

Proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure 200-

Explanatory Memorandum

This Explanatory Memorandum has been prepared by Nerys Evans AM and is laid before the National Assembly for Wales.

Declaration on Legislative Competence

In my view, the provisions of the *Proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure*, introduced by me on 5 November 2008, would be within the legislative competence of the National Assembly for Wales.

Nerys Evans AM
Member in charge of the proposed Measure

5 November 2008

Contents

Part 1: Background and Purpose of the Proposed Measure

1. Introduction
2. Legislative Background
3. Purpose and Policy Objectives
4. The Current Policy and Legislative Context
5. Consultation
6. Power to make Subordinate Legislation
7. Territorial Application

Part 2: Regulatory Impact Assessment

8. Options
9. Estimate of costs

Part 3: Explanatory Notes

Annex 1: List of Respondents to the Consultation

Annex 2: Summary of Consultation Responses

Part 1: Background and Purpose of the Proposed Measure

1. Introduction

1.1 On 20 February 2008, Nerys Evans AM, the Plaid Cymru Regional Assembly Member for Mid and West Wales, was successful in the fourth legislation ballot giving Members the right to seek leave of the Assembly to introduce a Member proposed Measure.

1.2 The purpose of the Measure is to require local authorities to make publicly available information about the proportion of the recyclate collected from households that is processed in different locations. In so doing, it encourages the compliance of local authorities with the two principles of proximity and self-sufficiency – both important principles of Welsh waste management.

1.3 On the 7 May 2008, the Assembly agreed that the proposed Measure could be introduced for consideration by the Assembly.

1.4 This Explanatory Memorandum has been prepared and laid in accordance with Standing Order 23.18. It sets out the background to the provisions in the Member proposed Measure, the proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure and explains the scope of the proposed Measure.

2. Legislative Background

2.1 The constitutional context to this proposal is set out by the Government of Wales Act 2006 (“the 2006 Act”). It provides a mechanism for enhancing the legislative powers of the National Assembly for Wales.

2.2 The Assembly’s Standing Orders provide for Measures to be introduced by backbench Assembly Members where the Assembly has legislative competence in a policy area.

2.3 The principal power enabling the Assembly to make the proposed *Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure* is contained in Matter 12.5 of Schedule 5 to the Government of Wales Act 2006:

Matter 12.5

Provision for and in connection with—

(a) the making of arrangements by relevant Welsh authorities to secure improvement in the way in which their functions are exercised,

(b) the making of arrangements by relevant Welsh authorities for the involvement in the exercise of their functions of people who are likely to be affected by, or interested in, the exercise of the functions, and

(c) the assessment and inspection of the performance of relevant Welsh authorities in exercising their functions.

2.4 Matters 12.1 to 12.5 were inserted into Schedule 5 by section 235 of the *Local Government and Public Involvement in Health Act 2007*¹. The provisions commenced on 30 December 2007².

¹ OPSI, [Local Government and Public Involvement in Health Act 2007](#).

² Welsh Assembly Government, [A brief guide to the Legislative Competence of the Assembly](#). [accessed 17 July 2008]

3. Purpose and Policy Objectives

3.1 The purpose of the proposed Measure is to engender greater transparency and openness in the way that Welsh local authorities deal with recyclate. In particular, it would require local authorities to make publicly available information about the proportion of the recyclate collected from households that is processed outside the European Community and European Free Trade Area (EFTA).

3.2 The Measure imposes no further duties than making this information publicly available, as far as the information exists.

