



# Summary document

## 10<sup>th</sup> January waste management stakeholder event - EU Exit

### Contents

Introduction .....	1
Feedback from breakout sessions .....	2
Useful links and contact details .....	2
Questions & answers .....	4
Import and export issues .....	4
Notifications & re-consenting process .....	5
Contingency planning .....	6
Miscellaneous .....	7

### Introduction

On 10<sup>th</sup> January 2019, Defra held a stakeholder event on the implications for the waste management industry of the UK leaving the EU in a 'no deal' scenario. This event shared the planning and contingency work of Defra, the Environment Agency, the cross-government Border Delivery Group, and the RDF Industry Group. We also used this event as an opportunity to further understand industry concerns which will feed into Defra's preparations and future communications.

The event was attended by representatives from waste management organisations, trade associations, local authorities, the Scottish and Welsh governments and the Northern Ireland executive, the UK environment agencies, and representatives from Defra, BEIS, and the cross-government Border Delivery Group.

This document summarises the key points of the event and the insights gained by officials, as well as links to additional information. The slides from the day will also be circulated. At the end of this document is a Q&A section; this addresses the questions submitted to Defra prior to the event, and those that came up on the day.

We encourage you to circulate this document to your staff, members and customers.

## Feedback from breakout sessions

We held two breakout sessions during the event; the first focused on the concerns and perceived risks of leaving the EU in a 'no deal' scenario. The second looked at contingency planning and actions for government or regulators to take to prepare for a no-deal EU Exit.

The most commonly raised points are listed below.

### Top concerns and perceived risks of leaving the EU in a 'no deal' scenario:

- A lack of transport capacity – particularly lorries
- Delays and disruption at ports
- Waste backing up throughout the supply chain
- A lack of additional waste storage capacity
- A lack of engagement with smaller waste management stakeholders and Local Authorities
- Additional administrative burden resulting in extra costs
- Staff shortages (particularly drivers)
- Increased costs at many points along the supply chain
- Decreased revenue

### Stakeholders told government/regulators they would like:

- Easier access to clear and detailed guidance.
- Better communication with smaller waste management stakeholders and Local Authorities.
- Regulators to be prepared to use additional waste storage capacity.
- The government to consider making changes to the landfill tax system if necessary.
- Regulators to take a fast, flexible and lenient approach to any issues that arise.

## Useful links and contact details

### Web pages

The UK government's EU Exit help page for businesses.

<https://euexitbusiness.campaign.gov.uk/>

The Partnership Pack, designed to support businesses preparing for a no-deal EU Exit

<https://www.gov.uk/government/publications/partnership-pack-preparing-for-a-no-deal-eu-exit>

The Waste Shipments Exit SI

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-international-waste-shipments-amendment-eu-exit-regulations-2018>

The Waste Exit SI (Miscellaneous Amendments) (No. 1)

<https://www.legislation.gov.uk/ukdsi/2019/9780111177228/contents>

The Waste Exit SI (Miscellaneous Amendments) (No. 2)

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-waste-miscellaneous-amendments-eu-exit-no-2-regulations-2019>

The UK Government's Technical Notice on Waste Shipments

<https://www.gov.uk/government/publications/maintaining-the-continuity-of-waste-shipments-if-theres-no-brexit-deal/maintaining-the-continuity-of-waste-shipments-if-theres-no-brexit-deal>

European Commission Notice to stakeholders on waste law – 8<sup>th</sup> November 2018

[https://ec.europa.eu/info/sites/info/files/waste\\_law\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/waste_law_en_0.pdf)

European Commission Notice to stakeholders on import and export licences – 25<sup>th</sup> January 2019

[https://ec.europa.eu/info/sites/info/files/file\\_import/import\\_and\\_export\\_licences\\_en.pdf](https://ec.europa.eu/info/sites/info/files/file_import/import_and_export_licences_en.pdf)

European Commission Website with Preparedness Notices

[https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices\\_en](https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en)

EU database for tariffs and other import measures for imports into the EU

<http://madb.europa.eu/madb/euTariffs.htm>

HMRC webpage on import VAT, Customs Duty and trade statistics

<https://www.gov.uk/government/publications/notice-252-valuation-of-imported-goods-for-customs-purposes-vat-and-trade-statistics/notice-252-valuation-of-imported-goods-for-customs-purposes-vat-and-trade-statistics>

## Contact details

For general enquiries, call the Defra Helpline on **03459 335 577** (Monday–Friday, 08:30–17:00)

Find out about call charges at [www.gov.uk/call-charges](http://www.gov.uk/call-charges).

[askshipments@environment-agency.gov.uk](mailto:askshipments@environment-agency.gov.uk)

For any queries relating to the regulatory controls associated with waste exports.

[Waste-EUExit@defra.gov.uk](mailto:Waste-EUExit@defra.gov.uk)

For waste questions related to EU Exit

# Questions & answers

## Import and export issues

### **Will green list exports to the EU be subject to a tariff in the event of a no-deal EU Exit?**

In the event of a no-deal EU Exit, some of the green list waste exports to the EU will be subject to a tariff. More information on tariffs can be found on the EU tariff database and the WTO website.

### **Spain has not been contacted about rolling over notifications. What will happen with waste shipments to Spain when we leave the EU?**

UK government officials have approached the authorities in Spain, and we are working with them to reach a pragmatic solution as soon as possible.

### **Is there likely to be any disruption to the import or export of WEEE, which is normally regulated through the Correspondents' Guidelines (e.g. used electronics for repair, reclaimed spare parts, etc.)?**

The Correspondents' Guidelines provide guidance for the import and export of WEEE. These shipments are regulated by the EU Waste Shipments Regulation and the UK Transfrontier Shipments of Waste Regulations. The Guidelines will continue to be used as guidance in the UK once we leave the EU. We do not expect any delay specific to the import or export of WEEE.

### **What plans are in place to limit customs checks at EU borders? Hazardous wastes are shipped with defined booking slots into the recovery sites.**

As the UK is a party to the Basel Convention and a member of the OECD in our own right, we will continue to meet our international obligations regarding waste shipments. This helps make sure that we do not provide reason for EU Member States to increase border checks on UK shipments. However, it is for EU Member States to determine the customs checks which they want to apply at their own borders.

### **Waste can often move internally across EU states, once the shipment has entered the EU can you see any potential for internal restrictions (e.g. moving UK wastes from NL to DE)?**

Notified shipments which transit other countries before reaching their country of destination must have approval from the country or countries of transit prior to shipment. This will continue to apply. All shipments of waste to the EU will be subject to customs procedures. As the EU is a customs union, shipments will only be subject to customs procedures when they enter or exit the EU.

### **What provisions are in place to ensure imports of RDF from Ireland will be unaffected post EU Exit? Similarly how will UK exports of RDF be affected and what provisions are in place? Will more material potentially have to go to landfill?**

Shipments of waste for recycling and energy recovery operations between the UK and the EU will be able to continue if the UK leaves the EU without a deal. As with other notified waste, the notification process will be retained with some minor additional customs procedures which will need to be followed when exporting to the EU. We are putting contingencies in place to make sure we can continue to import and export our waste on Day 1.

## **What tariffs is the UK likely to face on different recovered materials under WTO rules?**

World Trade Organisation (WTO) tariffs vary according to the material in question. Most wastes will be subject to tariffs of 3 – 7%. The WTO and EU websites provide a breakdown of tariff by material.

- WTO tariff database [https://www.wto.org/english/tratop\\_e/tariffs\\_e/tariff\\_data\\_e.htm](https://www.wto.org/english/tratop_e/tariffs_e/tariff_data_e.htm)
- European Union tariff database <http://madb.europa.eu/madb/euTariffs.htm?>

## **Notifications & re-consenting process**

### **Will the Environment Agency re-consent existing notifications at no extra cost?**

If existing consents to export notified waste require re-consenting the Environment Agency (England) will not charge notifiers for this work.

### **What percentage of EU competent authorities have responded consenting to extending notified shipments beyond the 29th March? What is being done to address the issue of those that haven't?**

The UK competent authorities contacted EU competent authorities to request the rolling over of existing notifications which go beyond 29<sup>th</sup> March 2019. As of the 24<sup>th</sup> January 2019 the UK competent authorities have obtained agreement that 537 of these approvals can continue in their current form with no new application required to allow the export of the waste to the EU. The UK competent authorities have yet to receive responses in respect to 19 approvals with an associated tonnage of 401,000 tonnes or 1.5% of the proposed UK exports of notified waste to the EU. We are following up with the small number who have not yet responded.

### **Have you now written to all UK operators with notified shipments setting out the practical implications of a no-deal EU Exit, i.e. the bullet points in the Commissions' revised notice?**

We published a technical notice on waste shipments in a no-deal scenario on 12<sup>th</sup> October 2018 which sets out the changes to waste shipments. We contacted exporters of notified waste to inform them about the procedure we are following which included a link to the EC notice. The International Waste Shipments (Amendment) (EU Exit) Regulations 2018 were published on 22<sup>nd</sup> November 2018. These regulations will bring the EU Waste Shipments Regulation (EC 1013/2006) in UK law and update the UK Transfrontier Shipments of Waste Regulations and can be accessed online by operators.

### **Will the process for applying for notifications change after EU Exit, other than what is set out in the Commission's revised notice? Should we expect delays or longer waiting times for consent?**

The process for applying for notifications, as set out the EU Waste Shipments Regulation, will be retained as UK law. The process for exporters of waste to the EU will have some minor changes. When moving waste between the UK and the EU, the EU will apply the procedures for OECD countries or parties to the Basel Convention. This means that some additional customs procedures will need to be followed. The 30 day response times set out in the Waste Shipments Regulation are retained in UK law. As such, we do not expect delays in consent times once we have left the EU.

### **Will the UK/EU keep the close links between the Competent Authorities to ensure processing of transfrontier shipment applications are consistent and time bound?**

Yes, the UK competent authorities have strong working relationships with their counterparts in the EU and we expect these relationships to be maintained going forward.

## Contingency planning

### **Will the Environment Agency consider allowing flexibility around transit routes (exit ports), as Scottish Environment Protection Agency (SEPA) have done?**

We have confirmed with SEPA that no specific additional flexibility around transit routes has or will be implemented in relation to EU Exit. Procedures set out in the Waste Shipments Regulation already allow for the alteration of notifications. These require the agreement of all competent authorities concerned, which is usually a quick and simple task. Where this cannot be achieved, a new notification must be submitted.

### **Will the Government review storage permits and landfill tax arrangements?**

The Environment Agency will review any requests to amend storage or landfill permits as they arise. These are likely to be local, site based decisions based on the risks posed by the specific site. Measures around to landfill tax are not under consideration at this time.

### **Are there contingencies for moving wastes to the EU for disposal outside of the UK plan (e.g. wastes that have no disposal option within the UK)?**

The UK Plan for Shipments of Waste provides the UK policy for importing and exporting waste for disposal. It sets out specific circumstances in which it may be permissible to export waste from the UK to the EU for disposal. All exports of waste for disposal from the UK require an exception to the UK Plan but they do not currently require a Duly Reasoned Request. Following EU Exit, such exports will still require the exporter to be granted an exception prior to exporting, and the Waste Shipment Regulations will require a Duly Reasoned Request to be sent to EU importing countries prior to shipment. We are planning to update the UK Plan and it will continue to provide the UK policy for shipments of waste for disposal.

### **Have container shippers been consulted on the potential for disruption? The backhaul route to Asia is a key supply route for the UK's materials to export markets.**

A range of exporters have been involved in stakeholder communications and meetings with Defra and the Environment Agency. These have included operators who utilise a wide range of export methods.

### **Meeting packaging recycling targets remains heavily dependent on exports. Have you considered any relaxation in the legislation under extreme disruption?**

The packaging recycling targets are legal requirements which are set out in legislation. Any changes to these legislation would require an amending Statutory Instrument (SI). The legislation on waste shipments sets out where waste can be exported to or imported from according to the waste type and whether it is being shipped for recovery or disposal. It also puts our international obligations under the Basel Convention and the OECD Decision into effect. We are not currently considering changes to this legislation.

### **Companies may look to stockpile materials outside of the UK in advance of EU Exit. Will there be sufficient infrastructure and capacity to cope with this surge in exports in Q1 2019?**

Our contingency planning is looking to both limit any upsurge in exports on Day 1 and to ensure that there is capacity within the regulators to maintain continuity.

**Certain materials (paper, RDF, etc.) are likely to degrade quickly if kept at a port before exporting. What provisions are in place to reduce this risk?**

A range of contingencies are being put in place, not only to identify solutions in the event of disruptions to waste exports at ports but also to prevent these disruption from occurring.

## Miscellaneous

**What is the plan between now and the 29th March?**

The UK is committed to maintaining the same environmental standards following its exit from the EU as a minimum. No new systems or processes specific to waste will be required post-exit for operations to continue, but existing systems will need updating to reflect the new legislative framework.

We are stepping up preparations within Defra and elsewhere to make sure that operationally and legislatively there is as small a gap as is practically achievable in the unlikely event of a no-deal EU Exit. The International Waste Shipments (Amendment) (EU Exit) Regulations 2018 were laid on 22<sup>nd</sup> November 2018; the Waste Exit SI (Miscellaneous Amendments) No. 1 and No. 2 were laid on 17<sup>th</sup> and 18<sup>th</sup> December respectively. We are continuing to work on our contingency planning.

**Waste management is defined under WTO rules as a service industry and therefore should not be liable for import taxation. Can you confirm your understanding regardless of potential exit scenarios?**

Waste management is viewed as a service under WTO rules but waste is also seen as a good. This means that for most waste exports where the waste is sold for waste management as a good, the WTO rules for goods apply. Where the service of waste management is bought by the holder of a waste, WTO rules for a service apply. In particular, this applies to RDF and SRF waste streams.

**Will international CPC licences remain valid for EU countries?**

Recognition of waste handler licences from other states is not an official decision by the European Commission and instead is practice of certain European countries. Handlers may need to apply for new licences according to the countries in which they operate.