EXPLANATORY MEMORANDUM TO

THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (CHARGES) REGULATIONS (NORTHERN IRELAND) 2014

SR 2014 No. 202

Introduction

This Explanatory Memorandum has been prepared by the Department of the Environment (the Department) to accompany S.R. 2014 No. 202 which is laid before the Northern Ireland Assembly.

The Statutory Rule is made in accordance with Section 56(1) of the Finance Act 1973 and is subject to the negative resolution procedure.

Purpose

These Regulations set fees and charges for the registration and monitoring of Producer Compliance Schemes, Small Producers and Treatment or Export Facility Operators and revoke The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006 (the 2006 Regulations).

Background

EU legislation promoting the collection and recycling of WEEE has been in force since 2003 (Directive 2002/96/EC)(the 2003 Directive). The aim of the 2003 Directive was the prevention or minimisation of discarded electrical and electronic equipment (EEE) within the general waste stream by improving the environmental performance of all operators involved in the lifecycle of EEE. It extended the 'producer responsibility' obligations placed upon those who manufacture EEE and/or place it on the market and provided for the creation of collection schemes where consumers return their WEEE free of charge.

On 24 July 2012 the WEEE recast Directive (Directive 2012/19/EU) (the Directive) was published in the EC Official Journal. It aims to further enhance the implementation and enforcement of the 2003 Directive and reduce the regulatory and cost burdens on business.

The Directive was transposed on a UK wide basis through the Waste Electrical and Electronic Equipment Regulations 2013 (S.R. 2013 No 3113) (the 2013 Regulations) bar fees and charges in Northern Ireland.

Consultation

Northern Ireland participated in a UK-wide consultation which commenced on 17 April 2013. Nine responses were received from stakeholders in Northern Ireland with no issues raised in relation to fees and charges.

Equality Impact

There are no equality issues associated with these Regulations.

Regulatory Impact

An Impact Assessment was carried out on a UK-wide basis and was attached as an appendix to the consultation document. A copy is available on the BIS website at https://www.gov.uk/government/publications/impact-assessment-opinion-waste-electrical-and-electronic-equipment-weee-system-final-stage

Financial Implications

These Regulations align fees and charges with those in England, Scotland and Wales resulting in reductions to the 2006 Regulations as follows:-

- the application fees for a scheme approval is reduced from £12174 to £12150;
- the annual producer charges reduced from £220 to £210 and
- the application fee for approval of an authorised treatment facility or exporter reduced from £2590 to £2570.

They also introduce a Small Producer Fee of £30 following the introduction of the de-minimums threshold.

Section 24 of the Northern Ireland Act 1998

The Statutory Rule complies with the provisions set out in Section 24.

EU Implications

The Regulations are required to complete transposition of the Directive in Northern Ireland.

Parity or Replicatory Measure

Fees and charges in England, Scotland and Wales are set out in the 2013 Regulations.

Additional Information

These Regulations revoke The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006.