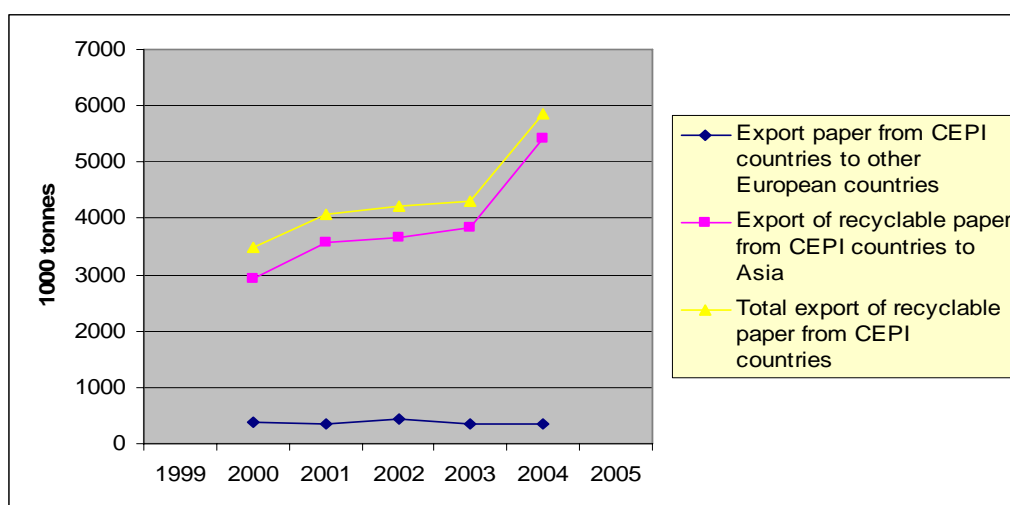
3.3 However, it is intended that, as a result of this information, residents will encourage local authorities to use recycling facilities that are closer to the source of the recyclate, than those that are further away. It is also expected that the publication of information will lead to increased interest, and therefore participation, in recycling.

4. The Current Policy and Legislative Context

Background

4.1 Waste is a resource that is traded throughout the European Union and beyond. Transboundary shipment of waste has increased substantially during the last decade³: 15 per cent of all 'hazardous and problematic' waste from EU countries was shipped across boundaries in 2003⁴, with 92 per cent ending up in other EU countries, 5 per cent in other OECD countries, and 3 per cent in non-OECD countries⁵. The quantity of waste shipped over long distances is also increasing⁶.

4.2 In the first nine months of 2007, 45 per cent of the waste paper exported from the EU-27 (by value) was exported to China⁷. About half of the EU export of waste plastics is shipped to Hong Kong and China⁸. A graphical representation of the increasing export of waste paper to Asia is shown in Figure 1.



CEPI= Confederation of European Paper Industries.

Figure 1. Export of waste paper and the importance of the Asian market. Source: ETC

³ European Topic Centre on Resource and Waste Management, *Transboundary shipments of waste in the EU: Developments 1995-2005 and possible drivers*, p. 7,

http://eea.eionet.europa.eu/Public/irc/eionet-circle/etc_waste/library?l=/working_papers/shipments290208pdf/ EN 1.0 &a=d.

⁴ *ibid*

⁵ *ibid*, p. 8

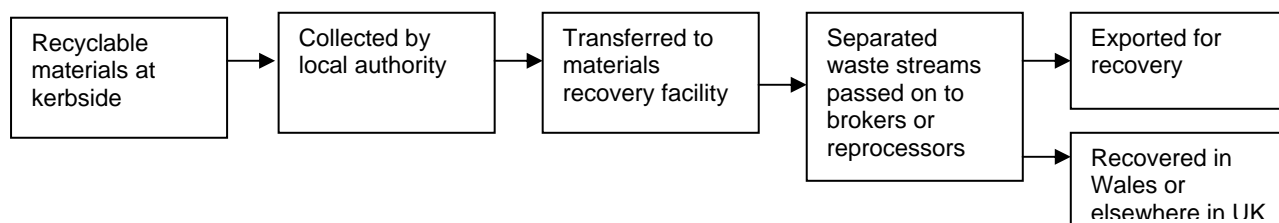
⁶ *ibid*, p. 84

⁷ Eurostat, *External and intra-European Union trade: Monthly statistics – Issue Number 1/2008*, p. 110, http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-AR-08-001/EN/KS-AR-08-001-EN.PDF.

⁸ European Topic Centre on Resource and Waste Management, *Transboundary shipments of waste in the EU: Developments 1995-2005 and possible drivers*, p. 45,

http://eea.eionet.europa.eu/Public/irc/eionet-circle/etc_waste/library?l=/working_papers/shipments290208pdf/ EN 1.0 &a=d.

4.3 The diagram below represents the typical movement of waste from the consumer to the final destination. The Duty of Care is denoted below each stage in the process



*Householder*⁹ *Local authority* *Recovery facility* *Broker/reprocessor* *Dispatcher*

4.4 In the last few years, the media have reported cases of waste being shipped to developing countries, where it causes health and environmental problems¹⁰. However, because of the difficulties involved in making useful analyses of aggregate data, and in particular, difficulties around "quantifying the environmental and economic consequences", the European Topic Centre on Resource and Waste Management (ETC) decided not to progress with an evaluation of the environmental and economic impacts from transboundary shipments of waste¹¹.

