



Department  
for Environment  
Food & Rural Affairs

# Resources and Waste EU Exit No Deal Contingency Planning Stakeholder Meeting

10<sup>th</sup> January 2018

***The information in this slide pack is accurate as of 10<sup>th</sup> January 2019***



Department  
for Environment  
Food & Rural Affairs

# Chris Preston

Deputy Director, Resources and Waste,  
Defra

# No-deal contingency planning for the waste industry



Are you ready  
to leave the  
EU?

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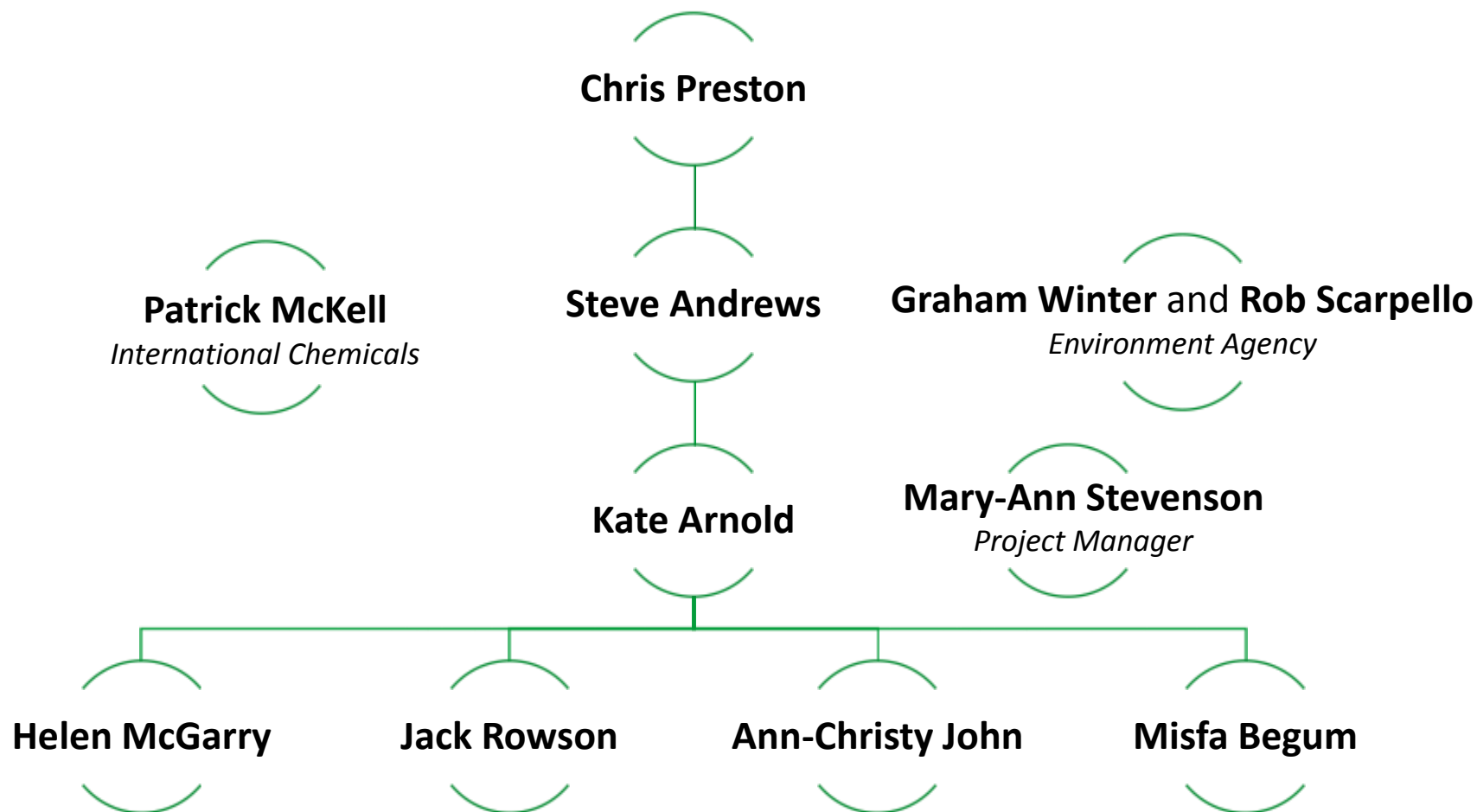
Department  
for Environment  
Food & Rural Affairs

# Kathryn Arnold

Team Leader EU Exit Strategy, Resources  
and Waste, Defra

# Introducing the Resources & Waste EU Exit team

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# Representatives from Devolved Administrations



# Agenda for the day

When?	What?	Who?
09:30	Welcome and housekeeping	Kathryn Arnold & Chris Preston, <i>Defra</i>
09:35	Operational readiness	Kathryn Arnold, <i>Defra</i>
09:50	Waste exports process	Patrick McKell, <i>Defra</i>
10:15	No-deal border issues	Tony Thomas, <i>Border Delivery Group</i>
10:30	Breakout session – no deal risks	
11:00	Refreshment break	
11:15	Contingency planning – a view from industry	Bethany Ledingham, <i>RDF Industry Group</i>
11:30	Contingency planning – Environment Agency	Graham Winter, <i>Environment Agency</i>
11:40	Breakout session – Contingency planning	
12:10	Q&A session	
12:40	Close	Kathryn Arnold, <i>Defra</i>



# Waste Policy

Waste policy covers numerous areas including:

- ♻ Recycling
- ♻ Residual Waste
- ♻ Producer Responsibility
- ♻ Product Standards



# Waste policy areas continued...



- 🗑️ Food Waste
  - 🗑️ Waste Regulation and Crime
  - 🗑️ Local Environmental Quality (Litter)
  - 🗑️ Waste Shipments
-

# Resource and Waste Strategy

Published December 2018





# What we have achieved so far!



Consumption of raw materials **down almost a third** since 2000



Local authority collected waste sent to landfill **down over 85%** since 2000



Household recycling levels have **quadrupled** since the turn of the century



UK food waste **reduced by a million tonnes** between 2007 and 2015, equivalent to a 14% per capita reduction



A **70% fall** in carbon emissions from the waste sector on 1990 level



## Increased recycling

In 2016/17 in England, local authorities recycled, composted or reused 11.3 million tonnes of the waste they collected, far outweighing the 4.1 million tonnes (15.7%) that were landfilled. 9.9m tonnes (37.8%) were incinerated in the UK or abroad

# Actions in the Resources and Waste Strategy

We will:

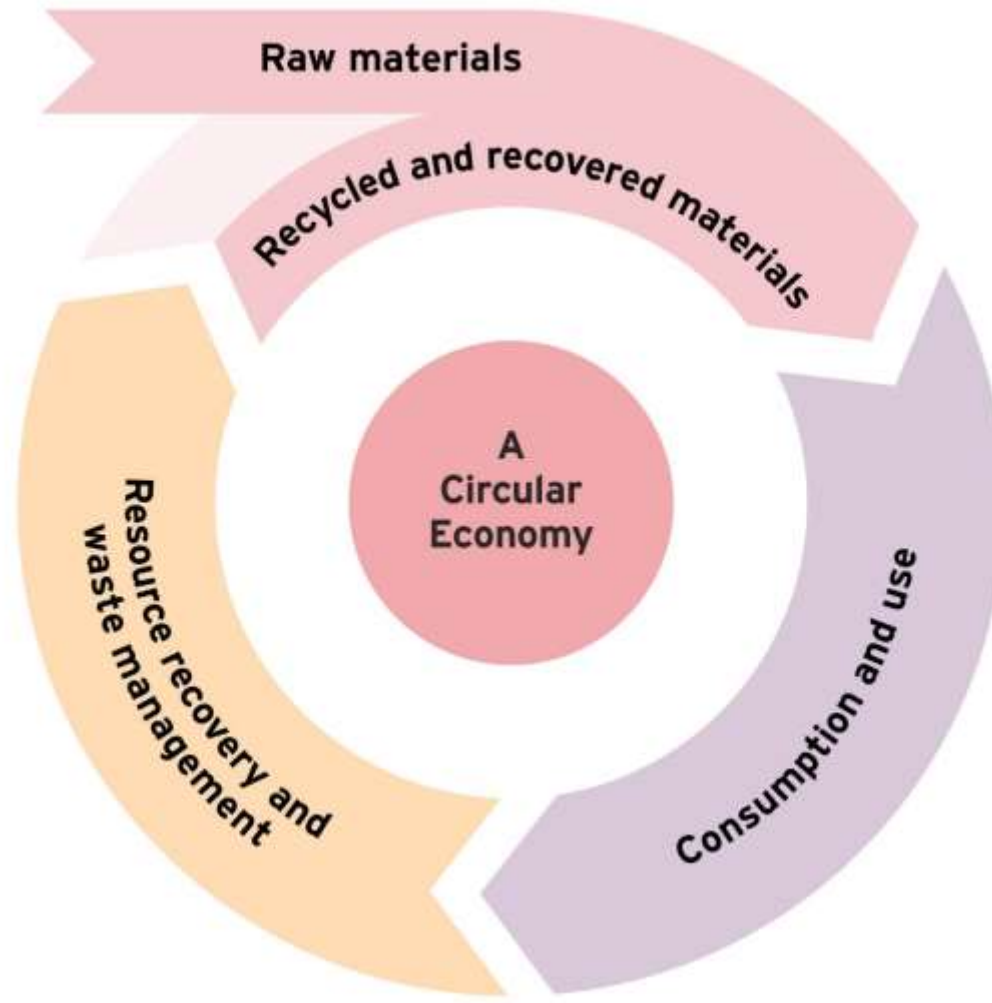
- **reform packaging waste regulations**
  - introduce a **consistent set of recyclable materials to be collected** from all households and businesses, and **consistent labelling on packaging**.
  - **consult on ensuring weekly collections of food waste** for every household.
  - introduce **annual reporting of food surplus and waste by food businesses**, to stop perfectly edible food needlessly going to waste.
  - introducing **compulsory electronic tracking of waste**.
-

# Circular Economy Package

## Key Targets

- **Municipal Waste Recycling Targets** - Mandatory targets will be set at 55% by 2025, 60% by 2030 and 65% by 2035. Review clause in 2028 to maintain or increase targets.
  - **Landfill target** - Mandatory target to limit landfill to no more than 10% by 2035.
  - **Packaging waste targets** - overall packaging waste recycling target of 65% by 2025 and 70% by 2030.
-

# Circular Economy Package



The Government supports the ambition of the CEP as demonstrated in the R&W Strategy.

