

AIBOLG

Agencies' and Industry Batteries Operational Liaison Group

24 July 2013

Tel. 0800 032 9811

Participants Code: 7939 0685#

Attendees:

Schemes: **Andy Milner, Nick Morgan, Scott Butler, Louise Grantham, Adrian Hawkes.**

ABTO/ABE: **Rob Chaddock, Michael Green, Mark Wolle.**

Agencies: **Carly Chambers** (EA - Chair), **Alex Robinson** (EA), **David Brunswick** (EA), **Helen Rockey** (EA), **Ruairi McCann** (NIEA), **Mark Rhodes** (NRW), **Nathanial Chalamanda** (SEPA).

BIS: **Grahame Dovey**

Defra: **Simon Dawes**

Apologies:

Steve Clark, James Avison, David Reynolds, Rob Chaddock.

1. Introductions

Carly Chambers introduced Andy Milner, who was covering for David Reynolds, Nick Morgan, who was covering for Steve Clark and reported that Rob Chaddock was not attending and had indicated that he was considering stepping down because he had been unable to attend recent meetings. Carly also introduced Alex Robinson, who was taking over from Dermot O'Regan as the Environment and Business Officer, who would liaise with Defra and BIS.

2. Data Update and Data publishing – 2012 Final Data and Q1 2013

Alex Robinson stated that the 2012 data would be published later in the day and announced that the UK had exceeded the 25% collection target. There were high lead-acid quantities for both sets of data. The quarter 2 data would be published at the end of August.

3. EA Regulatory Update

Dave Brunswick – The Environment Agency had been investigating public register drop-offs. 40 companies were registered in 2012 that did not re-apply for 2013. This represented 875 tonnes of portable batteries on the market in 2012. Following feedback from Schemes and correspondence with the companies, we have accounted for 97% of this tonnage or 849

tonnes. There were a number of reasons for companies dropping off the public register in 2013, which included:

- Companies ceasing trading,
- Companies merging with other companies and obligations being met through new entities or other producers,
- Late registration, companies subsequently re-registered.
- and some companies ceasing to be large producers.

The remaining as yet unaccounted tonnage represents 0.07% of the UK total portable batteries placed on the market in 2012.

Schemes

- Declarations of Compliance were due from Schemes on the 31st May 2013. We've received all DoCs and are still investigating 1 DoC that we have data issues with and given that batteries data can be interlinked we want to assure ourselves that it is not impacting other schemes before we report back to all Schemes on their DoC, which should be next week
- 2013 Q2 return data for Approvals and Schemes is due on the 31st July and the output from this will be published on 2nd September.
- Operational Plans from Schemes are due on or before 31st August this year. We expect Schemes to submit their Operational Plans on or before the deadline. We would also expect updates to operational plans following any potential guidance changes on the interpretation of portable batteries, given the impact this may have on Schemes obligations and collections.

4. NIEA Regulatory Update

Ruairi McCann – There are a small number of producers, 11 small and 5 large. None were visited this year. There is 1 ABE, which was visited in July. No issues were found.

5. NRW Regulatory Update

Mark Rhodes – There are a small number of producers. There was a handover visit in June at EnviroWales. NPWD has now been partitioned, so there is now a front page for NRW. There is a potential freerider in North Wales.

6. SEPA Regulatory Update

Nathanial Chalamanda – SEPA has 2 ABTOs. So far they have not identified any issues. There have been no visits to producers. The focus has been on drop-offs from the beginning of the regulations, including if an application was started and not completed. SEPA does not have a compliance scheme.

7. Technical Issues Update

a) Hand-carriability – Defra

Simon Dawes – plans remain the same as outlined in April to change the definition of hand-carriability. The draft text has considered the cost implications for producers. It will be submitted to the Minister to determine if the consultation will go ahead. The threshold would be 3 or 4kg. Data from the Environment Agency has shown that this would reduce the number of batteries placed on the market, producer numbers would fall which would offset the increased costs for treatment. Regarding timings, the text is being drafted and it is hoped to get it to the Minister before the Summer recess. It was agreed that the consultation would be for 4 weeks, finishing in approximately mid-September. LG pointed out that while overall the change would be cost neutral, it would not be for individual producers. SD stated that he was still aiming to publish in October. CC stated that there was a 1-month turn-around for publishing guidance. MG pointed out that industry would need time to alter protocols. AH asked whether protocols would be invalidated? CC agreed to map out the transitional process with industry and work with AIBOLG members to sanitise the process. AH stated that it seems to have taken a long time since the consultation in May. SD stated that it was due to the team being short-staffed.

AH stated that any revised guidance would need to be clear how industry should deal with weights in previous years, should they update this tonnage? HR asked if the data was collected by weight of battery? AH/LG both stated that it would be difficult to alter the previous years' data. AH stated that we would not get the full impact of the change in the first year because the producer obligation is an average of 3 years data.

Action: The regulators and government would consider the best way forward and review with AIBOLG.

Action: HR to share the timeline and communications with AIBOLG members to develop the action plan.

b) Definition of a vehicle – BIS

Grahame Dovey – this guidance change is linked with hand-carriability as the changes would be made at the same time. A statement will be issued announcing the change when the consultation for hand-carriability is launched. CC asked whether it needed Ministerial approval. GD stated that Ministerial approval was not required for a small, beneficial change for a handful of producers.

c) Sealed Batteries – BIS

Grahame Dovey stated that a revised Batteries Directive is likely to be published in October 2013 which will end the exemption for cadmium in cordless power tools and ban mercury in button cells.

