

SCHEDULE 7

Regulation 41

Approval of proposed schemes and 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 the registered office of the operator of the proposed scheme or, if the operator is not registered in the United Kingdom, the principal place of business and telephone number in the United Kingdom of that operator.
4. Where the operator of the proposed scheme is a partnership, the names of all the partners.
5. The address for service of notices if different from that referred to in paragraph 3.
6. Confirmation of whether or not the operator of the proposed scheme has been convicted of an offence under these Regulations; and where a positive confirmation is given an explanation of how the contravention of these Regulations which resulted in the conviction occurred and what steps have been taken to ensure that such a contravention will not occur in the future.

PART 2

Information to be included in the constitution

1. The nature of the operator of the scheme's legal personality.
2. The type of relationship between the operator of the proposed scheme and the scheme members (for example, contractual or partnership).
3. Details of how membership fees and any other sums payable to the operator of the proposed scheme by the scheme members are to be determined.
4. Details of any rules or regulations to be observed by the scheme members.
5. Details of the procedures under which the operator of the proposed scheme would enforce the rules or regulations against a scheme member.
6. Whether there is a minimum or maximum number of scheme members permitted.
7. Details of the eligibility criteria for membership of the proposed scheme.
8. Details of how evidence notes acquired by the operator of the proposed scheme in complying with his obligations under these Regulations will be allocated between scheme members in the event that approval of the proposed scheme is withdrawn under regulation 44.
9. Details of any arbitration procedure that will apply for the purpose of determining any dispute between scheme members and between scheme members and the operator of the proposed scheme.
10. Details of the arrangements in place for disseminating important information to scheme members in an accurate and timely manner.

PART 3

Information to be included in the operational plan

The operational plan referred to in regulation 41(4)(b)(iii) must include the following information in relation to each of the three compliance periods in respect of which the application for approval has been made—

- (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 regulations 22 and 23;
- (b) details of the proposed arrangements for collection, treatment, recovery and recycling that will be or are in place to ensure that the operator of the proposed scheme will be able to comply with his obligations under Part 4 in relation to—
 - (i) WEEE from private households in accordance with regulation 22;
 - (ii) WEEE from users other than private households in accordance with regulation 23; or
 - (iii) both (i) and (ii);
- (c) where it is available to the operator of the proposed scheme, the information referred to in paragraph (b) must include—
 - (i) the names and addresses of the designated collection facilities from whom the proposed scheme intends to obtain WEEE from private households and the estimated amounts in tonnes of WEEE to be collected from each;
 - (ii) the names and addresses of the AATFs that the operator of the proposed scheme intends to use to treat WEEE and the estimated amounts in tonnes of WEEE to be treated by each such AATF;
 - (iii) the names and addresses of the approved exporters that the operator of the proposed scheme intends to use to treat, recover and recycle WEEE and the estimated amounts in tonnes of WEEE to be treated, recovered and recycled by each such approved exporter; and
 - (iv) in the case of the collection of WEEE from designated collection facilities, details of any contingency plans;
- (d) a statement indicating the nature of the anticipated relationship of the operator of the proposed scheme with—
 - (i) designated collection facilities;
 - (ii) AATFs; and
 - (iii) approved exporters,in the three compliance periods in respect of which an application for approval is made;
- (e) how the operator of the proposed scheme will meet the conditions of approval set out in regulation 43;
- (f) how the operator of the proposed scheme will comply with the reporting requirements under regulations 27 and 28;
- (g) how the operator of the proposed scheme will comply with the obligation to submit a declaration of compliance under regulation 29;
- (h) where an operator of a proposed scheme is intending to collect WEEE from private households in accordance with regulation 22, details of the proposed arrangements to accept return of WEEE from private households from distributors free of charge in accordance with regulation 32;

- (i) how the operator of the proposed scheme will prioritise, where appropriate, the reuse of whole appliances in a manner consistent with the objectives of the Directive and in accordance with regulation 24; and the relationships it intends to develop with those persons carrying out reuse activities, including making use of the existing voluntary and community sector infrastructure; and
- (j) how the operator of the proposed scheme will adopt and comply with the code of practice issued by the Secretary of State under regulation 57.

PART 4

Requirements for approval of a proposed scheme and for continued approval of a scheme

1. That the rules or regulations of the proposed scheme or scheme provide—
 - (a) that a scheme member must apply to join the scheme for a minimum period of one relevant compliance period; except in the case of a producer who does not become a producer until after the start of a relevant compliance period and who will be expected to join that scheme for the remainder of the relevant compliance period during which he has commenced putting EEE on the market in the United Kingdom; and
 - (b) that where a scheme member's membership of the scheme is cancelled, any such cancellation cannot take effect until the end of the current compliance period.
2. That the proposed scheme or scheme has the necessary resources and systems in place to—
 - (a) maintain up to date records of its scheme members, including—
 - (i) their names and addresses;
 - (ii) their EEE producer registration numbers; and
 - (iii) the producer identification marks used by each member in compliance with regulation 16;
 - (b) handle WEEE from private households, if it proposes to do so, (including collection and transportation to ATFs and funding of treatment, recovery and recycling) in order to discharge the operator of the scheme's notified obligation under regulation 22 in an appropriate and timely manner;
 - (c) handle WEEE from users other than private households, if it proposes to do so, (including collection and transportation to ATFs and funding of treatment, recovery and recycling) in order to discharge the operator of the scheme's obligations under regulation 23 in an appropriate and timely manner;
 - (d) where a proposed scheme is the subject of an application for approval made under regulation 41, or where a scheme is approved under that regulation for the purposes of regulation 22, accept return of WEEE from private households from distributors free of charge in accordance with regulation 32;
 - (e) keep, update and supply records to the appropriate authority as required under regulation 30;
 - (f) supply information to the appropriate authority as required under regulations 27 and 28;
 - (g) submit declarations of compliance and supporting evidence notes as required under regulation 29;
 - (h) check that the information supplied to it by its scheme members under regulation 11 is as accurate as reasonably possible and that the operator of the scheme's submission of that information to the appropriate authority will meet a similar standard of accuracy; and

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- (i) maintain good environmental practices.
3. That the operator of the proposed scheme or scheme will co-operate with other operators of schemes in relation to developing working relationships with operators of designated collection facilities.
 4. That the operator of the proposed scheme or scheme has viable plans to collect an amount of WEEE that is equivalent to the amount of WEEE for which it will be responsible for financing under these Regulations.
 5. That the operator of the proposed scheme or scheme is likely to be able to meet his expected treatment, recovery and recycling obligations for the three compliance periods in respect of which an application for approval is being made or has been granted under regulation 41.
 6. That the proposed scheme or scheme is likely to assist in meeting the United Kingdom's obligations in relation to the recovery of WEEE in respect of which an application for approval is being made or has been granted under regulation 41.
 7. In the event that the operator of the proposed scheme or scheme contravenes any of the obligations placed on him under these Regulations, that it is likely that enforcement proceedings could be taken against the operator of the proposed scheme under these Regulations without a disproportionate cost to the enforcement authority.