

Annex: International Waste Shipments (Amendment of Regulation (EC) No 1013/2006 and 1418/2007) Regulations 2021 (SI 2021/785)

Submission from Green Alliance

This SI amends existing regulations to reflect changes around categorising plastic waste that were agreed to the international Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, to which the UK is an independent signatory. The amendment concerns the export of sorted, non-hazardous plastic waste and means the UK process is in line with what is required at the EU level. This contrasts to [changes that came in earlier in the year](#), where the EU went further than the changes to the convention required, while the UK didn't. Those changes related to the export of dirty or unsorted plastic waste to non-OECD countries for energy recovery (eg incineration). The EU banned that practice outright, while the UK continues to allow it with the safeguard of 'prior informed consent' from the regulators in the importing country.

This SI fails to address the significant concern on exports, notably, that the UK has an obligation through the Basel Convention to ensure that no hazardous waste leaves our shore for non-OECD countries "if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner". As far too many exposés have shown, the UK is far too frequently failing to live up to this international obligation, with the main reason being the poor enforcement and lack of controls. This [NAO 2018 report](#) found that the Environment Agency struggles to monitor let alone control the trade: in 2016-17, the Agency only carried out 124 compliance visits to recyclers and exports, against a target of 346, and only 3 unannounced site visits in total the following year. This is far from adequate as without effective monitoring and enforcement, the legislation risks being meaningless.

The government must provide urgent clarity on how it intends to implement further bans or restrictions that will stop the export of materials that damage environments and people abroad, to both non-OECD countries and even those in the OECD group that also lack adequate facilities, including Turkey.

The government should also explain how it intends to address the underlying drivers of the problem: unsustainable growth and consumption of single-use packaging and other items; a lack of domestic recycling and reprocessing infrastructure; and limited end-markets for secondary materials. We seek assurances that the UK will not simply tackle this problem by sending more materials to landfill or incineration in this country.

12 July 2021

Response from Defra

Thank you for providing comments on the International Waste Shipments (Amendment of Regulation (EC) No 1013/2006 and 1418/2007) Regulations 2021. We have addressed your comments below:

Unlike the EU, the UK government is committed to banning the export of all plastic waste to non-OECD countries. A consultation on the options to implement this ban, in a way that avoids a growth of dumping in the UK, will be forthcoming. In order to inform that consultation Defra has commissioned research to better understand existing plastic waste recycling capacity in the

UK and the OECD. In the meantime, this SI is required to address a gap in the legislation and reflect the waste import requirements of non-OECD countries.

The SI (The International Waste Shipments (Amendment of Regulation (EC) No 1013/2006 and 1418/2007) Regulations 2021)

This SI amends the retained EU Regulation on the export of waste to Countries not within the Organisation for Economic Co-operation and Development (non-OECD countries). This is to reflect their import requirements in respect of a new category of non-hazardous plastic waste (B3011). In 2019, the Conference of the Parties to the Basel Convention agreed the new B3011 code for sorted, non-hazardous plastic waste. This new code came into force globally on 1 January 2021. The relevant retained EU Regulation 1418/2007 sets out the controls for exports of waste to non-OECD countries, however, the new B3011 code is not included in the retained version of Regulation 1418/2007 which is now part of domestic law. This SI will amend waste shipments legislation to reflect the import requirements of non-OECD countries for exports of this new category of non-hazardous plastic waste (B3011) and delete references to the predecessor category (B3010).

Future UK work on plastic waste exports

The Government has committed to consulting on options to deliver a ban on plastic waste exports to non-OECD countries, and work is underway to make this happen. This ban will go further than the EU ban as it is not limited to just one category of plastic waste.

Defra has commissioned research to gain a better understanding of the plastic waste recycling capacity in the UK and OECD member countries and this research will be key to the development of policy options to implement the manifesto commitment. The Environment Bill will enable us to deliver on this commitment and we currently plan to consult before the end of 2022 on options to deliver the proposed ban. The Bill also allows us to introduce mandatory electronic tracking of waste to help tackle waste crime here in the UK and prevent illegal waste from being shipped abroad.

Please note that the statistics you have stated in your letter are now out of date. Each year the Environment Agency (EA) complete a compliance end of year report which provides details on the number of compliance monitoring visits. The latest report is: 'Compliance monitoring and enforcement activity 2020' information can be found on the [Packaging producer responsibility monitoring 2020](#) page on gov.uk.

In summary,

- The EA have exceeded their targets overall and kept up the momentum of improving this regime.
- The EA have adapted our processes to address the implications of COVID by:
 - introducing new remote auditing practices and processes; and,
 - refocussing their efforts on higher risk areas of compliance monitoring (reprocessors and exporters)
- Over the year, the EA interventions have resulted in disrupting approximately 200,000 tonnes of waste, with an estimated packaging recycling note (PRN) value of £30 million, of what they regard illegitimate or fraudulent evidence.
- Through improvement of processes and closer working amongst teams, the EA have been able to act on non-compliance promptly.

In addition to their monitoring of accredited exporters of packaging waste the UK environmental regulators take a proactive, intelligence-led approach to checking compliance with the legislation on waste shipments, targeting exports which pose a high risk and intervening to stop illegal exports taking place. The Environment Agency mounts targeted inspections at UK ports working

with the shipping sector to help detect and prevent illegal waste shipments. In 2019-20, the Environment Agency stopped 1,889 containers at ports and intervened at waste loading sites, preventing the illegal export of 463 containers comprising 22,688 tonnes of waste. Individuals and businesses found to be exporting waste in contravention of the requirements in the legislation can face a two-year jail term and an unlimited fine.

19 July 2021