

2014 No. 202

ENVIRONMENTAL PROTECTION

**The Waste Electrical and Electronic Equipment (Charges)
Regulations (Northern Ireland) 2014**

Made - - - - *2nd July 2014*

Coming into operation - *25th July 2014*

The Department of the Environment, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the Environment, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act and section 56(1) and (2) of the Finance Act 1973(c).

In accordance with section 56(1) of the Finance Act 1973 the Department of Finance and Personnel has consented to these Regulations.

Citation and commencement

1. These Regulations may be cited as the Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2014, and shall come into operation on 25th July 2014.

Interpretation

2.—(1) In these regulations—

“the Department” means the Department of the Environment;

“the 2013 Regulations” means the Waste Electrical and Electronic Equipment Regulations 2013(d).

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Charges (Application to register as a small producer)

3. The application charge referred to in regulation 16(2)(d)(iii) of the 2013 Regulations shall be £30 for each small producer.

(a) S.I. 2008/301
(b) 1972c.69
(c) 1973 c.51
(d) S.I. 2013/3113
(e) 1954 c.33

Charges (approval of schemes)

4.—(1) The application charge referred to in regulation 55(4)(c)(ii) of the 2013 Regulations shall be £12,150 for each scheme.

(2) Subject to paragraph (3), the annual producer charge referred to in regulation 57(f)(ii) of the 2013 Regulations shall be—

- (a) £30 for each scheme member who is not, and is not required to be, registered under the Value Added Tax Act 1994^(a);
- (b) £30 for each small producer;
- (c) £210 for each scheme member who is, or is required to be, registered under the Value Added Tax Act 1994 and who had a total turnover of £1 million or less in the last financial year; and
- (d) £445 for each scheme member who had a total turnover of more than £1 million in the last financial year.

(3) Where an operator of a scheme does not provide the Department with evidence to support a claim that a scheme member is eligible for the charge specified in paragraph (4)(2)(a), (b) or (c), that scheme member shall be deemed to be eligible for the charge specified in paragraph (4)(2)(d) of the 2013 Regulations.

(4) Where a small producer has submitted an application under regulation 17 of the 2013 Regulations for registration as a small producer in a particular compliance period the annual producer charge will be the same as that set out in regulation 4(2)(b).

(5) Where a small producer is required to pay an annual producer charge, as a condition of his approval as a small producer under regulation 17 of the 2013 Regulations, in a particular compliance period the annual producer charge will be the same as that set out in regulation 4(2)(b).

(6) Where for any reason approval is refused under regulation 55 of the 2013 Regulations or is withdrawn under regulation 58 of the 2013 Regulations the Department shall not be under any obligation to refund the whole or any part of the application charge that has been paid in accordance with regulation 55(4)(c)(ii) of the 2013 Regulations.

Charges (approval of authorised treatment facilities and exporters)

5.—(1) The application charge referred to in—

- (a) regulation 61(1)(c)(ii)(aa) of the 2013 Regulations shall be £500; and
- (b) regulation 61(1)(c)(ii)(bb) of the 2013 Regulations shall be £2570.

(2) The extension of approval charge referred to in regulation 62(1)(c)(ii) of the 2013 Regulations shall be £110.

(3) Where for any reason approval is refused under regulation 61 or 62 of the 2013 Regulations or is suspended or cancelled under regulation 64 of the 2013 Regulations the Department shall not be under any obligation to refund the whole or any part of the application fee that has been paid in accordance with regulation 61(1)(c)(ii)(aa), 61(1)(c)(ii)(bb) or 62(1)(c)(ii) of the 2013 Regulations.

6. The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006^(b) are revoked.

(a) 1994 c.23

(b) S.R. 2006 No.509(N.I.)

Sealed with the Official Seal of the Department of the Environment on 2nd July 2014

(L.S.)

Wesley Shannon
A senior officer of the Department of the Environment

Sealed with the Official Seal of the Department of Finance and Personnel on 2nd July 2014

(L.S.)

John McKibbin
A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the charges to be paid to the Department of the Environment under the Waste Electrical and Electronic Equipment Regulations 2013.

Regulation 3 specifies an application charge of £30 to register as a small producer.

Regulation 4 specifies:

- (a) an application charge of £12,150 to be paid to the Department by each Producer Compliance Scheme.
- (b) an annual producer charge of £30 for each scheme member who is not registered for value added tax, £30 for each small producer, £210 for each scheme member who is required to be or who is registered for value added tax and had an annual turnover of £1 million or less in the last financial year, and, £445 for each scheme member who had a total annual turnover of more than £1 million in the last financial year.

This regulation also provides that charges paid in connection with the approval of schemes and registration as a small producer will not be refunded in the event that approval is refused or withdrawn.

Regulation 5 specifies:

- (a) an annual application charge of £500 to be paid to the Department by each authorised treatment facility or exporter who issues evidence notes for not more than 400 tonnes of WEEE materials in that year, and £2570 in any other case.
- (b) a charge of £110 to be paid to the Department by each exporter who wishes to extend a grant of accreditation to an additional site to which he wishes to export WEEE materials for treatment, recovery or recycling.

This regulation also provides that the charges paid in connection with the approval of authorised treatment facilities and exporters will not be refunded in the event that approval is refused, suspended or cancelled.

Regulation 6 revokes The Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006.

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