Once this has been agreed the Commission should be able to finalise their Batteries Directive Q & A including Sealed Batteries which might present an opportunity to update UK guidance on this as well as hand-carriability and vehicles.

Action: GD agreed to ask the Commission for an advanced sighting of the relevant part of the Q & A.

8. Update on coherence – EA strategy for adapting to Change

Carly Chambers – provided an update on the Environment Agency's coherence strategy which was being run in conjunction with regulatory drivers using regulatory change drivers, including coherence, the red tape challenge and the SERR review. It was felt by some that the red tape challenge did not go far enough therefore the SERR review would streamline guidance and data. Also if something is not in the regulations, we should not be asking for it. The review is requiring us to work to short timelines. There is also the revised WEEE

Regulations coming in, in January 2014 and battery and packaging regulation amendments coming in, in January 2015. Therefore changes will happen quite quickly. There will also be on-line functionality for WEEE and changes for packaging and batteries. International Waste Shipments would also be added in to NPWD, which would be re-named as the Producer Responsibility and Waste Shipments database. Therefore it is a 2-stage process; 1) it would be re-branded when WEEE was added and 2) IWS in and improvements to packaging and batteries functionality. Industry would be asked for input regarding the changes and testing to identify where they would like to see changes. The coherence projects are to respond to the government regarding changes. The focus is on regulatory changes. We are measuring internally what we can do better. The aim of the projects is to improve our effectiveness.

9. Regulatory Issues

a) Compliance Monitoring

Alex Robinson – there is a focus on carryover of batteries during the year and from one year to the next.

b) Recycling efficiencies

Helen Rockey stated that there appeared to be some confusion about whether sites needed to comply with recycling efficiencies. The recycling efficiencies came in on 26th September 2011. The Environment Agency has released a position statement to say that we would not take action if operators could not provide it but sites recycling batteries in the UK were contacted by Defra to provide this information to them directly. MG – stated that the current regulations place responsibility on ABTOs/ABEs to meet recycling efficiencies. SD stated that the requirements applying directly to ABTOs/ABEs will be amended in the new regulations in 2015. The methodology in recycling efficiency regulations will apply to recycling sites and amend the Environmental Permitting regulations. “MG asked how exporters would know that sites they were exporting to had achieved the recycling efficiencies. SD stated that it is for each member state to ensure the recycling efficiencies are met in respect to any batteries recycled within their territory. Therefore, exports to EU can be assumed to meet the min efficiencies. Aware there is an issue if batteries are exported outside the EU; have flagged this with the Commission but there is no easy answer.”

c) Economic operators and collection points (NiCd batteries)

Helen Rockey stated that we have received some requests regarding economic operators. Economic operators are: producers, distributors, collectors, recyclers or other treatment operator. Schemes must provide a collection point for economic operators for portable batteries (reg 33(1)) without charge (reg 33(2)). It is an offence if portable batteries are not accepted without charge (reg 89(2)(a)(x)).

d) The EU ban on cadmium batteries

Michael Green – stated that cadmium in batteries will be banned from 31/12/16 particularly for cordless power tools, which is sooner than industry was expecting. This will result in a reduction in the volume of batteries and a specific tightening on the emission limits under other environmental legislation has meant that the cost of recycling nickel cadmium batteries will go through the roof because sites had only 2-3 years to recover, so they have put the costs up. He said that there is a worry that it may drive nickel cadmium batteries to be hidden or they may not get recycled at all. He said that about 8-9% of batteries are nickel cadmium. AH stated that companies may want someone else to take on the batteries and the cost of recycling by acting as an economic operator. MG stated that the cost of recycling nickel cadmium batteries was in the low hundreds of pounds at the beginning of

the year, was now in the several hundreds and was likely to go to the thousands. HR pointed out that there was likely to be a backlog of nickel cadmium batteries because of the reliance on lead-acid batteries. RM stated that this could push the price up. MG stated that it would push the price up for producers in the long-run. If producers have stockpiles of nickel cadmium batteries, they can still place them on the market after the deadline. AH stated that sites could stockpile these batteries and a scheme would have to provide a collection point. He explained that the site receiving these batteries would also be an economic operator, so could require another scheme to provide a collection point, so batteries could be moved from site to site because no-one wants to take responsibility for them. AH asked if schemes could work together to decide how to work together regarding this. CC asked if it could be discussed at the battery scheme forum?

Action: NM would speak to SC to arrange a Battery Scheme Forum meeting to discuss this issue.

Action: Alex Robinson would look at the permitting regulations and work with the Battery Scheme Forum.

10. AOB

a) Operational Plans

AH asked if there would be new guidance on reporting weights in the operational plans. CC stated that schemes should work within the current system and then provide an update later regarding any changes.

b) Actions from previous telecom

HR stated that all the actions from the meeting in March and the telecom had been completed apart from the action regarding what action the Environment Agency takes regarding resubmissions data from producers and data from new producers that may show that there were either obligated in previous years or had a higher obligation. CC stated that to date because the regulations were new, a light-touch approach had been taken but that as we were a few years in, we were now looking at this.

c) Next meeting

There would be a bespoke telecom regarding the timelines and an update on the guidance in mid-September.

Action: Helen Rockey to arrange the telecom in mid-September.