

SCHEDULE 3

Regulations 47 and 49

Approval of proposed schemes

PART 1

Information to be included in an application for approval

1. The name of the proposed scheme.
2. The name of the operator of the proposed scheme.
3. The address and telephone number of—
 - (a) the registered office of the operator of the proposed scheme; or
 - (b) if the operator is not a company registered in the United Kingdom, the principal place of business and telephone number of that operator in the United Kingdom.
4. Where the operator of the proposed scheme is a partnership or a limited liability partnership, the names of all the partners or members of the partnership, as the case may be.
5. An address for service of notices if different from that referred to in paragraph 3.
6. Confirmation that the rules of the proposed scheme provide—
 - (a) that a scheme member must apply to join the scheme for a minimum period of—
 - (i) one relevant compliance period; or
 - (ii) in the case of a producer who does not become a producer until after the start of a relevant compliance period, the remainder of that relevant compliance period;
 - (b) that where a scheme member's membership is cancelled, any such cancellation does not take effect until the end of the compliance period.
- 7.—(1) A statement as to whether or not the operator of the proposed scheme has been convicted of an offence under—
 - (a) regulation 89(2);
 - (b) regulation 73(3) or (4) of the Waste Electrical and Electronic Equipment Regulations 2006(1); or
 - (c) the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(2), committed in the operator's capacity as an operator of a scheme under those Regulations.(2) If the operator has been convicted of such an offence, an explanation of—
 - (a) how every contravention which resulted in such a conviction occurred;
 - (b) any steps which have been taken to ensure that such a contravention will not recur.
8. Confirmation that the rules of the proposed scheme provide—
 - (a) for an arbitration procedure to determine disputes between scheme members and between scheme members and the scheme operator;
 - (b) for dissemination of important information to scheme members in an accurate and timely way;
 - (c) in the case of withdrawal of approval under regulation 54, for the allocation of batteries evidence notes owned by the proposed scheme to each scheme member in proportion to the

(1) S.I. 2006/3289, as amended by S.I. 2007/3454.

(2) S.I. 2007/871, as amended by S.I. 2008/413. There are other amendments not relevant to these Regulations.

quantity of batteries placed on the market by the member, relative to the other members, in the compliance period up to the point of such withdrawal.

PART 2

Information to be included in the operational plan

9. The operational plan must include the following information in relation to each of the three compliance periods—

- (a) details of the financial resources and technical expertise that will be available to enable the performance of the obligations of the operator of the proposed scheme under Part 3 of these Regulations;
- (b) details of how the operator of the proposed scheme will ensure that the scheme will discharge that operator's obligations under regulation 19(1);
- (c) details of how the operator of the proposed scheme will ensure that that operator's obligations under Part 3 of these Regulations will be complied with in a timely manner;
- (d) details of—
 - (i) how the operator of the proposed scheme will fulfil its duty to arrange for and ensure the collection of waste portable batteries from distributors under regulation 32(2);
 - (ii) the facilities the operator of the proposed scheme will provide to ensure that economic operators and waste collection authorities are able to exercise their right under regulation 33(1);
 - (iii) the scheme information campaign.

10. In paragraph 9(d)(iii), “the scheme information campaign” means a campaign to disseminate information to ensure that end-users of portable batteries are fully informed of—

- (a) the desirability of not disposing of waste batteries as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling;
- (b) the collection and recycling facilities available to them;
- (c) their role in contributing to the recycling of waste batteries;
- (d) the meaning of the symbol of the crossed-out wheeled bin shown in Schedule 5 and the chemical symbols “Hg”, “Cd” and “Pb”(3).

PART 3

Criteria for approval of a proposed scheme

11. That the rules of the proposed scheme provide—

- (a) that a scheme member must apply to join the scheme for a minimum period of—
 - (i) one relevant compliance period; or
 - (ii) in the case of a producer who does not become a producer until after the start of a relevant compliance period, the remainder of that relevant compliance period;

(3) Regulation 5 of the Batteries and Accumulators (Placing on the Market) Regulations 2008 (S.I. 2008/2164) requires the marking with the crossed out wheeled bin symbol of batteries or battery packs placed on the market in the UK. Regulation 6 of that instrument requires the marking of batteries placed on the market in the UK where they contain more than the prescribed proportion of mercury, cadmium or lead with the chemical symbols, respectively “Hg”, “Cd” or “Pb”.

- (b) that where a scheme member's membership is cancelled, any such cancellation does not take effect until the end of the compliance period;
 - (c) for an arbitration procedure to determine disputes between scheme members and between scheme members and the scheme operator;
 - (d) for dissemination of important information to scheme members in an accurate and timely way;
 - (e) in the case of withdrawal of approval under regulation 54, for the allocation of batteries evidence notes owned by the scheme to each scheme member in proportion to the quantity of batteries placed on the market by the member, relative to the other members, in the compliance period up to the point of such withdrawal.
- 12.** That the proposed scheme has the necessary resources and systems in place to—
- (a) carry out its operational plan;
 - (b) maintain up to date records of its scheme members, including—
 - (i) the information necessary to comply with regulation 29; and
 - (ii) their battery producer registration numbers;
 - (c) comply with the scheme operator's obligations under regulation 19 in an appropriate and timely manner;
 - (d) keep, update and make available records to the appropriate authority as required by regulation 22;
 - (e) provide information to the appropriate authority as required by regulations 23 and 24;
 - (f) submit declarations of compliance and supporting batteries evidence notes as required by regulation 25;
 - (g) ensure that scheme members are registered with the authority as required by regulation 26 and notify the authority of changes to registration details as required by regulation 29;
 - (h) check that the information provided to it by its scheme members under regulation 11 is as accurate as reasonably possible and ensure that the scheme operator will meet the same standard when submitting that information to the appropriate authority; and
 - (i) maintain good environmental practices.
- 13.** That the operator of the proposed scheme is likely to be able to meet the expected treatment, recovery and recycling obligations for the three compliance periods covered by the operational plan.
- 14.** That the proposed scheme is likely to—
- (a) assist in meeting the United Kingdom's obligation to maximise the separate collection of waste batteries; and
 - (b) in doing so, have regard to the environmental impact of transport.
- 15.** That the operator of a proposed scheme—
- (a) will co-operate with the other scheme operators to ensure the collection of waste portable batteries from distributors in accordance with regulation 32(2);
 - (b) will provide reasonably situated and accessible facilities to ensure that economic operators and waste collection authorities are able to exercise their right under regulation 33(1);
 - (c) will operate a scheme information campaign which will ensure that end-users of portable batteries are fully informed of the points listed in paragraph 10(a) to (d);
 - (d) has viable plans to collect a quantity of waste portable batteries which is neither significantly higher or significantly lower than the quantity required to satisfy the scheme

Status: This is the original version (as it was originally made).

operator's obligation under regulation 19(1)(a) to finance the net costs for which each scheme member is responsible.