

SCHEDULES

[^{F1}SCHEDULE 8A

Approval of a PBS

Textual Amendments

- F1** Sch. 8A inserted (1.1.2019) by The Waste Electrical and Electronic Equipment (Amendment) (No. 2) Regulations 2018 (S.I. 2018/1214), regs. 1, 30

PART 2

PBS Requirements

10. That the rules of the PBS provide for the operator to arrange for the fulfilment by one or more of its participating schemes, in accordance with the requirements of regulation 34 and on the basis either of a one-off collection or of an ongoing service for a minimum of 6 months, of any requirement to take action under regulation 34(1) referred to it by a scheme operator.

11. That the rules of the PBS provide that the costs of fulfilling, in accordance with paragraph 10, any requirement under regulation 34(1) referred to it by a scheme operator, will be shared between all the participating schemes on a market share basis.

12. That the rules of the PBS provide for termination in the event that the approval of the PBS is withdrawn under regulation 34A(9) and make appropriate provision for completion of pending obligations and for payment of sums arising under the PBS in the event of such termination.

13. In the case of a PBS approved under regulation 34A(6)(b)(i), that the Secretary of State is satisfied that the proposed transitional arrangements, details of which have been given in accordance with paragraph 9, are adequate to ensure that requirements to take action under regulation 34 are dealt with satisfactorily during the period covered by such arrangements.

14. That the Secretary of State is satisfied that the PBS will be compliant with the code of practice in so far as it relates to regulation 34 requirements.

15. That the Secretary of State is satisfied that the operator or proposed operator of the PBS will have the necessary experience and resources and systems in place to—

- (a) arrange for the fulfilment of any requirement to take action under regulation 34(1) referred to the PBS as mentioned in paragraph 10;
- (b) share information in such a way as to maintain commercial confidentiality;
- (c) enforce obligations of the participating schemes under the PBS.

16. That the Secretary of State is satisfied that the PBS will comply with all relevant legislation, including competition law.

17. In this Schedule—

- (a) “scheme operator” has the same meaning as in regulation 34;

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Waste Electrical and Electronic Equipment Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (b) “market share” means A/B , where “A” and “B” have the same meanings as in regulation 28]

Status:

Point in time view as at 01/01/2019.

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