

## **DRAFT For Consultation**

### **THE WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (SCOTLAND) CHARGING SCHEME 2019**

The Scottish Environment Protection Agency in exercise of its powers under section 41 of the Environment Act 1995, and with the approval of the Scottish Ministers, makes the following charging scheme.

#### **PART 1**

#### **GENERAL**

##### **Commencement, extent and citation**

1. (1) This charging scheme shall -

- (a) be referred to as the Waste Electrical and Electronic Equipment (Scotland) Charging Scheme 2019 ("this Scheme"),
- (b) extend only to Scotland,
- (c) come into force on 1st August 2019, and
- (d) remain in force until revoked.

(2) The charges and related provisions specified in this scheme supersede those set out in regulations 59 and 65 of the Regulations.

##### **Interpretation**

2. In this Scheme –

“application” means an application or request to SEPA for approval under the Regulations;

“compliance period” has the meaning given in the Regulations;

“registered for VAT” means registered under the Value Added Tax Act 1994;

“the Regulations” means the Waste Electrical and Electronic Equipment Regulations 2013, expressions used in this scheme have the same meaning as those used in the Regulations, and references to a “regulation” mean a regulation in the Regulations;

“SEPA” means the Scottish Environmental Protection Agency.

##### **Liability to pay charges**

3. The persons set out below shall be liable to pay the charges under this Scheme –
- (a) in respect of a charge relating to an application, the person making the application;
  - (b) in respect of any other charge in this scheme, the person to whom approval has been granted.

#### **Time of payment**

4. Charges payable under this Scheme shall be due and payable in full at the following times, in relation to any compliance period from 1st January 2020 -
- (a) every charge in this Scheme which relates to an application or request is payable on the making of that application or request to SEPA;
  - (b) every other charge in this Scheme is payable on demand.

#### **Annual increases**

5. Charges under this Scheme shall increase annually on 1st January in each year after the year the Scheme is made, in line with any increase in the Retail Prices Index published by the Office for National Statistics as at 30st September in the immediately preceding year.

#### **Revocation**

6. The Waste Electrical and Electronic Equipment (Scotland) Fees and Charges Scheme 2015 which came into effect on 1st April 2015 is revoked for any compliance periods ending 31st December 2019.

## **PART 2**

### **WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT**

#### **Charges relating to schemes**

7. (1) The application charge referred to in regulation 59(1), is £12,150.
- (2) Subject to sub-paragraphs (3) and (4), the annual producer charge referred to in regulation 59(2), is the total of –
- (a) £30 for each member of a scheme who -
    - (i) is a small producer, or
    - (ii) is not, and is not required to be, registered for VAT,

- (b) £210 for each member of a scheme who is, or is required to be, registered for VAT and who had a total turnover of £1 million or less in the last financial year, or
- (c) £445 for each member of a scheme who –
  - (i) is, or is required to be, registered for VAT and who had a total turnover of more than £1 million in the last financial year, or
  - (ii) whose scheme operator does not provide SEPA with evidence to support a claim that it is eligible for the charge specified in paragraphs 7(2)(a) or (b) or 8(3).

(3) Where a scheme member is not registered or does not have their principal place of business in Scotland, Wales or Northern Ireland, the charges applicable under the Environment Agency (Waste – Miscellaneous) (England) Charging Scheme 2018 in force on 1st August 2019 shall be payable under this Scheme.

(4) Where an application is refused or withdrawn, SEPA is not under any obligation to refund the whole or any part of the application charge.

#### **Charges relating to authorised treatment facilities and exporters**

8. (1) The application charge referred to in regulation 65(1)(a) is £500.

(2) The application charge referred to in regulation 65(1)(b) is £2,570.

(3) The extension of approval charge referred to in regulation 65(2) is £110.

(4) Where approval is refused, suspended or cancelled SEPA is not under any obligation to refund the whole or any part of the application charge.

**IN WITNESS WHERE OF** these presents typewritten on this and the two preceding pages are executed for and on behalf of SEPA by **Terry P. A'Hearn (subscribing his usual signature Terry A'Hearn)**, Chief Executive, at Stirling on the XXXXX Two Thousand and Nineteen in the presence of XXXXXXXX, Personal Assistant.