AIBOLG

Agencies' and Industry Batteries Operational Liaison Group

Conference Aston - Management Centre, Aston Business Conference Centre, Aston Triangle, Birmingham, B4 7ET

13 March 2013
10.30 – 15.00

Attendees:
Schemes**: David Reynolds**, **Stephen Clark**, **Louise Grantham**, **Adrian Hawkes**.
ABTO/ABE: **Rob Chaddock**, **Terri Williams**, **Michael Green**, **James Avison**, **Mark Wolle**.

Agencies: **Carly Chambers** (EA - Chair), **Dermot O'Regan** (EA), **David Brunswick** (EA), **Helen Rockey** (EA), **Nicole Fellows** (EA), **Carly Ivanko** (EA), **Mark Rhodes** (EA-Wales), **Nathanial Chalamanda** (SEPA).

BIS: **Grahame Dovey**

Apologies: Scott Butler, Ruairi McCann

1. Introductions – AIBOLG now has more members. Therefore all members introduced themselves. Louise Grantham and Adrian Hawkes both represent battery compliance scheme and are new members. Terri Williams and James Avison both represent ABTOs/ABEs. Mark Rhodes was representing EA Wales in preparation for the split EA. Grahame Dovey explained that he was now representing BIS taking over Battery responsibilities from Peter Cottrell.

2. UK Data Summary - David Brunswick provided an update on the UK data. The handout he prepared is provided in Annex A to this document. The key points included:

   2.1 That the UK had exceeded the 25% collection target. The current figure is 27.7%.
   2.2 The pie charts in the handout notes show that portable lead acid batteries placed on the market in 2011 (shown by pie Chart 3) was 3044 tonnes, which is 8% of the batteries placed on the market. The remaining batteries are made up of a 32,002 is tonnes of other batteries (88%) and 1382 tonnes of nickel cadmium batteries (4%). These proportions were the same as for 2011.

2.3 Of the 10,912 tonnes of evidence issued, lead acid batteries made up 9101 tonnes (83%), other batteries made up 1679 tonnes (16%) and 135 tonnes of nickel cadmium batteries (1%). The proportion of lead acid batteries increased from 73% in 2011 to 83% in 2012, which is an increase of 3234 tonnes and a reduction of 298 tonnes for the non-lead acid batteries.

2.4 There was a decrease in the tonnage of batteries placed on the market of 2063 tonnes. Suggestions this decrease from members was that this could have been due to the downturn, the use of more rechargeable batteries, some producers not registering data and lighter weight batteries now being used.

3. EA Regulatory Activity – David Brunswick reported that:

3.1 27 large producers were audited in 2011 representing 50% of portable batteries placed on the market and in 2011 33 large producers were audited representing 11% of portable batteries placed on the market. The reduction in market share was because the larger producers were audited in 2011 as a result of risk profiling. The schemes questioned whether the environment agency was checking if new producers had an obligation in the previous 2 years and what action we were taking if the new producer would have been obligated previously. Similarly what checks were made either producer resubmitted a larger quantity the previous 2 years?

Action - Helen Rockey agreed to check what procedures were in place.

3.2 All schemes were audited in 2012 to monitor that we were on course to meet targets.

3.3 The update regarding ABTOs/ABEs included the batteries protocols potentially needing to be reviewed as a result of changed guidance (to be discussed later in the meeting), the potential removal of independent audit reports which would feed into coherence and the redtape challenge to remove burden on industry. An e-mail had been sent to operators suggesting that auditors should not be appointed at the moment and that if audit reports were required an extension would be given. Michael Green did not appear to have received the e-mail.

Action - Carly Ivanko would check to see if Michael Green had been e-mailed. This was checked on 14th of March. G&P Batteries had been e-mailed Michael Green's e-mail address was added to the contact list. **Completed**.

3.4 The schemes present requested that they were informed in writing if members of their schemes had been audited.

Action - Helen Rockey would remind officers to inform schemes of any visits. **Completed** on Tuesday 19th of March.

Free riders. The Environment Agency was asked what checks were made regarding free riders. Carly Chambers explained that the Environment Agency is not funded to undertake freerider work but that when we are made aware of potential freeriders we investigate the specific company. Concern was expressed that Environment Agency is not funded to investigate freeriders as industry members did not think that all producers were registered. Carly stated that the WEEE freerider project was also investigating battery freeriders.

Action - Dermot O'Regan would speak to Defra to reconsider the freerider program.
Action - Helen Rockey would circulate the freerider hotline number. The freerider number is: 0800 023 2090. This is an answerphone and details can be left anonymously. Alternatively operators could contact the Environment Agency battery contact. **Completed**.

