

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

23 February 2022

Jo Churchill MP
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs
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London SW1P 4DF

14135/21: Proposal for a Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) No 2020/1056 (41954)

We considered your Explanatory Memorandum on the above document at our meeting of 23 February 2022.

We welcome your intention to engage with EU Member States to assess the level of support for the measures in the proposal and would welcome an update on the progress of your engagement.

We note that the draft International Waste Shipments (Amendment) (EU Exit) Regulations 2021 — establishing regulatory and administrative controls on the movement of waste from GB to Northern Ireland which are necessary to give effect to the NI Protocol — were laid in December 2020 but are yet to be made and enter into force. Over twelve months since the entry into force of the Protocol, what are your plans to give effect to it in this area and how, in the absence of those measures, are you ensuring compliance with the UK's obligations?

The Commission's proposal is based on a review of the EU Regulation covering a period when the UK was an EU Member State. That being the case, its conclusions may well be salient to the UK. Do you consider that any of the conclusions of the assessment may be relevant to future UK policy development and, if so, how do you intend to incorporate those considerations into future policy?

The Explanatory Memorandum makes no mention of restrictions on the export of plastic waste to non-OECD countries. While the Commission's proposal retains the EU's partial ban on the export of plastic waste, no such ban is in place for Great Britain. Most recently, the Government stated in its Paper on 'The Benefits of Brexit' that the UK would "go further than the EU on banning the export of plastic waste to non-OECD countries", with a commitment that "is not limited to just one category of plastic waste like the EU's ban." This reiterates a manifesto commitment. The Government said over a year ago that it would consult in due course on its manifesto commitment but, as far as we are aware, it has yet to do so. Despite Government commitments to amend domestic policy, this does of course mean that EU policy in this area remains more stringent than that of the UK. Please set out a clear timetable for your consultation and for the entry into force of your manifesto commitment

Concerning a UK ban on the export of plastic waste to non-OECD countries, we would welcome the Government's reflections on the EU's partial ban, which would be tightened further by its recent proposal, and whether the EU's approach strikes the appropriate balance between sustainability and the practicalities of a full ban. Under the Commission's proposals, not only will importing countries be willing to receive the waste, but exporting companies will need to demonstrate that the receiving facilities treat the waste in an environmentally sustainable manner.

Finally, the Commission has said that it will promote the adoption of a new international agreement on plastics, alongside actions to reduce pollution from e-waste, used vehicles and textile waste. Do you plan to work with the EU on these plans at a multilateral level?

We look forward to a response to this letter by 16 March 2022.

We are copying this letter to Neil Parish MP, Chair of the Environment, Food and Rural Affairs Committee and Ben Williams, Clerk of the Committee; Philip Dunne MP, Chair of the Environmental Audit Committee, and Martyn Atkins, Clerk of the Committee; Simon Hoare MP, Chair of the Northern Ireland Affairs Committee and Stephen Habberley, Clerk of the Committee; the Earl of Kinnoull, Chair of the European Affairs Committee in the House of Lords and Nick Boorer, Clerk of the Committee; your Departmental EU Scrutiny team; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR