

To Whom It May Concern

Since 1 February 2018, Northern Compliance Ltd (NC) has been engaged in a legal challenge with the UK Government in relation to the 2017 compliance fee mechanism approved by the Secretary of State as well as the 2018 changes to the WEEE Regulations 2013. As a consequence of this action we believe that a vexatious and mischievous request has been made under Freedom of Information laws by unknown persons or organisations with vested interests, who are seeking to exploit this legal process. For the avoidance of doubt we have no issue with the principle of the compliance fee as a means to aid Declaration of Compliance but our challenge concerns the mechanism itself.

NC from the outset of its legal challenge to UK Government received written confirmation from the Environment Agency that it would not take any action under UK WEEE Regulations whilst our legal challenge was still in process. It is therefore disappointing that the Environment Agency have now seemingly moved from this position without explanation.

It is of great concern that despite DEFRA's assurances six months ago, as a part of their response to our legal challenge, they have failed to complete an immediate impact assessment into the Regulatory changes it incepted on 1 March 2018 to Regulation 34. We consider the current 6 months undue delay to be unreasonable. We have repeatedly informed DEFRA and copied in the Environment Agency that its completion is not only DEFRA's duty but its outcome is inextricably linked to our legal challenge.

So, far from being in breach of regulations, it should be noted that NC Ltd's actions have been and remain in consideration of their legal challenge to UK WEEE Regulations and not a planned breach of compliance. The circumstances are not dissimilar to the background to Repic Limited's challenge to the UK government via judicial review in 2008/2009.

NC is not in a position to make any further comment on the issue of Declaration of Compliance 2017 for reasons stated.

Vincent F Eckerman
Director Northern Compliance Limited

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