

SCHEDULES

SCHEDULE 10

Regulation 55

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 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

7. The nature of the operator of the scheme's legal personality.
8. The type of relationship between the operator of the proposed scheme and the scheme members (for example, contractual or partnership).
9. 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.
10. Details of any rules or regulations to be observed by the scheme members.
11. Details of the procedures under which the operator of the proposed scheme would enforce the rules or regulations against a scheme member.
12. Whether there is a minimum or maximum number of scheme members permitted.
13. Details of the eligibility criteria for membership of the proposed scheme.
14. 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under these Regulations will be allocated between scheme members in the event that approval of the proposed scheme is withdrawn under regulation 58.

15. 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.

16. Details of the arrangements in place for disseminating important information to scheme members in an accurate and timely manner.

PART 3

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

17. 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 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.

18. 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, and
 - (ii) their EEE producer registration numbers;
- (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 28 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 29 in an appropriate and timely manner;
- (d) where a proposed scheme is the subject of an application for approval made under regulation 55, or where a scheme is approved under that regulation for the purposes of regulation 28, accept return of WEEE from private households free of charge from—
 - (i) distributors in accordance with regulation 43; and
 - (ii) final holders in accordance with regulation 52;
- (e) keep, update and supply records to the appropriate authority as required under regulation 40 or 41;
- (f) supply information to the appropriate authority as required under regulations 35 and 37 or 36 and 38;
- (g) submit declarations of compliance and supporting evidence notes as required under regulation 39;
- (h) check that the information supplied to it by its scheme members under regulation 18 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
- (i) maintain good environmental practices.

19. 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.

20. That the operator of the proposed scheme or scheme will co-operate with operators of designated collection facilities to comply with regulation 53.

21. That the operator of the proposed scheme or scheme is likely to be able to meet his expected treatment, recovery and recycling obligations.

22. 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 55.

23. 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.