4.5 The ETC notes that reported annual illegal shipments of waste are equivalent to about 0.2 per cent of notified waste (by weight), but considers reported cases to constitute a minor part of illegal shipments, and assumes that illegal shipments are both 'considerable'¹², and part of an increasing trend¹³. One third of reported cases were related to non-hazardous waste, mainly to non-OECD countries¹⁴. Much of the amber-listed waste classified as illegal had been incorrectly classified as green-listed waste¹⁵. In 2003, the final recovery treatment of 10 per cent of the total notifiable waste exported could not be determined to a precise degree¹⁶.

⁹ Duty described under *The Waste (Household Waste Duty of Care) (Wales) Regulations 2006*, SI 123(W.16), <http://www.opsi.gov.uk/legislation/wales/wsi2006/20060123e.htm#n4>.

¹⁰ European Topic Centre on Resource and Waste Management, *Transboundary shipments of waste in the EU: Developments 1995-2005 and possible drivers*, p. 7, http://eea.eionet.europa.eu/Public/irc/eionet-circle/etc_waste/library?l=/working_papers/shipments290208pdf/ EN_1.0_&a=d.

¹¹ *ibid*, p. 8

¹² *ibid*, p. 11

¹³ *ibid*, p. 70

¹⁴ *ibid*

¹⁵ *ibid*, p. 72

¹⁶ *ibid*, p. 8

4.6 The relatively high labour costs of treatment or disposal within the EU is seen as being a strong driver for illegal shipments of waste¹⁷. However, the ETC also notes¹⁸:

A case of illegal transport, where 1,600 tonnes of mixed household waste was intercepted on its way from England to China indicates that the privatisation of the waste management sector might be a driver for illegal shipment of waste [VROM, 2006b]. The waste intermediaries are paid to handle the waste, but when the cost of waste disposal is increasing in England, the intermediaries are tempted to ship the waste to Asian countries, where they can get a better price/lower cost for the waste.

General principles

4.7 The Welsh Assembly Government notes that waste management techniques further up the waste hierarchy generate more direct jobs, with the possible exception of waste minimisation¹⁹, although waste minimisation does have an indirect impact on safeguarding jobs through making business more efficient and competitive²⁰. The European Commission's analysis is that far more jobs are created in recycling than in incineration or landfill: 250 jobs per 10,000 tonnes of material, compared to 20 to 40 for incineration and 10 for landfill²¹. Indeed, in 2003, the UK had the fifth highest share in the EU of national industrial employment for recycling, at 0.4 per cent (16,000 employees)²². Employment in the sector in Europe increased by 4.5 per cent per annum over the period 1995-2005²³, a growth rate far exceeding other industrial sectors.

4.8 The proximity principle (see paragraph 4.30) is a well-established principle for dealing with waste, and it can be described as 'solving problems locally rather than passing them on to other places or future generations'²⁴. It is one of the principles underpinning the Welsh Assembly Government's approach to planning policy for sustainable development²⁵:

¹⁷ *ibid*, p. 100

¹⁸ *ibid*

¹⁹ Welsh Assembly Government, *Wise about waste: The national waste strategy for Wales*, Part 2, p. 165, June 2002,

http://new.wales.gov.uk/topics/environmentcountryside/epq/waste_recycling/wise_about_waste_strategy?lang=en

²⁰ *ibid*

²¹ European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions*, 21 December 2005,

http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0666en01.pdf

²² Eurostat, *European business: Facts and figures – Data 1995-2005*, 2006, p. 252,

http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-BW-06-001/EN/KS-BW-06-001-EN.PDF

²³ *ibid*

²⁴ Welsh Assembly Government, *Planning policy Wales*,

<http://new.wales.gov.uk/docrepos/40382/4038231121/403821/403821/403828/planningpolicy-e.pdf?lang=en>

²⁵ *ibid*

12.5.3 Waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as is practicable, that waste is not exported to other regions. It also recognises that transportation of wastes can have significant environmental impacts. The waste hierarchy, the proximity principle and regional self-sufficiency should all be taken into account during the determination of the BPEO [Best Practicable Environmental Option] for the network of waste management installations that provides the best solution to meet environmental, social and economic needs.

