

B2B Compliance response to Red Tape Challenge
better regulation consultation



The B2B Compliance Producer Compliance Scheme is a not-for-profit initiative of the GAMBICA Trade Association and has the total support of 12 trade associations. As the leading B2B sector compliance provider under the Waste Electrical and Electronic Equipment (WEEE) Regulations, B2B Compliance represents its member's interests, operating across the entire WEEE system from waste collections to member specific compliance support and industry representation. We have identified these areas of improvement under the Red Tape Challenge:-

We feel a more pragmatic approach should be taken by Agencies and Regulators to avoid differing interpretations under the WEEE Regulations where the limited guidance that is available is not black or white – the legislation is written in such a way that interpretation is necessary allow each company to approach in a way that reflect their own unique circumstances. We sometimes see, however, misunderstandings from the regulators who do not appreciate the way UK businesses operate – leading to unreasonable or disproportionate actions related to the result and, potentially, counter to the government objectives to make legislation less of a burden and therefore less bureaucratic.

A lighter touch of interpretation should be considered where there is no environmental – particularly around administrative requirements.

Producers registering their company under the WEEE Regulations should be streamlined to only include relevant information such as company detail and primary contact records. Data reported by producers should be just data for material recycled or placed on market – any addition records should only need to be reviewed during the occasional monitoring visits from the compliance schemes or Regulators. There seems to be little use of these extra data supplied (e.g. WEEE brands, EEE route to market).

It is not apparent this extra information is required for European reporting therefore we suggest removal of reporting that is not being used to report to Europe, or adding benefits to the UK recycling systems, thereby removing layers of administration and data analysis that must be repeated each year by each company.

Auditing; there is no visibility of what consideration is taken in environmental performance or potential damage when selecting producers and schemes to be audited. The B2B sector is low risk (having no market share financing responsibilities) and, within auditing, should be considered separately to the broader B2C producers who have less say on the control of WEEE arising with consumers. B2B end users (and producers) are controlled under existing waste legislation so additional auditing under WEEE compliance seems over and above what is necessary to ensure no environmental harm.

We suggest auditing criteria should be transparent so companies and schemes can work to reduce the perceived risk in the eyes of the Agencies.

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B2B Compliance is an initiative of the GAMBICA Trade Association and is an approved Producer Compliance Scheme under the Waste Electrical and Electronic Equipment Regulations 2013.

B2B Compliance is operated by GAMBICA B2B Compliance Ltd.

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Currently if a company wishes to research a potential waste management partner a company has to visit several government web sites that are updated at different intervals. If the company is correctly licenced to receive the waste material and the Regulator ensures that site licence conditions are fully complied with this burden is removed.

We need a single point that will focussed around the company name and show for that company:-

- Health and Safety information – Prosecutions, Fines, Reportable Accidents
- Registration as a waste carrier / broker
- Site permit / registration

When a company researches where to place waste that company should also be able to consider the history of Prosecutions, Fines, Enforcement Notices, Improvement Notices, EA site audits from a central reference point maintained by a government department who has authorised the site.

There is a huge administrative burden and cost increase to businesses since the reclassification of Small Mixed WEEE (small domestic electrical items) as hazardous regardless of the concentration of hazardous material within the load – typically a WEEE collection may have one battery powered product, and this would reclassify the entire load as hazardous. This brings with it all the extra burden and extra costs of Hazardous waste movements legislation and paperwork.

We would like to see clearer application of waste legislation that considers an environmental impact/risk into the decision making process. This will help alleviate the pressures on waste holders and waste management firms, along with a clearer line drawn at concentration within products OR within components within those products, that will deem a collection of WEEE as hazardous.

The introduction of Small producer registrations is a positive step forwards to reduce costs and administration for smaller importers & manufacturers. The registration process, updates and notification from the Agency, however, allows small producers to register with an Agency without notifying or terminating from its current compliance provider which may have already compiled a return under contract. The resulting duplicate registration causes a huge administrative correction process involving the Agency, the scheme and finally the producer with further costs incurred by the scheme in attempting to enforce its contract and acquire due fees. This unnecessary administration that could be captured at the outset with the initial registration requiring all small producers to verify that that they are not registered or contracted to register elsewhere.

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