

2007 No. 172

ENVIRONMENTAL PROTECTION

**The Waste Management Licensing Amendment (Waste
Electrical and Electronic Equipment) (Scotland) Regulations
2007**

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>7th March 2007</i>
<i>Coming into force</i> - -	<i>30th March 2007</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Waste Management Licensing Amendment (Waste Electrical and Electronic Equipment) (Scotland) Regulations 2007 and shall come into force on 30th March 2007.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

- (a) “the 1990 Act” means the Environmental Protection Act 1990(b);
- (b) “the 1994 Regulations” mean the Waste Management Licensing Regulations 1994(c);
and
- (c) “site licence” has the same meaning as in Part II of the 1990 Act.

(2) Any word or expression used both in these Regulations and the 1994 Regulations has the same meaning for the purposes of these Regulations as it has for the purposes of the 1994 Regulations.

Amendment of the 1994 Regulations

3. The 1994 Regulations are amended in accordance with regulations 4 to 7.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) 1990 c.43.

(c) S.I. 1994/1056, amended by S.I. 1994/1137, 1995/288 and 1950, 1996/593, 634, 916, 972, 973 and 1279, 1997/351 and 2203, 1998/606 and 2746 and S.S.I. 2000/323, 2003/170 and 171, 2004/275, 2005/22 and 2006/128 and 541.

4. In regulation 1(3) (citation, commencement, interpretation and extent)–
- (a) after the definition of “recovery” insert–
““recycling”, in relation to WEEE, has the meaning given by Article 3(e) of the WEEE Directive;”;
 - (b) after the definition of “the register” insert–
““reuse”, in relation to WEEE, has the meaning given by Article 3(d) of the WEEE Directive;”; and
 - (c) after the definition of “surface water” insert–
““treatment”, in relation to WEEE, has the meaning given by Article 3(h) of the WEEE Directive;”.
5. In regulation 4(2) (technical competence) after sub-paragraph (a) insert–
“(aa) the treatment of WEEE;”.
6. After regulation 12A (conditions of site licences: WEEE)(a) insert–

“12B. - Conditions of site licences: treatment of WEEE

SEPA shall ensure that any site licence granted or varied on or after 30 March 2007 authorising the storage or treatment (or both) of WEEE contains such conditions as it considers necessary to give effect to the provisions of Article 6(1), (3) and (4) and Annexes II and III of the WEEE Directive.”.

7. In Schedule 4, in paragraph 13 (duty to carry out appropriate periodic inspections)–
- (a) in subparagraph (3)(a), for “regulation 18(4A)” substitute “regulation 18(8)”;
 - (b) in Table 6(b), column 1, for “12A”, substitute “12(2)”;
 - (c) after subparagraph (4B)(c) insert–
“(4C) In a case where an establishment or undertaking is carrying on or intends to carry on an exempt activity in respect of the treatment of WEEE, SEPA shall discharge its duty under sub-paragraph (1) in respect of any place where such an activity is carried on or to be carried on, by–
- (a) carrying out an inspection of that place within 21 days of having received in respect of that place the notice, plans and fee referred to in regulation 18(8); and
 - (b) thereafter carrying out periodic inspections of that place at intervals not exceeding 12 months,
- and such inspections shall verify the type and quantities of waste to be treated, the general technical requirements to be complied with and the safety precautions to be taken.”.

Transitional provisions

8.—(1) Any site licence which is in force on 30th March 2007 and which authorises the storage or treatment (or both) of WEEE (“an existing site licence”) is modified so as to include, as a new condition of the licence, the following condition–

“The storage or treatment (or both) of any WEEE shall be carried out in accordance with such requirements of Article 6(1), (3), (4) and Annexes II and III of Directive 2002/96/EC as are applicable to the activity in question.”.

(2) In the event of any inconsistency between the condition set out in paragraph (1) and any other condition in the licence, that other condition shall be superseded by the condition set out in paragraph (1) to the extent of such inconsistency.

(a) Regulation 12A was inserted for England and Wales by S.I. 2006/3315.
(b) Table 6 was inserted by S.S.I. 2003/171 and amended by S.S.I. 2004/275.
(c) Subparagraph (4B) was inserted for England and Wales by S.I. 2006/3315.

(3) The provisions of sections 37 (variation of licences) and 37A (consultation before certain variations) of the 1990 Act shall not apply in relation to any modification of the conditions of an existing site licence under paragraph (1).

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House,
Edinburgh
6th March 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose the permitting requirements of Article 6 and Annexes II and III of Council Directive 2002/96/EC on waste electrical and electronic equipment (“WEEE”) (O.J. No. L37, 13.2.2003, p.24) as amended by Council Directive 2003/108/EC (O.J. No. L 345, 31.12.2003, p.106).

They do so by amending the Waste Management Licensing Regulations 1994 (“the 1994 Regulations”) to facilitate the grant or variation of waste management licences in respect of WEEE.

Regulation 4 inserts new definitions into regulation 1(3) of the 1994 Regulations in respect of activities involving WEEE.

Regulation 5 amends regulation 4(2) of the 1994 Regulations to make provision in relation to the technical competence of those involved in the treatment of WEEE.

Regulation 6 inserts a new regulation 12A into the 1994 Regulations to require SEPA to ensure that any waste management licences granted or varied in respect of the storage or treatment of WEEE contains conditions sufficient to meet the requirements of Article 6 and Annexes II and III of the Directive.

Regulation 7 amends Schedule 4 of the 1994 Regulations to require the inspection of exempt treatment activities involving WEEE. It also makes further amendments in consequence of the Waste Management Licensing (Amendment) (Scotland) Regulations 2006 (S.S.I. 2006/541).

Regulation 8 sets out the transitional arrangements for existing licence holders.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the library of the Scottish Parliament and a copy can be obtained from the Waste Pollution and Reduction Division, Scottish Executive and Rural Affairs Department (SEERAD), Victoria Quay, Leith, EH6 6QQ.

£3.00

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