

## Questions supplementary to the EAC Inquiry into Electronic Waste and the Circular Economy

1. **What are the number of audits and inspection undertaken by the EA from 2010 to 2020 both at AATFs and at Ports? What is this as a percentage of the total AATFs and of total exports of e-waste? How many of these were announced and unannounced?**

The Environment Agency takes an intelligence based approach to its compliance and enforcement work so we can target our resources most effectively at improving compliance and at illegal activity, including fraud. On-site audits and inspections are one part of our compliance assessment approach.

Our compliance work also includes validation checks on all AATF data returns and to follow up on erroneous and missing data. We do desk top monitoring which includes checking information submitted by site operators and cross reference against other intelligence about the site that we have. We also monitor trends in data and investigate any spikes or troughs.

Similarly, our enforcement work, for regulated sites and at ports involves collecting and analysing information, such as intelligence from HMRC, shipping lines, port authorities and through Crimestoppers.

This intelligence led approach enables us to target our on-site work where it will be most effective.

### Audits at AATFs 2010- 2020

Year	Announced	Unannounced	Total	No. AATFs	Percentage
2015	104	45	149	173	86%
2016	76	19	95	177	54%
2017	76	17	93	163	57%
2018	59	7	66	149	44%
2019	49	24	73	131	56%
2020*	3	0	3	120	2.5%

Prior to 2015 internal data, such as number of audits, across a range of waste compliance activities was captured in a more fragmented way and as such we do not have a national picture readily available.

*\* This represents site audits completed to date and is greatly reduced from previous years because of measures taken to prevent the spread of SARS-CoV2.*

### Number of audits and inspections at ports

We do not target port inspections at one specific type of waste and instead focus on a risk and intelligence based approach to checking waste containers.

The figures in the table below show the total number of containers inspected and the number that failed inspection. A proportion of these included waste electricals. For context, in 2018 of the 926 containers stopped at port before export, 103 (11%) contained WEEE.

### Inspections of containers at ports

Year	Port inspections- total no. waste containers	No. of waste containers failing inspection
2014/15	1,371	288
2015/16	1,395	172
2016/17	923	193
2017/18	1,012	367
2018/19	926	236
2019/20	Nd**	Nd**

Prior to 2014 we do not have ready access to a national data set as port inspections were controlled regionally.

\*\* This data will be available when the Agency's annual report on Regulating for People, the Environment and Growth (RPEG) is published.

### Illegal exports prevented

Year	Total Tonnage (Stopped and Prevented)	WEEE Tonnage (Stopped and Prevented)	Percentage
18/19	12,689	2,174	17%

2. **How much e-waste is exported overseas on both red list and green list? What are the numbers of used electronics (rather than waste electronics)?**

Year	Red list exports of WEEE (tonnes)
2018	956
2019	1,022

### Notifiable waste (Red list)

Hazardous wastes must be exported under notification controls. This means the export must be notified to the Environment Agency and receiving country prior to shipment. The numbers in the table above represent the total amount of waste electronics that were shipped under notification controls.

### Green list

Green list exports are for sorted, uncontaminated, non-hazardous wastes exported for recycling. Exports of Green List waste, based on International conventions are considered to be low risk, and are not required to be reported to the Environment Agency. We therefore do not hold records of green list exports.

Similarly we do not have records of any exported used electronics as they would ship as non-waste and we only regulate the waste legislation.

3. **What was the EA budget for inspection and enforcement of e-waste, by year, since 2010? This should be broken down by compliance fee and grant-in-aid.**

Annual total fees from charges are listed in the second column below. This is the income we receive directly from producer compliance schemes, treatment facilities and electrical and electronic equipment producers to administer the WEEE Regime. Treatment facilities also pay charges to us to administer their environmental permit. Income from charges can only be used for administering and compliance monitoring the businesses within the WEEE system and not enforcement activity.

Grant-in-aid for freeriders is an amount we receive directly, which is ring-fenced for work to investigate businesses we suspect of having producer responsibilities under the WEEE Regulations but who aren't registered.

Grant-in-aid for enforcement is the general budget we have to cover all crime investigations and enforcement including water quality, waste regulation, nuclear and industrial installations. An amount of this total will be used for WEEE enforcement.

Grant-in-aid ring-fenced for waste crime is specifically to tackle waste crime and is used to focus on illegal waste sites, illegal exports and mis-description of waste. There is no specific allocation for WEEE investigations, but this will be spent on different projects following a risk-based process of prioritisation.

#### Income for WEEE fees and charges and GiA

Year	Fees from charges £ m	GiA ringfenced for freeriders £ m†	GiA for enforcement - General budget £ m†	GiA ring-fenced for waste crime £ m†
09/10	Nd	0.25		
10/11	Nd	0.175		
11/12	Nd	0.125		
12/13	1.3	0.125		
13/14	2.5	0.125		
14/15	1.1	0.125		
15/16	1.7	0.06		
16/17	1.4	0.06	8.9	6
17/18	1.3	0.06	8.9	6.4
18/19*	2.6	0.055	8.9	10.5
19/20	2.4	0.055	7.4	10
20/21	2.4	0.055	7.4	10

† This GiA funding is included in the overall GiA budget in column 2 of the table below.

\* Following the strategic review of charges in 2017 the fees payable by compliance schemes and treatment facilities and exporters were increased to better reflect the cost to the Agency of regulating the WEEE system.

#### 4. How has the EA budget, not including for flood defences, changed, year on year, since 2010? Again broken down by compliance and grant-in-aid?

The table below shows Environment Agency Grant-in-Aid (direct funding from central government) and charge income (raised through fees we charge to our regulatory customers) for non-flood work year on year since 2010.