4.9 The proximity principle is also one of the 'key principles' for the future management of waste in Wales.²⁶ The Waste Strategy for Wales states²⁷:

Waste should be recovered or disposed of as close as possible to where it has been produced in order to reduce the environmental impact of transporting it and to ensure that those producing the waste take responsibility as far as possible for dealing with it.

4.10 Regulation (EC) No 1013/2006²⁸ (the Regulation) states that where waste is being shipped for disposal, Member States should take into account the principles of proximity, priority for recovery and self-sufficiency at Community and national levels. The Regulation also prohibits the shipment outside the European Free Trade Area (EFTA) of waste for disposal. The Regulation has been transposed in the UK as *The Transfrontier Shipment of Waste Regulations 2007*²⁹. Among other aspects, the transposition describes offences, punishment for which can mean a fine and a term of imprisonment of up to two years.

4.11 Directive 2006/12/EC³⁰ also stipulates that Member States must take measures to establish an integrated and adequate network of waste disposal installations, such that the Community as a whole becomes self-sufficient in waste disposal, and that Member States move towards that aim individually.

4.12 The Environment Agency notes³¹:

²⁶ Welsh Assembly Government, *Wise about waste: The national waste strategy for Wales*, Part 1, p. 9, June 2002, http://new.wales.gov.uk/topics/environmentcountryside/epq/waste_recycling/wise_about_waste_strategy?lang=en

²⁷ *Ibid*, p. 13

²⁸ Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:190:0001:0098:EN:PDF>

²⁹ OPSI, *The Transfrontier Shipment of Waste Regulations 2007*,

http://www.opsi.gov.uk/si/si2007/uksi_20071711_en_1

³⁰ European Parliament and European Council, *Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste*,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:114:0009:0021:EN:PDF>

³¹ Environment Agency, *The transfrontier shipment of waste: A guide to the international shipment of waste*, February 2004,

http://www.environment-agency.gov.uk/commodata/acrobat/ep235tsw_446853.pdf

It is widely recognised that where movements are not properly monitored and controlled the transfrontier movement of hazardous waste can pose a serious threat to both human health and the environment.

4.13 The legislation described below is the European response to this challenge.

Legislation

4.14 The European Commissioner for the Environment has commented that safe shipment of waste is "one of the Commission's highest environmental priorities"³².

4.15 The Regulation covers the supervision and control of shipments of waste in a way which takes account of the need to preserve, protect and improve the quality of the environment. It incorporates into European legislation the provisions of the Basel Convention³³. It applies to shipments of waste, both within and into or out of the European Union, to waste transported between Member States but routed through one or more third countries, and to waste transported between third countries but routed through one or more Member States³⁴. Radioactive waste is excluded from the scope of the Regulation³⁵.

4.16 The aim of the Regulation is to reinforce, simplify and specify the existing procedures for controlling waste shipments. The Regulation implements a ban on the mixing of waste during shipment, the making available to the general public of appropriate information, and the obligation on the part of the notifier, the competent authority, the consignee and the facilities concerned to keep documents and information.

4.17 When exporting waste from a Member State of the European Community, the competent authority of dispatch in the Community must:

³² European Commission, *Environment: New EU waste shipment legislation comes into force today*, press release, 12 July 2007,

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1078>.

³³ The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

<http://www.basel.int/>.

The full list of ratifications of the Convention is available at <http://www.basel.int/ratif/convention.htm>.

The following countries have not ratified the Convention: Democratic People's Republic of Korea, Fiji, Gabon, Grenada, Iraq, Lao People's Democratic Republic, Myanmar, Palau, San Marino, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Suriname, Tajikistan, Timor-Leste, Tonga, Tuvalu, Vanuata and Zimbabwe. Afghanistan, Haiti and the United States of America have signed the Convention but have not deposited instruments of ratification.

³⁴ European Commission, *Supervision and control of shipments of waste*,

<http://europa.eu/scadplus/leg/en/lvb/l11022.htm>.

³⁵ Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:190:0001:0098:EN:PDF>.

- Ensure that any waste exported is managed in an environmentally sound manner³⁶ throughout the period of shipment, including recovery or disposal in the third country of destination;
- Prohibit an export of waste to third countries if it has reason to believe that the waste will not be managed in accordance with the requirements of environmentally sound management.

4.18 Annex VIII to the Regulation provides guidelines for environmentally sound management of exported waste, although these only apply to specific waste streams including those containing chemical waste (such as PCBs), ships, lead acid batteries, metals, and personal computers.

4.19 Member States must make provision for the organisation of checks throughout the entire waste shipment and waste recovery/waste disposal process.

Waste for recovery

4.20 'Green' listed waste types that are destined for recovery are subject to the 'general information' requirements of Article 18 of the Regulation. These are that the dispatcher of the waste must complete an information document that must also be signed by the waste recipient. The document may be in electronic format with digital signature if this is acceptable to the competent authorities concerned.

4.21 Such wastes include vegetable waste, paper waste, textile waste, glass waste, solid plastic waste, electronic scrap suitable for recovery, and metal scrap.

4.22 If a planned shipment of waste destined for recovery is determined to be for disposal, the competent authorities of dispatch and destination may object to the shipment. Objections can also be raised if:

The ratio of the recoverable and non-recoverable waste, the estimated value of the materials to be finally recovered or the cost of the recovery and the cost of the disposal of the non-recoverable fraction do not justify the recovery, having regard to economic and/or environmental considerations.

³⁶ Environmentally sound management is defined under the Regulation as "taking all practicable steps to ensure that waste is managed in a manner that will protect human health and the environment against adverse effects which may result from such waste"

4.23 The Environment Agency is required to consider both environmental and economic factors in deciding whether a transboundary shipment is genuinely being made for the purpose of recovery³⁷.

Amber-listed waste

4.24 'Amber' listed waste types, including all waste destined for disposal, and hazardous and semi-hazardous waste intended for recovery, are subject to the 'prior notification and consent' procedure. Amber-listed waste includes municipal and household waste.

Prohibition of export

4.25 Exports to third countries of waste intended for disposal are prohibited, except to EFTA countries which are party to the Basel Convention. The shipment of WEEE to non-OECD countries is banned³⁸. End-of-Life Vehicles (used cars), including those drained of liquids, are subject to a prohibition on export. The European Commission views these bans as a means to prevent large amounts of electronic and electrical waste and end-of-life vehicles being shipped to and dumped in developing countries³⁹.

4.26 The Regulation enables an objection to be made to shipments of waste destined for recovery if such recovery were due to take place "in a facility which has lower treatment standards for the particular waste than those of the country of dispatch".

4.27 The Environment Agency must prohibit exports of waste to non-OECD countries if it has reason to believe that the waste will not be managed in an environmentally sound manner⁴⁰, and, 'ideally', the dispatcher of the waste should be able to show the Environment Agency that the receiving facility⁴¹:

Is operated according to human health and environment protection standards that are broadly equivalent to the standards within the UK.

³⁷ Environment Agency, *The transfrontier shipment of waste: A guide to the international shipment of waste*, February 2004,

http://www.environment-agency.gov.uk/commondata/acrobat/ep235tsw_446853.pdf.

³⁸ European Topic Centre on Resource and Waste Management, *Transboundary shipments of waste in the EU: Developments 1995-2005 and possible drivers*, p. 10,

http://eea.eionet.europa.eu/Public/irc/eionet-circle/etc_waste/library?l=/working_papers/shipments290208pdf/ EN_1.0 &a=d.

³⁹ European Commission, *Environment: New EU waste shipment legislation comes into force today*, press release, 12 July 2007,

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1078>.

⁴⁰ Environment Agency, *Safer waste cleaner world: Exporting recyclable waste for recovery in non-OECD countries*, June 2007,

<http://publications.environment-agency.gov.uk/pdf/GEHO0607BMXG-e-e.pdf>.

⁴¹ *ibid*

4.28 The Environment Agency states that its enforcement effort will be targeted at⁴²:

- The export of waste masquerading as 'green list waste' or 'non waste'
- The export of waste to countries that do not want it
- Anyone importing or exporting notifiable (particularly hazardous) waste without prior notification and consent

The UK Plan for Shipments of Waste

4.29 The UK Plan for Shipments of Waste⁴³ (the Plan) sets out the UK Government's policy on shipment of waste for disposal to and from the UK. It entered into force on 9 August 2007, replacing its predecessor, the UK Management Plan for Exports and Imports of Waste. Shipments that are not in accordance with the plan are prohibited from entering or exiting the UK. In essence, all shipments to and from the UK of waste for disposal are prohibited, with a small number of exceptions (such as trialling new means of waste disposal, and emergency situations). The Plan also highlights the UK Government's two main policy objectives relating to shipments of waste for recovery:

- To encourage international trade in waste for recovery where this is of environmental benefit in driving up levels of recovery at national, Community and global levels.
- To prevent damage to human health or the environment occurring as a result of this international trade.

Current Policy

4.30 The Welsh Assembly Government's waste strategy, *Wise About Waste*, lists both the proximity principle and self sufficiency as some of the 'key principles' underpinning the strategy:

Proximity

2.18 Waste should be recovered or disposed of as close as possible to where it has been produced in order to reduce the environmental impact of transporting it and to ensure that those producing the waste take responsibility as far as possible for dealing with it.

⁴² Environment Agency, *The Environment Agency's priorities for enforcing the TFS Regulations*, July 2007, http://www.environment-agency.gov.uk/commondata/acrobat/enforcement_1818563.pdf.

⁴³ DEFRA, *UK Plan for Shipments of Waste*, 2007, <http://www.ehsni.gov.uk/waste-shipments.pdf>.

Self sufficiency

2.19 In line with the proximity principle, the waste planning process should ensure that there is sufficient capacity in terms of waste management facilities to manage the wastes produced in any given area. For some types of wastes this could be within a single local authority area, for others it could be within a region of Wales, within the whole of Wales, or the wider UK.⁴⁴

4.31 The proximity principle is also one of the principles underpinning the Welsh Assembly Government's approach to planning policy for sustainable development:

12.5.3 Waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as is practicable, that waste is not exported to other regions. It also recognises that transportation of wastes can have significant environmental impacts. The waste hierarchy, the proximity principle and regional self-sufficiency should all be taken into account during the determination of the BPEO [Best Practicable Environmental Option] for the network of waste management installations that provides the best solution to meet environmental, social and economic needs.⁴⁵

Relevant policy in England and Scotland

4.32 England's *Planning Policy Statement 10: Planning for Sustainable Waste Management*⁴⁶ aims to provide a framework in which communities take more responsibility for their own waste. A key aim of the *Waste Strategy for England*⁴⁷ is to reduce waste by making products with fewer natural resources, breaking the link between economic growth and waste growth. The strategy acknowledges that:

A key to more efficient recovery of materials and energy is the greater segregation and sorting of waste at (or close to) its source by households and businesses. This requires planning for and investment in collection, sorting, reprocessing and treatment facilities by local authorities, businesses and the third sector.⁴⁸

4.33 The strategy also states:

⁴⁴ Welsh Assembly Government, *Wise about Waste: The national waste strategy for Wales*, p. 13

⁴⁵ Welsh Assembly Government, *Planning policy Wales*, <http://new.wales.gov.uk/docrepos/40382/4038231121/403821/403828/planningpolicy-e.pdf?lang=en>.

⁴⁶ Department for Communities and Local Government *Planning Policy Statement 10: Planning for Sustainable Waste Management*, 2005 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/147411.pdf>.

⁴⁷ Department of Environment, Food and Rural Affairs, *Waste Strategy for England*, 2007 <http://www.defra.gov.uk/environment/waste/strategy/strategy07/pdf/waste07-strategy.pdf>.

⁴⁸ Ibid. p.14

We also expect waste producers, particularly local authorities, to ensure that they know where their waste is going and that its onward movement is fully compliant with the controls.⁴⁹

4.34 Scotland's *National Waste Plan*⁵⁰ aims to follow the self-sufficiency and proximity principle by dealing with waste as close to the source as possible avoiding export to other countries. The plan does make a reference to the fact that this may not always be the best solution and that it is unlikely that all waste can be dealt with within Scotland.

