

Draft for consultation.

THE ENVIRONMENT AGENCY (WASTE - MISCELLANEOUS) (ENGLAND) CHARGING SCHEME 2018

The Environment Agency in exercise of its powers under section 41 of the Environment Act 1995 and with the approval of the Secretary of State and the consent of the Treasury makes the following Charging Scheme.

PART 1

GENERAL

Commencement, extent and citation

1. This charging scheme shall -
 - (a) be referred to as the Waste (Miscellaneous) Charging Scheme 2018 ("this Scheme");
 - (b) extend only to England,
 - (c) come into force on 1st April 2018, and
 - (d) remain in force until revoked.

Interpretation: general

2. In this Scheme –

"the 2007 Regulations" means the Transfrontier Shipment of Waste Regulations 2007;

"Agency" means Environment Agency;

"application" means an application or request to the Agency for approval, authorisation, consent or registration, made under any of the legislation referred to in this Scheme.

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 a charge relating to a notification under the 2007 Regulations, the person making the notification;

- (c) in respect of any other charge in this scheme, the person to whom approval, authorisation or registration, has been granted.

Time of payment

4. Charges payable under this Scheme shall be due and payable in full at the following times on or after the 1st April 2018 -
- (a) every charge in this Scheme which relates to an application or request is payable on the making of that application or request to the Agency;
- (b) every other charge in this Scheme is payable on demand.

Abatement of charges

5. The Agency may, by notice, waive or reduce any charge specified in this Scheme if it considers it to be significantly disproportionate in a particular case, having regard to the actual costs and expenses incurred or to be incurred by the Agency in relation to a particular application, request or decision.

Revocation

6. The Environmental Permitting Charging Scheme 2014 (as amended) which came into effect on 1st April 2014 is revoked, in so far as it relates to the charges set out in this scheme, for any period on or after 1st April 2018.

PART 2

WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

Interpretation

7. In this Part –
- (a) references to regulations are to those in the Waste Electronic and Electrical Equipment Regulations 2013 and expressions used in this Part have the same meaning as in those Regulations;
- (b) the charges and related provisions specified in this scheme supersede those set out in regulations 59 and 65.

Charges relating to schemes

- 8.(1) The application charge referred to in regulation 59(1), is £12,150.
- (2) Subject to sub-paragraphs (3) to (5), the annual producer charge referred to in regulation 59(2), is the total of –
- (a) £12,500,
- (b) £30 for each member of the scheme who is a small producer, and

(c) £800 for every other scheme member.

(3) Where an operator of a scheme does not provide the Agency with evidence to support a claim that a scheme member is eligible for the charge specified in paragraph 8(2)(b) that scheme member will be deemed to be eligible for the charge specified in paragraph 8(2)(c).

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

Charge relating to small producers

9. Where a small producer has submitted an application under regulation 16 for registration as a small producer in a particular compliance period, the annual producer charge will be £30.

Charges relating to authorised treatment facilities and exporters

10. (1) The application charge referred to in regulation 65(1)(a) is £600.

(2) The application charge referred to in regulation 65(1)(b) is £3,500.

(3) The extension of approval charge referred to in regulation 65(2) is £150.

(4) Where a small treatment operator or small export operator exceeds its undertaking given under regulation 61(1)(c)(i)(aa), an additional charge of £2,900, is payable.

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

PART 3

WASTE BATTERIES AND ACCUMULATORS

Interpretation

11. In this Part references to regulations means those in the Waste Batteries and Accumulators Regulations 2009 and expressions used in this Part have the same meaning as in those Regulations.

Charges relating to waste batteries and accumulators

12. (1) The scheme application charge referred to in regulation 55(2)(a), is £17,000.

(2) The scheme subsistence charge referred to in regulation 55(2)(b), is the total of–

(a) £90,000, and

(b) £600 for each member of the battery compliance scheme.

(3) The extension of approval charge in relation to an exporter, referred to in regulation 65(2)(b), is £110 for each additional site.

(4) The treatment, recycling and export application charge is –

(a) where the undertaking referred to in regulation 65(4) has been given, £500, or

(b) in any other case, £2,570.

(5) Where the circumstances described in regulation 65(5) apply, an additional charge of £2,070 is payable.

(6) Where an application to register as a small producer under regulation 26(2) is made, a charge of £30 is payable.

PART 4

WASTE CARRIERS, BROKERS AND DEALERS

Charges relating to carriers, brokers and dealers of waste

13. (1) Where an application is made to register as a carrier of waste under the Control of Pollution (Amendment) Act 1989, or as a broker or dealer of waste under the Waste Regulations 2011, a charge of £154 is payable.

(2) Where an application is made to renew such a registration, a charge of £105 is payable.

(3) Where an application is made to add another type of registration to an existing registration, a charge of £40 is payable.

PART 5

INTERNATIONAL WASTE SHIPMENTS

Charges relating to international waste shipments

14. (1) Where a notification is made under the 2007 Regulations a charge is payable determined by the type of activity and the number of shipments included in the notification, in accordance with the table in this Part.

(2) In this Part all expressions have the meaning given in the 2007 Regulations.

Number of Shipments						
Activity	1	2 to 5	6 to 20	21 to 100	101 to 500	500 +
Export for recovery	£1,450	£1,450	£2,700	£4,070	£7,920	£14,380
Export for non interim disposal	£1,540	£1,540	£3,330	£5,500	£10,600	£19,500
Export for interim disposal	£1,700	£1,700	£3,330	£6,000	£12,900	£24,000
Import for non interim recovery	£1,250	£1,250	£2,700	£4,900	£10,600	£19,500

Import for interim recovery	£1,450	£1,450	£2,830	£5,500	£12,900	£24,000
Import for non-interim disposal	£1,540	£1,540	£3,330	£5,500	£10,600	£19,500
Import for interim disposal	£1,700	£1,700	£3,330	£6,000	£12,900	£24,000

PART 6

TRANSFRONTIER SHIPMENT OF RADIOACTIVE WASTE AND SPENT FUEL

Charges relating to transfrontier shipment of radioactive waste and spent fuel

15. (1) In this Part –

“2008 Regulations” means the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008;

“relevant time and materials costs” means those costs and expenses incurred by the Agency in relation to the matters described in this Part, based on an hourly rate of £125.

(2) A charge consisting of the relevant time and materials costs is payable in respect of –

- (a) an application for authorisation under the 2008 Regulations;
- (b) a request to the Agency for consent to an application from the competent authority of another member state of the European Community, made under the 2008 Regulations.

Signed for and on behalf of the Environment Agency,

Title:

Date: