerators Freezers Other large appliances used for refrigeration, conservation and storage of food Washing machines Clothes dryers Dish washing machines Cooking Electric stoves Electric hot plates Microwaves Other large appliances used for cooking and other processing of food Electric heating appliances Electric radiators Other large appliances for heating rooms, beds, seating furniture Electric fans Air conditioner appliances Other fanning, exhaust ventilation and conditioning equipment</p>	<p>2. Small household appliances Vacuum cleaners Carpet sweepers Other appliances for cleaning Appliances used for sewing, knitting, weaving and other processing for textiles Irons and other appliances for ironing, mangling and other care of clothing Toasters Fryers Grinders, coffee machines and equipment for opening or sealing containers or packages Electric knives Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances Clocks, watches and equipment for the purpose of measuring, indicating or registering time Scales</p>	<p>3. IT and telecommunications equipment Centralised data processing: Mainframes Minicomputers Printer units Personal computing: Personal computers (CPU, mouse, screen and keyboard included) Laptop computers (CPU, mouse, screen and keyboard included) Notebook computers Notepad computers Printers Copying equipment Electrical and electronic typewriters Pocket and desk calculators Other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means User terminals and systems Facsimile Telex Telephones Pay telephones Cordless telephones Cellular telephones Answering systems Other products or equipment of transmitting sound, images or other information by telecommunications</p>
<p>4. Consumer equipment Radio sets Television sets Videocameras Video recorders Hi-fi recorders Audio amplifiers Musical instruments Other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications</p>	<p>5. Lighting equipment Luminaires for fluorescent lamps with the exception of luminaires in households Straight fluorescent lamps Compact fluorescent lamps High intensity discharge lamps, including pressure sodium lamps and metal halide lamps Low pressure sodium lamps Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs</p>	<p>6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools) Drills Saws Sewing machines Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses Tools for welding, soldering or similar use Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means Tools for mowing or other gardening activities</p>
<p>7. Toys, leisure and sports equipment Electric trains or car racing sets Hand-held video game consoles Video games Computers for biking, diving, running and rowing Sports equipment with electric or electronic components Coin slot machines</p>	<p>8. Medical devices (with the exception of all implanted and infected products) Radiotherapy equipment Cardiology Dialysis Pulmonary ventilators Nuclear medicine Laboratory equipment for in-vitro diagnosis Analysers Freezers Fertilization tests Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability</p>	<p>9. Monitoring and control instruments Smoke detector Heating regulators Thermostats Measuring, weighing or adjusting appliances for household or laboratory equipment Other monitoring and control instruments used in industrial installations (for example, in control panels)</p>
<p>10. Automatic dispensers Automatic dispensers for hot drinks Automatic dispensers for hot or cold bottles or cans Automatic dispensers for solid products Automatic dispensers for money All appliances which deliver automatically all kind of products</p>		

What are the recycling targets for packaging waste?

As set out in the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2008, the current targets for recycling are as follows:

Material	2008	2009	2010
Glass	78	80	81
Aluminium	35	38	40
Steel	68	68.5	69
Paper/board	67.5	68.5	69.5
Plastic	26	27	29
Wood	20.5	21	22"