This funding covers everything else we do to improve the natural environment outside the flood defence programme. This includes tackling waste crime, as well as activities such as regulating a wide range of industries and businesses, responding to pollution incidents and monitoring waterways and air quality.

<b>Year</b>	<b>Non-flood GiA revenue £m</b>	<b>Non-flood charge income £m</b>	<b>Total non-flood revenue expenditure £m</b>
09/10	133	337	470
10/11	104	335	439
11/12	142	359	501
12/13	120	364	484
13/14	107	383	490
14/15	92	343	435
15/16	67	350	417
16/17	78	340	418
17/18	46	346	392
18/19	63	367	430
19/20	55	385	440

**5. How many prosecutions have there been for breaking the rules on electronic waste by year since 2010?**

Prosecution is a vital part of our enforcement activity, but is only one of a number of interventions to bring people into compliance and to prevent and disrupt illegal activity. We do much more work to help support businesses to come into compliance and improve their performance through advice, guidance and enforcement notices. Where people are breaking the rules we will also investigate, issue warning letters and suspend or remove approvals. Further information on removals and other interventions is included in the responses to questions 6 and 8.

Prosecutions under the WEEE Regulations are against companies that should have been registered as producers, as well as treatment facilities committing fraud by over-issue of evidence. Compliance schemes are also open to prosecution for various offences including not meeting the obligations on behalf of their members.

Prosecutions under the Transfrontier Shipment of Waste Regulations include illegal shipments of waste materials mis-classified as non-waste or a lower risk waste and those incorrectly notified.

**Number of Prosecutions under WEEE Regulations and TFS relating to WEEE**

<b>Year</b>	<b>Prosecutions</b>	
	<b>WEEE Regulations</b>	<b>Transfrontier Shipments Regulations (involving WEEE materials)</b>
2010	4	0
2011	1	7
2012	0	0
2013	1	7
2014	1	1
2015	1	7
2016	0	1

2017	0	0
2018	0	0
2019	2	2
2020	4	0

**6. How many AATFs have been removed from the list, by year, since 2010?**

AATFs are approved on an annual basis. Each year they are required to re-apply for approval. We therefore have two opportunities to remove operators from the system, firstly at the application stage by refusing their application. Secondly, by removing operators, once approved, who fail to comply with the regulatory requirements. The table below provides a summary of the number of operators who have been removed from the regulatory system.

Year	AATFs removed from the system (England)
2010	nd
2011	29
2012	17
2013	16
2014	16
2015	7
2016	6
2017	9
2018	11
2019	11
2020	6

**7. What estimates do you have of fraud in the system, specifically in relation to falsified recycling evidence but also in other ways?**

We do not consider there to be significant fraud within the WEEE system. Our compliance work is targeted and risk based. Amongst the criteria we use to risk profile operators, is evidence of possible fraudulent activity. We employ sophisticated intelligence gathering methods to develop our risk profiling assessments. As a result our compliance work is focussed on preventing high risk operators from becoming AATFs, and where they have been approved but we have evidence of non-compliance to either bring them into compliance or remove their approval. For example, we believe it is difficult to commit fraud by over-issue of evidence as this would require collusion between compliance scheme and treatment site and would likely be picked up at audit as there would be too much evidence in the system.

In terms of free riders (companies who have producer responsibilities but are not registered) our assessments indicate that there are not large numbers of un-registered businesses, or that there is a significant amount of EEE placed on the market outside the system. We do have an active programme in place to identify and bring free riders into compliance, which is funded by ring fenced GIA. Since 2007 we have, in discussion with Defra, scaled back this work as our assessments have shown that the significance and prevalence of freeriders has reduced. We are of the view now that the level of regulatory activity in this area is proportionate to the risk posed by freeriders.

**8. Other data on interventions made by the EA in e-waste, by year, since 2010?**

The interventions in the table below represent actions taken on AATFs, these include suspension and cancellation of approvals. These types of intervention can occur for relatively minor administrative breaches as well as for more serious non-compliance which leads to direct cancellation and removal of the operator from the system.

**Other interventions in the WEEE system**

<b>Year</b>	<b>Suspension/cancellation</b>
2013	11
2014	12
2015	16
2016	9
2017	7
2018	13
2019	4

**Definition of Waste for EEE.**

We would like to add some further information on the definition of waste as it relates to electrical equipment in England as the full picture was unable to be shared during the hearing. There was a suggestion that the Agency was hiding behind legal advice, or that our position created a loophole; we don't believe either of these statements to be correct.

Items that are passed on by the owner but where there is an intent or desire for the item to be re-used can be considered to never have become waste in England. This follows the legal judgment made in the Thorn International case. We understand the position in Scotland is slightly different. Their position statement on repair and refurbishment of WEEE can be found on their website [https://www.sepa.org.uk/media/156587/wst\\_ps\\_weee.pdf](https://www.sepa.org.uk/media/156587/wst_ps_weee.pdf)

Our stance has always been that for items to be exported for re-use they must have been through an assessment process and be packaged and ready for direct re-use. If they haven't been through an assessment process the items are classified as waste, and must be notified before export.

Some companies are choosing to mis-describe their waste and never treat used-EEE as waste – for example treating items of EEE that might ordinarily be described as waste as “used household goods” for onward sales, including exports. These items have usually not been tested or assessed, and are not appropriately packaged for transport. This mis-description and subsequent export is illegal and is subject to enforcement activity.

The Environment Agency takes the view that all waste must be classified and treated appropriately, including hazardous and POPs containing WEEE. However, we aim to strike a balance and support the longevity of products through repair and reuse where possible. We require that once products become waste they are classified and treated appropriately. Where companies are wilfully mis-interpreting legislation and guidance in order to circumnavigate waste laws we will gather intelligence and investigate. This includes work at ports to ensure WEEE isn't being exported as “used-EEE for re-use.”

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