3.5 Small producers. The Environment Agency was questioned on their work investigating small producers. Small producers are contacted by letter to inform them that they need to be registered. If there is no response, a follow-up letter is sent. Companies are informed that it is a legal requirement to submit data of any batteries placed on the market in the current and previous years. A risk-based approach is taken regarding small producers, which represents 1% of the total market which is consistent with the enforcement and sanction approach focusing enforcement on large producers. Carly pointed out that small producers may not be required to register and provide data in the future as a result of the redtape challenge.

Action - a reminder would be added to the communication to EEE producers regarding the batteries regulations.

4. SEPA Regulatory Activity - Nathanial Chalamanda provided an update. SEPA do not have any schemes. There are 2 ABTOs approved, 2 large producers and 23 small producers.

5. NIEA Regulatory Activity – NIEA have 1 ABE, 4 large producers and 11 small producers.

6. Current operational issues

6.1 Update on Producer Responsibility Coherence, Red Tape Challenge and changes to the Waste Batteries Regulations - the coherence informal consultation would hopefully be ready in April and then the formal consultation would start at approximately 6 to 8 weeks. It is unlikely to be completed by 1 January 2014. Concerns were expressed about the delay and whether there would be a delay until 2015, so the changes will take effect for a whole compliance year.

6.2 Definition of a vehicle - Grahame Dovey said that a statement would be issued shortly stating that an electric vehicle battery would be limited to the batteries specified in the directive. A golf trolley/buggy battery would be classed as industrial.

Action – Given some concerns expressed at the meeting surrounding reporting and creating uncertainties for business, Grahame and Dermot would work together to confirm when the guidance would be issued and when it would take effect from.
Action - Helen Rockey would arrange a Telecom with Dermot, Defra, BIS, schemes and ABTOs/ABEs to discuss changes to protocols and reporting as a result of this decision

6.3 Hand-carriability – Grahame Dovey said that BIS' hand carriability paper setting out a proposal on how to clarify if a battery is portable was currently with Defra. There would be a targeted consultation to determine whether there would be a significant impact on producers. The operators and schemes present expressed concern at the delay and the impact in introducing the changes regarding definition of the vehicle and hand carriability at different times. It was agreed that it would be best to bring these changes in at the same time.
Action - Michael Green agreed to draft a statement to send to Defra regarding the timing of this guidance and circulate to the other industry members.
Action - Helen Rockey agreed to find out the correct person to send it to at Defra.

6.4 Sealed - an update was not provided.

Action - Helen Rockey would e-mail Grahame to confirm if there had been an update regarding the definition of sealed from the EU.

7. Recycling Efficiencies - Michael Green gave a presentation regarding recycling efficiencies, including some of the background to how this would be calculated and the potential issues. The recycling sites are only required by the recycling efficiency regulations to provide this information to the competent authority and not to ABTOs and ABEs. It was proposed that a change would be needed to the batteries regulations stating that only ABTOs fully treating batteries would be required to submit recycling efficiency information. Issues regarding battery sent to non-EU countries were identified because these companies would not have to comply with the EU Regulations. Recycling efficiency information would need to be considered as part of the approval for 2013.
Action - Helen Rockey would arrange a Telecom with Defra and BIS and operators to discuss recycling efficiencies.
Action - Helen Rockey would circulate the presentation to members.

8. Future Meetings, Representation & Agenda Items - it was agreed that the 3 Telecom's would be arranged for April and that we would have a telecom in early May to decide whether to meet in person or have a Telecom for the next AIBOLG meeting.

Action - Helen Rockey would e-mail members to arrange the Telecom's.

9. AOB

BAT. The draft BATRRT guidance circulated previously had been updated.
Action - Helen Rockey would obtain the revised BATRRT document and circulate it.
Action - Helen Rockey would arrange a Telecom with Paul Barker and members of AIBOLG. She would e-mail members to see if you would like to attend.

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UK Data Summary

2012 Quarter 4 data was published on the 28 February 2013. This provides indicative information on the final tonnages. We will re-publish 2012 data at the end of March when the scheme obligation has been finalised, then again in June when all the evidence has been issued and we have assessed compliance schemes' declarations of compliance.

Hand out copies of 2012 data.

I'll run through this data and pull out some of the headline figures:

- Currently the UK has collected 27.7% of portable batteries, exceeding the 2012 target of 25%.
- The average amount of portable batteries placed on the market by scheme members and small producers in 2010, 2011 and 2012 is 38,253 tonnes.
- This has resulted in an indicative obligation of 9,563 tonnes in Q4 of 2012.
- You'll see in the 1st table that Q4 portable batteries made up a significant proportion of batteries placed on the market for 2012, at 34%. This increase in Q4 compared to other quarters is believed to be a seasonal trend we see each year.
- The total amount of portable batteries placed on the market in 2012 was 36,427 tonnes. This is a decrease of 2,063 tonnes (5%) from 2011 figures, highlighted by tables 1b and 2a.
- Other battery chemistry types make up a significant proportion of this reduction at 1,706 tonnes. I would be keen to know other people's thoughts on this trend?
- Table 4 (next page) shows that 10,912 tonnes of waste batteries were delivered for treatment in 2012, compared to 8,021 tonnes in 2011.
- There continues to be a large mismatch between the amount of portable lead acid batteries collected and that placed on the market. ***Hand out pie charts.*** The pie charts highlight this mismatch for 2011 and 2012 compliance periods.
- Portable lead acid placed on the market in 2011 (shown by pie chart 1) was 3,280 compared to 5,867 tonnes collected in 2011 (shown by pie chart 2). The remaining pie charts show lead acid reported increased to 9,101 tonnes in 2012 compared to 3,044 tonnes placed on the market.

Public Register Data Summary

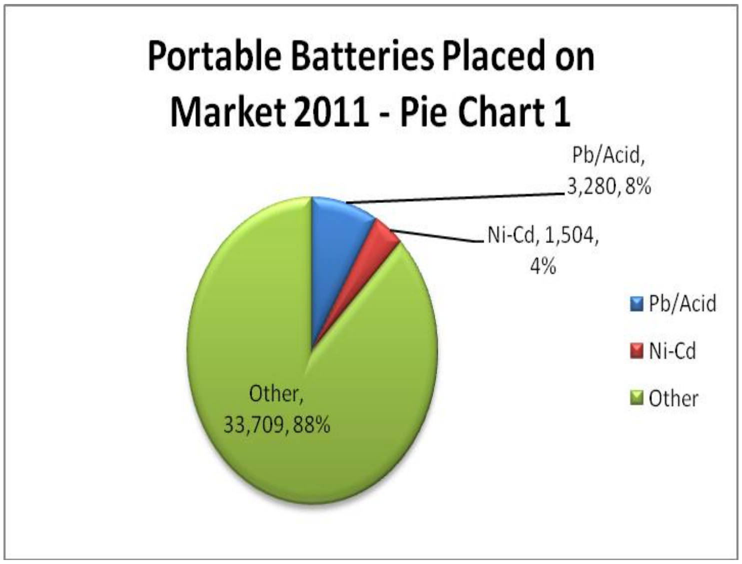
Turnover over pie charts

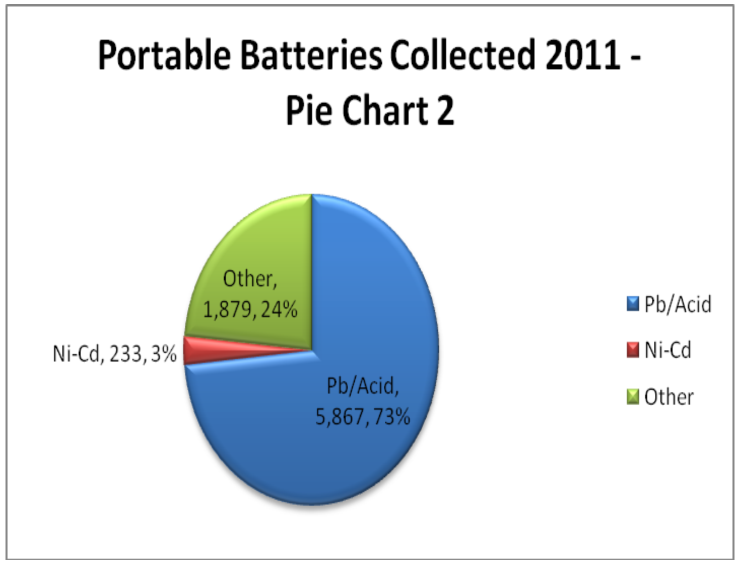
- Figures of most interest relate to the number of ABTO sites, which is down from 35 in 2012 to 20 in 2013. The sites no longer approved only reported a small fraction of the total UK portable batteries and we do not expect this reduction to have much of an impact on the amount of batteries collected.
- The number of large producers has decreased from 514 in 2012 to 473 in 2013. This reduction is a trend we see at the start of each year, with some companies no longer being obligated as large producers.

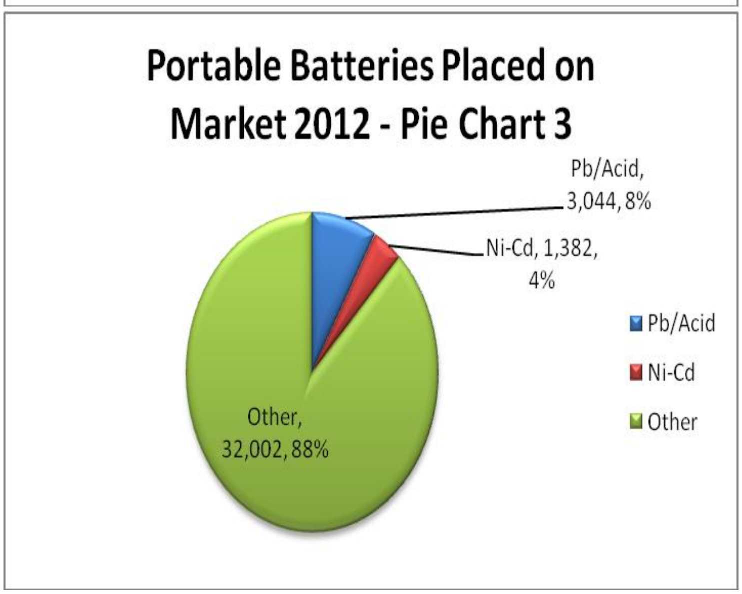
UK Activity Summary

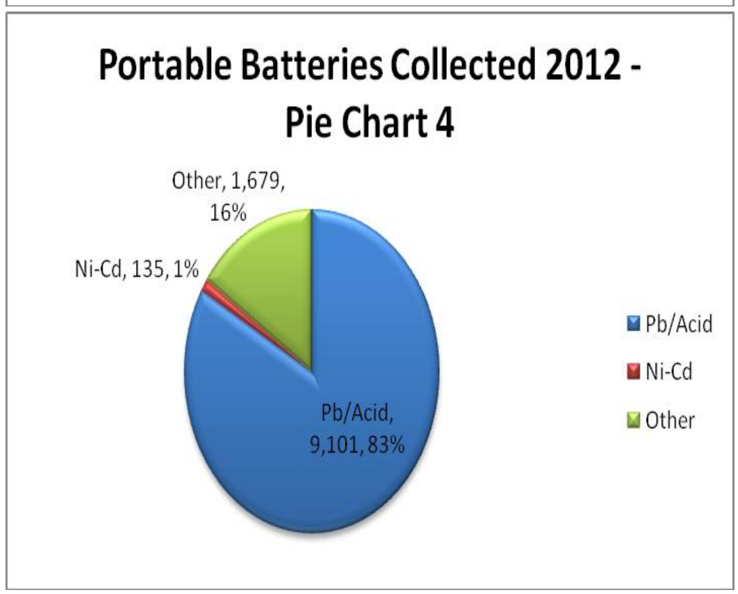
- **Producers**
  - In 2011 27 Producers were audited who accounted for 21,111 tonnes or 55% of portable batteries placed on the market.
  - In 2012 33 Producers were audited accounting for 4,093 tonnes or 11% of portable batteries placed on the market.
  - You can see a reduction in the tonnage audited as our risk profiling targeted the largest producers first.
  - Our producer audits continue to focus on scope around portable, industrial and automotive batteries and we have some ongoing discussions with some producers on the interpretation of sealed batteries.
- In respect to **Schemes and Approval** waste return data we continue to successfully and consistently validate their data across the regime. This is likely due to small number of operators within the regime.
- **Approvals**
  - In 2011 9 Approvals were visited who reported 4,146 tonnes or 52% of portable batteries evidence.
  - In 2012 17 Approvals were audited who accounted for 4,991 tonnes or 46% of portable batteries evidence.
  - ABTO & ABE audits continue to focus on batteries protocols and validating data.
  - In respect to Independent Audit Reports the removal of their requirement has been fed into proposals for Government Coherence and Red Tape Challenge work. We are also currently in discussions with DEFRA around the need for these reports. It's our preference that we will not require IARs from operators. At present we have communicated out to operators not to appoint an auditor and we will look to clarify this position asap.

    Check with Helen
- **Schemes**
  - All Schemes were audited in 2012 given their responsibility for validating batteries data and to ensure we were on track to meet the UK collection target.









* Small Producer data included in the placed on the market pie charts.

Public Register Data Summary

	2012				2013			
	UK Total	EA	SEPA	NIEA	UK Total	EA	SEPA	NIEA
ABTO Operators	22	20	2	0	19	17	2	0
ABTO Sites	35	32	3	0	20	18	2	0
ABE	18	16	0	2	15	14	0	1
Scheme	5	5	0	0	5	5	0	0
Large Producer	514	505	4	4	473	467	2	4
Small Producer	1030	996	23	11	1031	997	23	11