

New arrangements for accredited exporters of UK packaging waste to demonstrate 'broadly equivalent' standards overseas

1. What this briefing covers

This briefing is for accredited exporters of UK packaging waste, and anyone who plans to seek accreditation as an exporter of UK packaging waste. It describes new arrangements for demonstrating that exported UK packaging waste will be processed to 'broadly equivalent' standards to those in the European Union (EU).

The new arrangements are summarised in section 3 below. Most of the changes will apply immediately.

The changes will reduce the number and frequency of supporting documents that you must obtain. They do not, however, reduce the controls that apply to the export of packaging waste from the UK. The changes will benefit you and the environment agencies. They will also support the UK in meeting the recovery and recycling targets set out in the Packaging and Packaging Waste Directive ('The Packaging Directive').

2. Background

The changes relate to The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 ('the Packaging Regulations')¹. These regulations require exporters of UK packaging waste to be accredited by the appropriate environment agency if they wish to issue evidence of packaging waste recovery overseas. One of the conditions of accreditation is that evidence of recovery can only be issued where the exporter can demonstrate that the exported packaging waste will be treated under conditions that are 'broadly equivalent' to the environmental standards that apply in the EU.

The amended regulations² came into force on 19 July 2008. They give the environment agencies more discretion in the way we assess that packaging waste is being treated to 'broadly equivalent' standards.

These changes do not affect the requirements of the Waste Shipments Regulation (EC No. 1013/2006), in particular Articles 18 and 49. If you plan to export waste you must still check that the destination country is willing to accept that waste type for reprocessing. You must still find out what controls will apply and ensure that each shipment complies with any restrictions.

Accreditation as an exporter under the packaging regulations allows you to issue evidence of recovery overseas. It is not permission to export waste.

If you have any questions about the controls that apply to the international movement of waste you can get advice from the relevant environment agency.

3. Demonstrating 'broadly equivalent' standards

For exports to an EU country: No supporting evidence is required.

For exports to an OECD³ country: No supporting evidence is required. This is a change.

For exports to a non-OECD country outside the EU: You have several options:

3.1 The normal requirement is to get suitable supporting evidence for each reprocessing facility you plan to send UK packaging waste to. You will usually provide evidence to confirm that the reprocessor is regulated by the relevant competent authority. You can do this by showing us a copy of a relevant environmental licence or permit. Or you can show us a statement from the competent authority which demonstrates that the reprocessing site is regulated and operates within a system that achieves broadly equivalent environmental standards. The guidance in the accreditation pack gives you more information on this.

3.2 We are introducing a process that will allow you to rely on supporting documents for a rolling three-year period⁴. This new arrangement will mean that:

An exporter of UK **metal** packaging waste can rely on supporting evidence during 2008 and 2009 which was accepted by an environment agency for issuing evidence in 2007.

For exporters of all other UK packaging waste materials, the initial base year will be 2009. Supporting documents accepted by an environment agency for issuing evidence in 2009 will remain valid for 2010 and 2011.

3.3 We will **not** require site-specific evidence where we are satisfied that the following conditions are met:

a) the packaging waste has been segregated at source, or it has been processed to ensure that it is exported within a shipment of similar material.

For example, the shipment contains steel drinks cans among compatible steel scrap. It must not be a general mix of materials, such as paper and plastic or a mixture of different grades of the same material, for example different plastic polymers.

b) the exported material meets a well-established international technical specification system. These specifications will represent a quality assurance system between companies along the supply chain;

c) the material requires minimal processing overseas before it is recovered. Any losses during the recovery process must be in line with industry standards in the EU.

d) the waste should not need to be sorted by hand as this may cause significant harm to human health.

e) the material is recovered in a recognised way which is unlikely to cause significant environmental harm.

We believe that only exports of metal packaging waste (including within shipments of appropriate grades of scrap metal) are currently likely to meet these conditions.

You should keep documents to demonstrate the specification of the exported material, etc.

3.4 We will allow you to demonstrate 'broadly equivalent' status in other ways. These include confirmation from national government (or state/provincial government where appropriate) or the relevant regulator that all facilities within their jurisdiction operate within a suitable regulatory framework. Trade associations may wish to get such confirmations for the benefit of their members and material sectors.

What does this mean for an accredited exporter of UK metal packaging waste in 2008?

- you can get site-specific documents which confirm 'broadly equivalent' standards for each overseas facility you use; or
- you will not need to provide supporting documents if you use reprocessing facilities that an environment agency has accepted supporting documents for issuing evidence in 2007 or 2008; or
- if appropriate, you can confirm that the export met the conditions set out in 3.3 above.

In all cases, you need to complete a 'Part C'*, which must identify the destination country, before evidence (*electronic Packaging Waste Recovery Export Notes - ePERNS*) can be issued.

Under these new arrangements evidence may be issued for exports that have already taken place in 2008. This will be allowed if, at the time of the export, you were accredited and an environment agency has accepted a completed 'Part C'.

* We plan to contact accredited reprocessors during September 2008 to let them know when the revised 'Part C' template is available.

4. Further Information

For England and Wales

Information on the packaging regulations is available at www.environment-agency.gov.uk/packaging

e-mail packaging.waste@environment-agency.gov.uk
telephone on 08708 506 506

Information on the controls that apply to the international movement of waste are available at www.environment-agency.gov.uk/wasteshipments

e-mail nattfs@environment-agency.gov.uk
telephone: 08708 506 506

For Scotland

Information on the packaging regulations is available at www.sepa.org.uk/producer/

For queries about accreditation as an exporter of packaging waste e-mail Producer.responsibility@sepa.org.uk or phone 01786 457700

Information on the controls that apply to the international movement of waste is available at www.sepa.org.uk/regulation/waste/trans/

telephone on 01786 457700

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188

For Northern Ireland

Information on accreditation of exporters of packaging waste and the controls that apply to the transfrontier movements of waste are available at www.ni-environment.gov.uk/waste/regulation-and-legislation.htm

For queries on accreditation as an exporter of packaging waste e-mail packaging@doeni.gov.uk or phone 028 9056 9338

For queries on the international movement of waste e-mail tfs@doeni.gov.uk or phone 028 9056 9742

ENVIRONMENT AGENCY August 2008

1 And the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007

2 The Producer Responsibility Obligations (Packaging Waste) (Amendment No. 2) Regulations
SI 2008 No. 1941

3 The list of OECD member countries is available at
www.oecd.org/countrieslist/0,3351,en_33873108_33844430_1_1_1_1_1,00.html

⁴ There will be exceptions where the original supporting documents were limited by time (a 'permit' that expires on a specific date).

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