# CEP

In the case of an implementation period, the revised legislative proposals on waste, contained in the Circular Economy Package (CEP) will be transposed.

The CEP sets clear targets for reduction of waste and establish an ambitious and credible long-term path for waste management and recycling.

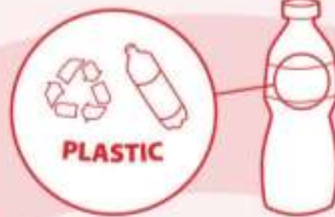
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Products are made from some recycled materials...



...and are easy to recycle.



Some products are no longer made from plastic but from alternative materials.



## OUR AMBITION

To eliminate  
avoidable plastic  
waste over the  
lifetime of the 25 Year  
Environment Plan



More plastics are reused,  
repaired or recycled.



Consumers use more  
reusable items...



...and know what  
can be recycled.



A circular  
economy  
for  
plastics

The UK is committed to maintaining the same environmental standards following its exit from the EU.

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# No-deal planning



# EU Exit Statutory Instruments

**72 items of EU legislation relate to waste** - 12 do not need amendments to maintain operability post exit; 55 require use of powers in the Withdrawal Bill, split between 3 Waste Exit SIs.

If the statutory instruments (SIs) were not to be laid, there would be no legislation in place to continue the current framework.

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# Defra/**WST/01** (affirmative):

42 items of directly applicable EU legislation to be included in the Waste (UK) (EU Exit) (Miscellaneous Amendments) Regulations.

This will transfer up to 60 tertiary legislating functions from waste related EU Directives.

Laid 14<sup>th</sup> December 2018

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## Defra/**WST/02** (negative):

13 items of domestic legislation to be included in the Waste (England) (EU Exit) (Miscellaneous Amendments) Regulations.

Management of hazardous waste provisions in the UK are included in both Defra/WST/01 and Defra/WST/02.

Laid 18<sup>th</sup> December 2018

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# Defra/**WST/03** (affirmative):

1 directly applicable item of EU legislation and 1 item of domestic legislation to be included in the international Waste Shipments (UK) (EU Exit) (Miscellaneous Amendments) Regulations

Laid 22nd November 2018

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# Cross-cutting SIs

There are two cross-cutting SIs which although not 'owned' by Waste policy team, some Waste policy teams have contributed to.

2 Cross-cutting SIs:

- **ENV-X/01: laid 31 October**
  - **ENV-X/02: laid 16 November**
-



# In a 'No Deal' scenario existing protections relating to:

Waste batteries and accumulators; End of waste criteria;

Packaging waste; end-of-life vehicle destruction certification; landfill acceptance criteria; the management of waste from extractive industries; and calculation methods for verifying recycling target compliance;

End-of-life vehicles Producer Responsibility; Hazardous waste; Producer Responsibility Obligations (Packaging Waste); The Batteries and Accumulators (Placing on the Market); Major Accident Off-Site Emergency Plan; Management of waste from extractive industries; Waste; Restriction of the use of certain hazardous substances in electrical and electronic equipment (recast); Waste electrical and electronic equipment; Packaging (Essential Requirements)

...will be maintained and continue to be operative once the UK has left the EU.

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# Devolved Administrations & EU exit SIs

- Waste policy is largely a devolved matter
  - The devolved administrations in Scotland and Wales have chosen to follow the UK framework.
  - \*In the continued absence of a Northern Ireland Executive, UK Government Ministers have decided to take through the necessary legislation at Westminster for Northern Ireland in close consultation with the Northern Ireland departments. This is to ensure legal certainty in Northern Ireland for businesses after the UK leaves the EU.
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The changes proposed in any scenario are designed to have minimal impact on industry.

For Day 1 there is **unlikely to be a major operational change** affecting businesses.

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Department  
for Environment  
Food & Rural Affairs

# Patrick McKell

Team Leader EU and International Chemicals,  
Hazardous Waste and Waste Shipments Team



Department  
for Environment  
Food & Rural Affairs

# International waste shipments and EU Exit



Forestry Commission  
England



Environment  
Agency

# Objectives of today's briefing

To explain the implications for the regulation of waste shipments in the event of:

- An agreed withdrawal of the UK from the EU,
- Exit from the EU in a No-Deal Scenario.

# An agreed withdrawal - I

- An agreed withdrawal would mean the UK and EU have reached an agreement on the terms of a time-limited Implementation Period and the terms of the UK's withdrawal from the EU.
  - During the Implementation Period the UK will no longer be a Member State of the EU, but market access will continue on current terms.
  - Common rules will remain in place until the end of the Implementation Period meaning businesses will be able to trade with EU MS on the same terms until the end of 2020.
-

# An agreed withdrawal - II

- Existing EU rules on the shipment of waste will continue to apply. Existing consents to ship notified waste between the UK and the EU will remain valid until the end of the Implementation Period.
  - **NOTE** - The UK will not be part of EU decision making structures during the Implementation Period.
  - A review of the EU Waste Shipment Regulations is anticipated before end of 2020. The UK will have limited opportunity to influence the shape of future EU regulations on shipments.
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# Waste Shipments Legal Background

BASEL

OECD

EC WSR Reg. 1013/2006

EC Reg. 1418/2007 (non- OECD)

Transfrontier Shipment of Waste Regs 2007

UK Plan for Waste Shipments

# No-Deal - The Withdrawal Act

- Withdrawal Act provides powers to “fix” EU and UK regulations to ensure operability on Day 1 in a No-Deal scenario.
- These “fixes” are only intended to correct operability problems – this means only making changes that are truly necessary.
- Our aim is to maintain the **Status Quo** as far as is reasonably possible and provide **certainty** and **continuity** for the regulation of international waste shipments.
- The International Waste Shipments (Amendment) (EU Exit) Regulations 2018 was laid before the Joint Cttee. on Statutory Instruments on 22 November 2018. It will be debated in both Houses mid-February 2019.

# The International Waste Shipments (Amendment) (EU Exit) Regulations 2018

The SI amends:

- Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste,
- the Transfrontier Shipment of Waste Regulations 2007,
- and related subsidiary EU legislation on waste shipments

The amendments will enable the continued operability of the legislation as retained EU law under the European Union (Withdrawal) Act 2018, following the UK's withdrawal from the European Union

# The International Waste Shipments (Amendment) (EU Exit) Regulations 2018

The SI changes include:

- amending references to the EU, EU institutions and EU administrative processes to UK equivalents;
- removing provisions which have no practical application to the UK or are redundant;
- correcting out-of-date references;
- updating legal references to refer to relevant UK legislation; and
- amending the requirement for the government to report annually to the European Commission to the Basel Secretariat only.

# Regulation EC 1013/ 2006 - the principal EU regulation

## Title II – Shipments within the EU

- Will remain key framework of waste shipments procedures, processes and documentation,

## Title IV - Exports from the Community to Third Countries

- To be repurposed as process for UK waste exports,

## • Title V - Imports into the Community from Third Countries

- To be repurposed as the process for UK waste imports,

# Practical implications for waste shipments

“Green List” waste shipments control procedures

- UK imports of waste for recovery - no practical changes anticipated
- UK exports of waste for recovery - no practical changes anticipated
- UK Exports to non-OECD countries - we will rely on the existing EU Regulation EC Reg. 1418/2007 – This carries some RISKS but we consider these to be low.

# Practical implications for waste shipments

Notified waste shipments control procedures

Imports of EU waste for disposal

no practical changes anticipated as a result of the “fixing” Exit legislation

- However, Article 34 of the WSR prohibits export for disposal outside the EU, except to EFTA countries.
- This means exports of waste from the EU to the UK for disposal would be prohibited when the UK leaves the EU. This could be addressed under the terms of the Future Economic Partnership.

# Practical implications for waste shipments

Exports of UK waste for disposal - EU will treat UK as Basel Party

- We will maintain the current provision in the EU Regulation that prohibits the export of waste for disposal with the exception of exports to EU and EFTA countries
- **Why should EU accept ?** - existing provisions in WSR allow for imports of waste for disposal from parties to the Basel Convention
- UK Government will need to submit a Duly Reasoned Request to EU MS Government in advance of notification.
- **UK rarely exports waste for disposal**



# Practical implications for waste shipments

Notified waste shipments control procedures

Imports of waste & exports of waste for recovery

- no practical changes anticipated as a result of the “fixing” Exit legislation
- EU will treat UK as an OECD Decision country
- **Issue on the status of current consented shipments that extend beyond the 29 March 2019**

# Practical implications for waste shipments

Update on notified waste shipments\* - Annex 17 process

- **96%** of UK notifications to export waste have been agreed as suitable to be “rolled-over”
- For EA, SEPA, and NIEA this agreement to roll-over consents with EU CAs represents **98%** of the proposed tonnage of UK waste exports that extend beyond the 29 March 2019
- For the remaining **4%** of notifications the UK regulators will start the re-consenting process during week commencing 14 January.

# Practical implications for waste shipments

Update on notified waste shipments\* - Annex 17 process

We are still awaiting a response from:

- German Competent Authority for Bremen (DE007)
- German Competent authority for underground facilities (DE013)
- German Competent authority for the Saarland (DE024)
- Spain

# Notified waste exports – new requirements

- Familiarise yourself with EU Customs Guidelines on the Import of Waste,
- Complete notifications forms **with** details of EU Customs Office of Entry and, where relevant, EU Customs Office of Exit,
- Ensure your waste carriers passes a copy of the Movement document to the Customs Office of Entry into the EU, and, where relevant, EU Customs Office of Exit,
- Ensure your waste carrier is suitably authorised to carry waste in the relevant EU countries.
- Determination times – will it take longer to get a response?

# Non-legislative issues

- EU Waste Shipments “Correspondents” Guidelines- will continue to apply
- ECJ Case Law on waste shipments - will continue to apply
- Waste Carriers Licences – subject to agreement with individual EU Member States
- Customs Checks - up to 5% of shipments may be inspected. Potential for disruption at UK and EU ports

# Tariffs

- EU will apply WTO tariffs - no tariffs on wood
- On RDF and SRF - our view is that the export of waste for energy recovery does not constitute a sale of goods but the purchase of a service.
- This is based on our understanding that UK exporters of RDF/SRF have to pay the energy recovery sites to take UK RDF/SRF away.
- This view is supported by both HMRC and the WTO (which considers Refuse Disposal generally a service). As a result, no tariff should be applied to their export.

# Post EU Exit - will the law be frozen?

- Repeal of European Communities Act
- Impact on powers to make changes to retained EU Legislation and existing UK implementing legislation
- Sufficient powers under sections 141 and 156 of the Environment Protection Act to make new legislation on waste shipments after Exit
- Any future changes to waste shipment controls will be subject to formal public consultation.

# Summary

- Waste Shipments is an **INTERNATIONAL** Regime – Defra does not anticipate significant changes in the way shipments will be controlled as a result of Exit,
- In a No-Deal scenario imports of waste for disposal from the EU will be affected,
- Also the status of agreed notified shipments with the EU will be affected as the UK transitions from one set of rules to another, work is underway to mitigate this risk,
- There may be disruption at UK ports which will affect all shipments. The UK regulators are preparing for these.



# Tony Thomas

Deputy Director, Border Delivery Group

# Tony Thomas presentation summary

- The border infrastructure is critical to the national security, trade and revenue of the UK. It also enables flow of goods required by the country and the flow of passengers for business, leisure and tourism. The Government wants to see traffic and goods continue to move as freely as possible. Government departments have been working to design customs and other control arrangements at the UK border in a way which ensures goods can continue to flow into the country, and won't be delayed by additional controls and checks.
-

# Tony Thomas presentation summary

- Around 30 different government departments and agencies have a role to play in ensuring that the UK has a well-functioning border and the Border Delivery Group works with all of these to ensure the smoothest of experiences. However, Government alone cannot deliver all the potential border related changes post EU exit - the private sector will need to deliver changes too. The border is operated by thousands of private sector organisations – ports, airports, carriers, intermediaries, road haulage and logistic companies. It is used by the UK public, EU and Rest of World nationals and 200,000 businesses in the UK and more beyond.
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# Tony Thomas presentation summary

- Leaving the EU with a deal remains the Government's top priority and would give businesses stability and certainty to prepare for our new relationship after EU Exit. However, the government must plan for every possible outcome including no deal. Government has published over 100 technical notices that set out key information to allow businesses and citizens to make informed plans and preparations, and HMRC has sent out over 145,000 letters to traders. Government has also published a Partnership Pack to inform businesses how trade, processes and regulations at the UK border could change after 29 March 2019. We are continuously engaging with a wide range of stakeholders to support industry preparedness, including trade bodies, ports, hauliers, ferry companies and freight forwarders.
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# No Deal: What could possibly go wrong?

What could possibly go wrong?

Graham Winter  
Environment Agency  
January 2019

# Basic planning assumptions

🕒 3-6 months of significant disruption (mainly Eng ↔ France)

**Why?**

**Where?**

**Consequences?**

# What do we know about our waste exports?

- ➡ UK exports around 6.5 mt per year to EU

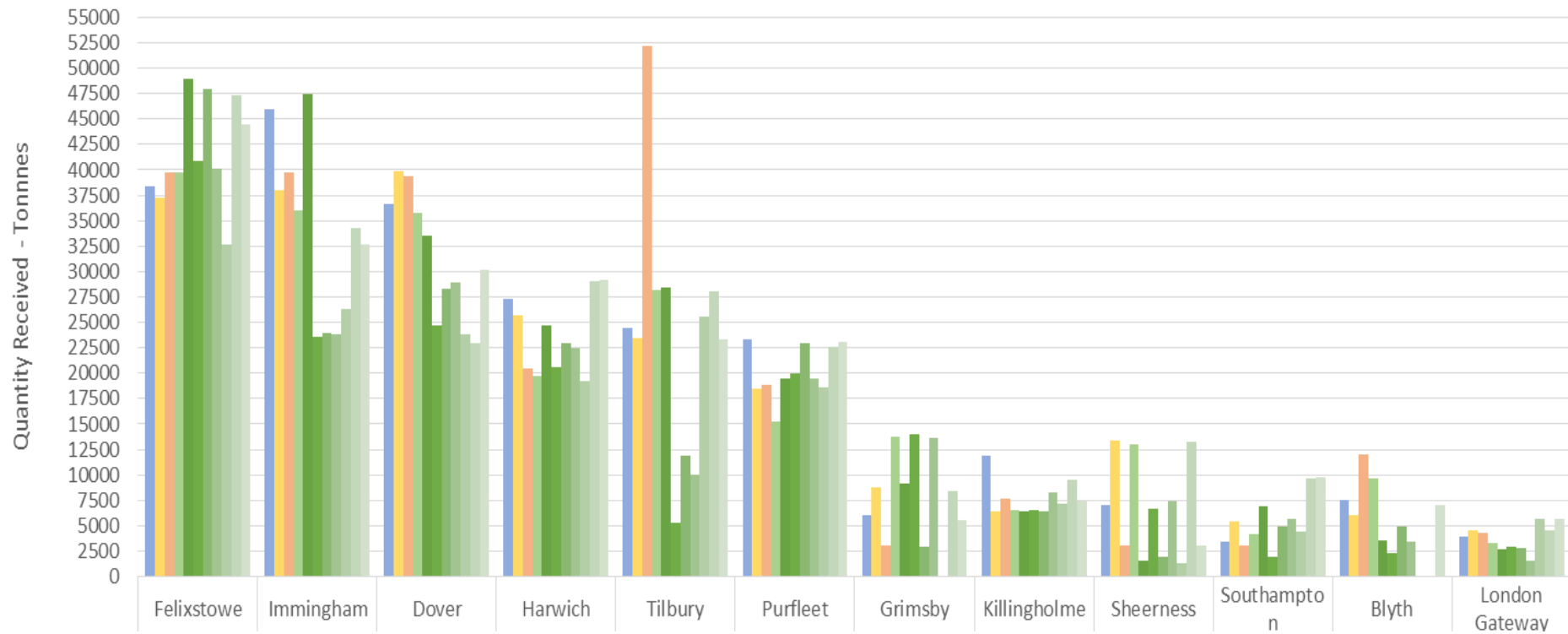
- ➡ Notified Waste:

  - ➡ ~3.4 mt RDF

- ➡ Non-notified waste

  - ➡ ~3.2mt (ferrous 56%, paper 20%, glass 9%, others < 4%)

# RDF Exports: Major ports





# Question 1

➡ What are the top 5 concerns/risks for you about a No Deal EUexit?

➡ Specific waste streams? Geographical issues? Storage?

➡ 15 minutes round table discussion

➡ Feedback to room

# RDF Export: No Deal Preparations

*Defra Stakeholder Event  
January 2019*

*Bethany Ledingham,  
RDF Industry Group Secretariat*



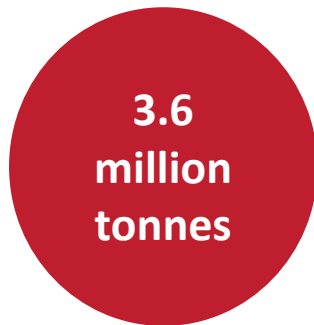
# Agenda

- RDF Industry Group
- Impact on RDF supply chain
- Issues and actions
  - Notifications
  - Customs
  - Ports
  - Contingency/Storage
  - Tariffs

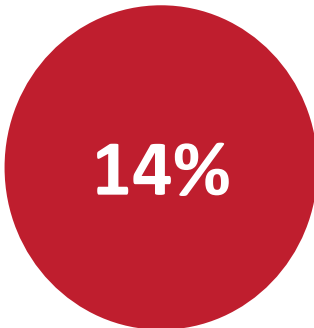
# RDF Industry Group



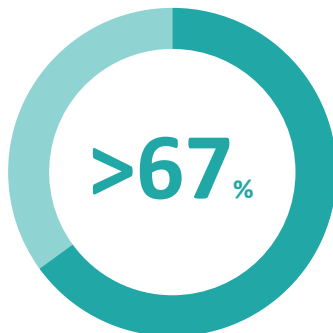




Of RDF exported



Of UK residual waste is  
exported



Of RDF exported by  
Group members

# Impact on Supply Chain

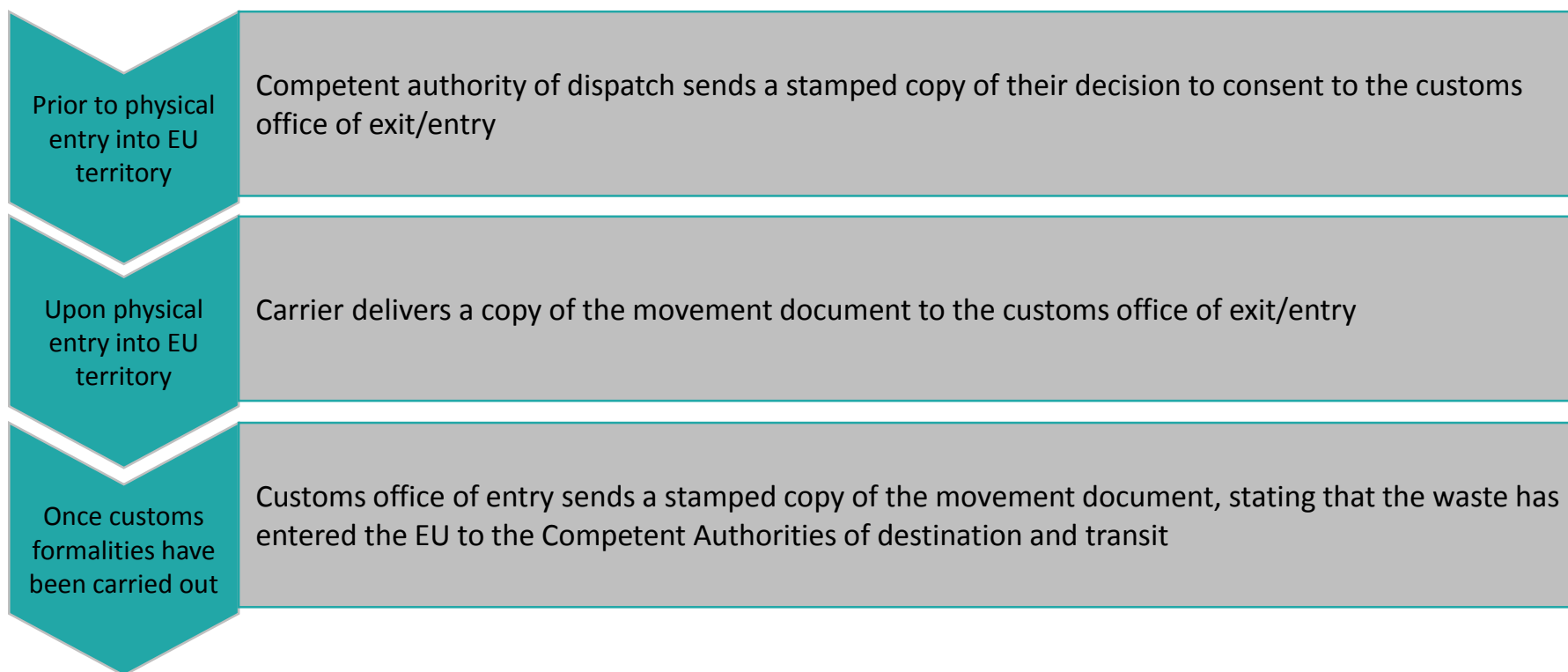
- 6 months' disruption -1.8 million tonnes
- Supply chain disruption, RDF stuck at:
  - Exit ports - without a legal mechanism to leave
  - Transfer stations
    - Operators unable to send RDF to ports – no more storage capacity
  - In transit - waste that cannot be accepted at a transfer site
  - Potential impact on waste collections?



# Notification Process

- TFS consents not valid under no-deal scenario
- UK has asked European CAs to agree mass amendment of TFS' under Article 17
- Where agreed, TFS notifications will 'roll over' past end of March
  - No action needed from notifiers
- Identify CAs left to agree

# Customs



- Information sharing with HMRC?





- Customs checks - anticipated for c. 5% of movements
  - Inland locations for checks?
  - Process itself not yet clear – fast track?
- Delays at ports
  - Bulk shipments – smaller impact
  - RORO/shipping containers – greater impact
    - 10 working days for shipments to go ahead as planned otherwise cancelled
    - Bond based on number of live loads – may increase if delays and exceed bond value?
- Using AEO accredited hauliers may help

# Ports

- Changing port not an easy solution
  - Dependent on transport type e.g. bulk, RORO
  - TFS consent based on fixed exit port & transport routes – requires amendment
  - Additional cost of transportation changes
  - Contractual changes
- Availability of vehicles – backhauling
  - Decrease in supply will increase in costs



# Contingency/Storage

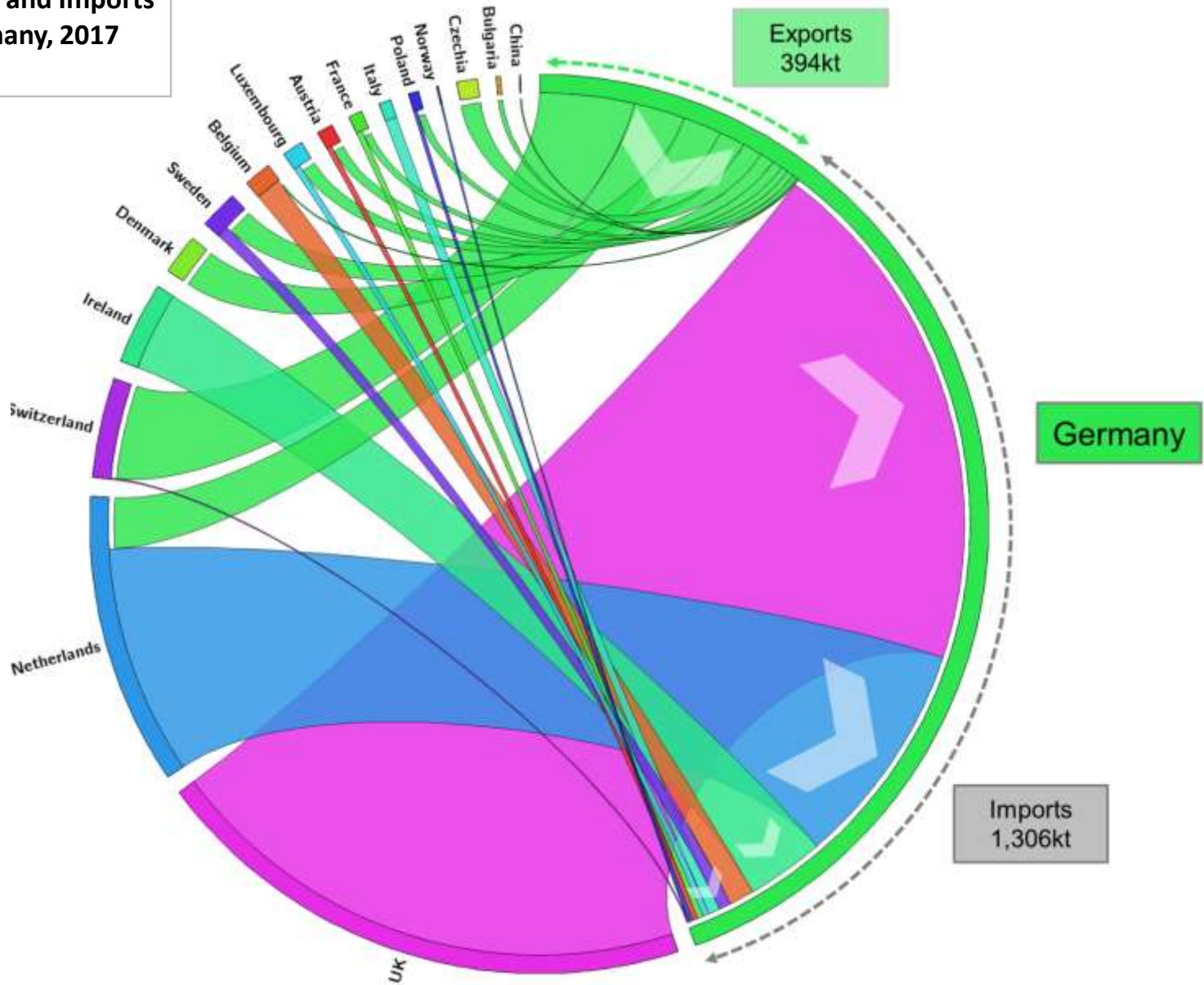
- Additional private storage
  - Check permitted storage capacity
    - Could the EA temporarily increase storage limits?
    - Issues with insurance and fire prevention
  - Secure additional storage
- Other solutions
  - Centralised storage facilities?
  - Storage at landfill sites?
- Contingency contracts – landfill
  - Financial burden of difference in price
  - Some LA contracts limit landfill



# Tariffs



**RDF/SRF Exports and Imports  
from/to Germany, 2017**



Source: Eunomia, based on Eurostat data

# Next steps...

- Operators should be thinking about:
  - Lobbying CAs who have not agreed to Article 17
  - Discuss fast-track with HMRC
  - Checking AEO status with hauliers
  - Consider contingency storage/disposal options
  - Engaging with EU customs teams re tariffs



[www.rdfindustrygroup.org.uk](http://www.rdfindustrygroup.org.uk)



**rdfindustrygroup@eunomia.co.uk**

# Contingency planning

Graham Winter  
Environment Agency  
January 2019



# Environment Agency Preparations

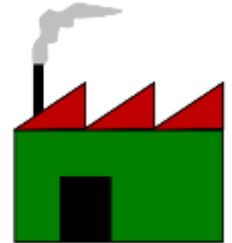
- ⇒ Role – advisor, regulator
- ⇒ Competent Authority –
  - ⇒ Consenting process
- ⇒ D1R
- ⇒ Contingency planning
  - ⇒ Considering the things that we may need to prepare for and respond to
  - ⇒ Drawing on work from Asian market restrictions

# Incident Management Approach

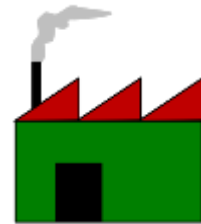
- ➡ Treating No Deal planning as an 'incident'
- ➡ Prioritises actions
- ➡ National and local teams



# Where will it go wrong?



# Where will it go wrong?



# Landfill void space (in theory)

Landfill Type	Region									ENGLAND
	North East	North West	Yorks & Humber	East Midlands	West Midlands	East of England	London	South East	South West	
Hazardous Merchant	7,059	6,409	2,666	948	-	-	-	196	1,480	18,759
Hazardous Restricted	-	150	-	-	535	-	-	23	-	708
Non Hazardous with SNRHW cell*	4,014	8,637	1,677	18,072	10,010	5,904	-	30,498	4,043	82,855
Non Hazardous	6,937	17,734	41,614	13,456	32,360	25,798	2,536	17,661	10,501	168,597
Non Hazardous Restricted	-	4,912	15,738	3,525	108	1,500	-	-	-	25,784
Inert	10,737	5,827	14,136	22,795	14,377	18,459	344	29,121	9,386	125,182
Total	28,747	43,669	75,832	58,796	57,390	51,661	2,880	77,500	25,410	421,884

# Things to consider

- ➡ Border restrictions/controls
- ➡ Need for alternative routes/markets
  - ➡ Logistics, permits
- ➡ Need for storage options
  - ➡ Permits, FPP
- ➡ Need for disposal options
  - ➡ Availability, cost, permitting
- ➡ Impacts on contracts or targets
- ➡ What else????

# Regulator Role: what we can consider

- ➡ National Regulatory positions (and local positions)
- ➡ Permitting and consenting
- ➡ Compliance
- ➡ Assessing capacity
- ➡ Responsive to issues as they arise
- ➡ Supporting local needs

## Question 2 (15 mins table discussion)

➡ Have you started planning for No deal?

➡ If not are there any barriers?

➡ What measures have you taken or planning to take to prepare for No Deal?

➡ Feedback Top 3 to Group



## Question 3 (10 mins table discussion)

➡ What can government or environmental regulators do to help you prepare?

➡ Feedback Top 3 to group

# Summary

- ➡ Collating issues and concerns
- ➡ Preparing for worse case
- ➡ Ready to respond

# Q&A session

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Chaired by:  
Dawn Woodward

On the panel:  
Tony Thomas, *Border Delivery Group*  
Graham Winter, *Environment Agency*  
Patrick McKell, *Defra*  
Kate Arnold, *Defra*  
Bethany Ledingham, *RDF Industry Group*

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# Next steps

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- Information gained today will feed into operational readiness.
- We will circulate a summary document
  - Feedback
  - FAQs
  - Links to key documents

Thank you

