



Department for  
Business, Energy  
& Industrial Strategy

Regulatory Delivery

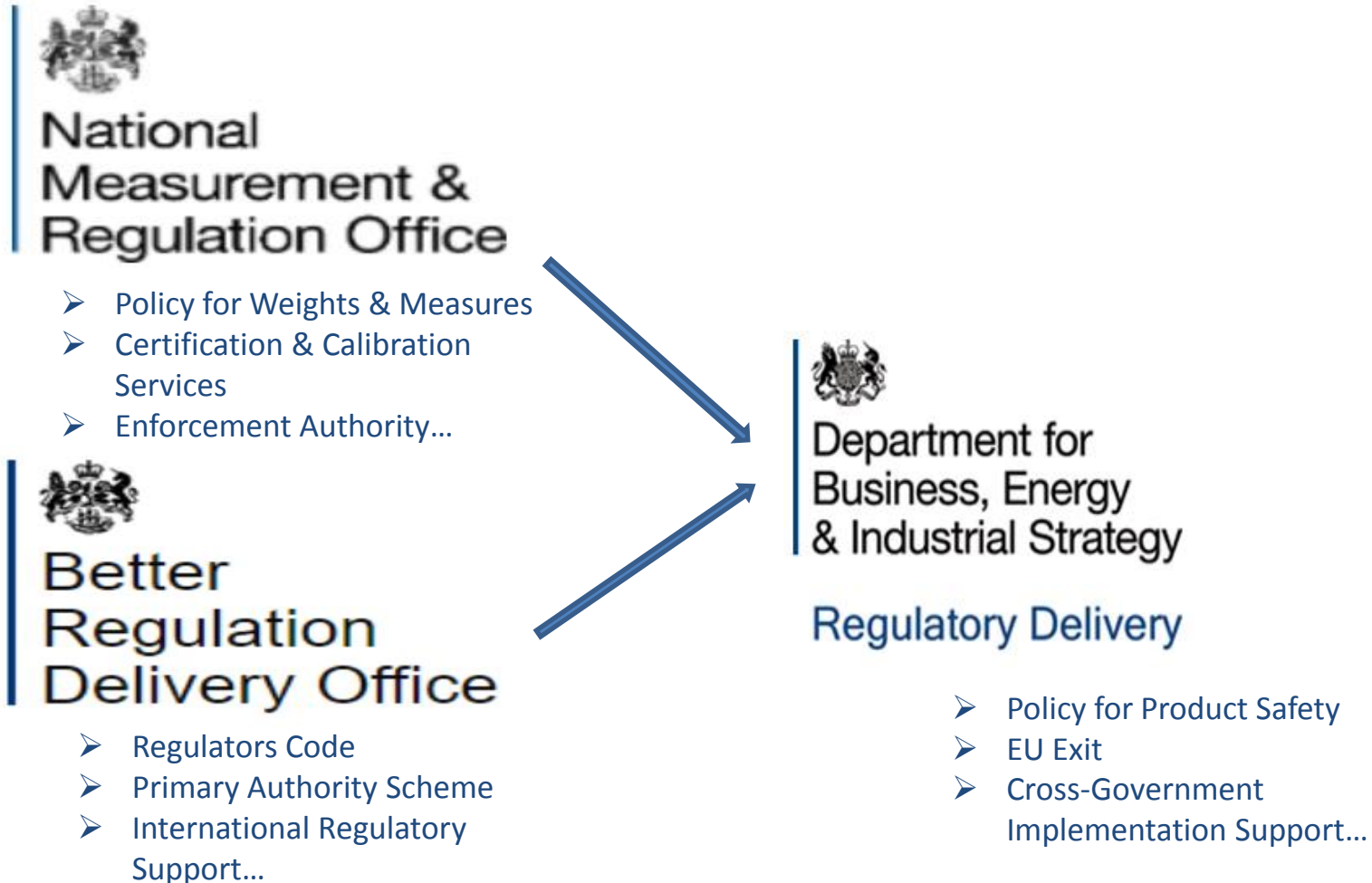
# Enforcement Update

**Electrotechnical Regulatory Group Meeting – 27<sup>th</sup> Sept.**

# Overview

- Introduction to Regulatory Delivery
- The work of RD Enforcement
- Approach and Enforcement Priorities
- Legislative Developments

# What is Regulatory Delivery?



# The Work of RD Enforcement

Having taken on responsibility of the RoHS Directive in 2008 (as NMO) we are now responsible for the implementation and enforcement of a range of technical and environmentally focussed Regulations:

- ✓ Batteries
- ✓ Eco-design
- ✓ RoHS & WEEE
- ✓ End-of-life vehicles
- ✓ Energy information
- ✓ Alternative fuel infrastructure
- ✓ Genetic resources
- ✓ Heat networks
- ✓ Outdoor noise
- ✓ Timber

We operate in accordance with the Regulators' Code, which requires us to:

- support compliance and growth
- engage with those we regulate
- base our activity on risk
- share information
- offer clear guidance
- be transparent.

# Approach to Non-Compliance

We support those we regulate in their efforts towards compliance and take proportionate action in response to non-compliance.

Various options are available to us to deal with non-compliance, extending to advice and support, warning letters, statutory notices, civil sanctions (including financial penalties) and ultimately criminal prosecution. We always act proportionately, depending on the nature of the non-compliance and the desired outcome of the intervention.

**We are approachable and we will not take enforcement action just because a business asks us a question or tells us that they have a problem.**



# Enforcement Priorities

- ❖ Project based approach to enforcement – focusing on high risk sectors or product types.
- ❖ Refining methodology towards engagement and assessment of business processes and due diligence efforts in order to identify best practice and better inform risk assessment processes.
- ❖ Development of effective guidance and further support to industry, including workshops and training events, in coordination with trade associations and business representatives.
- ❖ Continued engagement at a European level to drive consistency of interpretation and a coordinate enforcement activities.
- ❖ Provision of assured advice to industry – supported through the ADCO groups.
- ❖ Act as a conduit between the business community and the policy discourse.

# Legislative Developments

- Great Repeal Bill as currently drafted would put all current EU Regulations into UK Law.
- UK Govt will continue to input into negotiations of new/future Regulations at an EU Level.
- RoHS
  - Application of RoHS to Categories 8 (Medical Devices) and 9 (Monitoring & Control Instruments) from **22 July 2014**
  - For In-vitro Diagnostic Medical Devices - **22 July 2016**
  - For Industrial monitoring & control equipment - **22 July 2017**
  - For Category 11 ('Everything else') - **23 July 2019**
  - Application of the substance restriction for the four phthalates for Categories 1 to 7 and 11 - **22 July 2019**
  - Application of the substance restriction for the four phthalates for Categories 8 and 9 - **22 July 2021**
- Ecodesign & Energy Labelling
  - New UKSI for Energy Information Regulations this year – implementing new Energy Labelling Regulation
  - Rescaling of the Energy Label
  - Product review for fridges, dishwashers, washing machines, displays and lighting are upcoming
  - Introduction of the product database and associated obligations

# Legislative Developments

- WEEE (Moving towards open scope in 2018)
  - Evidence gathering from producers – March to April 2017
  - Development of impact assessment – May to June 2017
  - Consultation, draft Regulations and Impact Assessment – September to November 2017
  - Analysis of consultation response - November 2017 to January 2018
  - Publish consultation response and final Impact assessment and revised Regulations - April 2018
  - New arrangements enter into force – 1 January 2019\*
- WEEE (future challenges)
  - Achieving higher collection targets
  - EU Circular Economy package
    - Extended Producer Responsibility (EPR) & the potential impact on WEEE and other producer responsibility regimes both in the UK and across the EU
- Conflict Minerals
  - Coming into force in 2021
  - Importers of Tin, Tungsten, Tantalum and Gold
  - Limited obligations on those trading ‘downstream’ non-metal stage or finished products
- Batteries / ELV / Noise & other relevant legislation...



# Questions

