

SCHEDULE 2

Regulation 4

Transitional Arrangements

Existing site licences

1.—(1) Any site licence authorising an establishment or undertaking carrying out treatment operations to store or treat WEEE on 5th January 2007 (“an existing site licence”) shall be read as containing the following condition—

“The operator shall carry out the storage prior to treatment and treatment of any WEEE in accordance with such requirements of Article 6(1), (3) and (4) and Annexes II and III of the WEEE Directive as are applicable to the activity in question.”

(2) In any case where before the coming into force of these Regulations an existing site licence authorises an activity falling within paragraph 49, 50 or 51 of Schedule 3 to the 1994 Regulations, the licence shall be treated as revoked (so far as it relates to that activity) from the determination date.

(3) In any other case, an existing site licence shall cease to authorise an establishment or undertaking carrying out treatment operations to store or treat WEEE from the determination date unless the licence is modified to authorise storage or treatment in accordance with the WEEE Directive.

Registered exemptions

2.—(1) An establishment or undertaking which—

- (a) was carrying on an exempt activity involving the storage or treatment of WEEE at any place immediately before 5th January 2007; and
- (b) by virtue of amendments made by these Regulations—
 - (i) would be carrying on a notifiable exempt activity; or
 - (ii) would no longer be carrying on an exempt activity,

will be treated as if the amendments made by these Regulations do not apply in relation to the carrying on of that activity at that place until the determination date.

(2) An establishment or undertaking falling within paragraph (1) which is carrying out treatment operations shall be subject to the condition that the storage prior to treatment and treatment shall be carried out in accordance with such requirements of Article 6(1), (3) and (4) and Annexes II and III of the WEEE Directive as are applicable to the activity in question.

(3) The requirement described in sub-paragraph (2) shall have effect as if it were a condition of the relevant paragraph of Schedule 3 to the 1994 Regulations.

(4) In this paragraph, “notifiable exempt activity” and “exempt activity” have the meaning given by the 1994 Regulations.

Meaning of determination date

3. In this Schedule, the “determination date” is—

- (a) where an application for a modification to a waste management licence is made in relation to the storage or treatment of WEEE before 1st July 2007, the date on which the application is granted or, if the application is (or is deemed to be) rejected, the date on which the period for appealing against that rejection expires without an appeal being made or on which any appeal is withdrawn or finally determined;
- (b) where an application for a waste management licence is made in relation to the storage or treatment of WEEE before 1st July 2007, the date on which the application is granted

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or, if the application is (or is deemed to be) rejected, the date on which the period for appealing against that rejection expires without an appeal being made or on which any appeal is withdrawn or finally determined;

- (c) where a notification is provided in relation to an exempt activity involving the storage or treatment of WEEE before 1st July 2007, the date on which the appropriate registration authority enters the relevant particulars in the register or, if it refuses to do so, the date on which it notifies the establishment or undertaking of its decision; or
- (d) in any other case, 1st July 2007.

Transitional charges

4.—(1) The charge to be paid on notification pursuant to regulation 18AA of the 1994 Regulations of an exempt activity falling within paragraph 49 of Schedule 3 of the 1994 Regulations is £265.

(2) Sub-paragraph (1) shall cease to apply in relation to an activity falling within paragraph 49 of Schedule 3 of the 1994 Regulations once a charge is prescribed in relation to that activity by a charging scheme made under section 41 of the Environment Act 1995⁽¹⁾.

⁽¹⁾ 1995 c.25.