Scotland also aims to follow the proximity principle as far as possible at area waste planning level, although there may be clear benefits from joint infrastructure solutions between areas.⁵¹

4.35 On 28 July 2008, the Scottish Government published a consultation⁵² on primary legislation to achieve a 'Zero Waste Scotland'. The consultation includes proposed measures to:

- further encourage recycling by giving a power to the Scottish Government to make regulations which would impose duties on public sector bodies and businesses to provide recycling facilities for customers, staff and, where appropriate, members of the public.
- encourage recycling by taking powers to enable the Scottish Government to place a duty on public bodies and businesses to specify a minimum percentage of material made from recycle in procurement contracts.
- ensure more effective planning and policy making on commercial and industrial waste by taking powers to make regulations requiring businesses to send waste data returns to SEPA.

4.36 Scottish Planning Policy, *SPP 10: Planning for Waste Management*⁵³ also highlights the importance of the proximity principle and the need to deal with waste as close as possible to where it is produced to avoid adverse environmental impacts that are associated with unnecessary transport. According to SPP10:

⁴⁹ Ibid. p. 44

⁵⁰ Scottish Environmental Protection Agency *The National Waste Plan for Scotland*, 2003
<http://www.sepa.org.uk/nws/guidance/nwp.htm>

⁵¹ Ibid. p.20

⁵² Scottish Government, *Consultation Paper on Potential Legislative Measures to implement Zero Waste*, July 2008
<http://www.scotland.gov.uk/Publications/2008/07/24155248/0>

⁵³ Scottish Government, *Scottish Planning Policy, SPP 10: Planning for Waste Management*, 2007
<http://www.scotland.gov.uk/Publications/2007/08/28161910/0>

Waste should be handled as close as possible to source. It follows that towns and cities will be the best locations for new waste transfer, separation and handling installations.⁵⁴

⁵⁴ Ibid. p.6

5. Consultation

5.1 The proposed Measure was issued for consultation in August 2008, for a six week period. 10 responses were received. Of these, four were broadly in favour of the proposed Measure and six were opposed, arguing mainly that negative media coverage relating to mismanagement of waste destined for export could reduce participation in recycling and that additional costs were likely to be incurred as a result of the Measure.

5.2 A list of respondents can be seen in Annex 1. A summary of responses to the consultation questions is provided at Annex 2.

5.3 Whilst it is noted that some consultees were of the view that provisions of the proposed Measure should include non-municipal waste, it has not been possible to accommodate this as it would take the proposed Measure beyond the existing legislative competence of the Assembly. However, in light of the consultation exercise the proposed Measure has been amended and the principal changes are as follows:

Section 1

Within this section, section 55A has now been divided into 3 sections (55A, 55B and 55C) in order to aid clarity and understanding of the proposed Measure.

- Section 55A: provides for the preparation of statements in relation to waste for recovery shipped outside the European Community and EFTA
- Section 55B: provides for the publication of statements required by section 55A.
- Section 55C: provides for general provisions in relation to statements.

Three new subsections have been added to the proposed Measure. These are contained within section 55A.

Section 55A

- This section has been re-named to make it clear that it applies to the preparation of statements.
- Section 55A(5) now requires the statement provided by local authorities to be subject to subsections (8) and (9)

- Section 55A(8) – this is a new subsection which requires local authorities to provide only the information they hold about the matters specified in subsection (5). It also requires the local authority to take reasonable steps to obtain this information.
- Section 55A(9) – this is a new subsection which provides that, where local authorities are unable to include information required by subsection 5 in a statement, they must say so and identify the steps they have taken to obtain that information.
- Section 55A(10) – this is a new subsection which places a requirement on local authorities when they are making arrangements with third parties to sell or otherwise dispose of waste for recovery. In these cases, local authorities must have regard to the desirability that arrangements made with third parties provide the local authority with the information required in subsection (5).

6. Power to make Subordinate Legislation

6.1 Section 1 of the proposed Measure inserts new sections 55A, 55B and 55C into the Environmental Protection Act 1990.

6.2 New section 55A(3) defines the terms “waste destined for recovery”, “recovery operation” and “the Waste Framework Directive”.

6.3 New section 55C(2) confers upon the Welsh Ministers the power to amend, by order, the definitions set out in section 55A(3). This is appropriate as it avoids the need to bring forward an amending Measure to deal with any future amendments to the definitions. The power to make an order under section 55C(2) is exercisable by statutory instrument (section 55C(3)). Under section 55C(4) an order under section 55C(2) may not be made unless a draft has first been laid before and approved by the National Assembly for Wales (Affirmative procedure). This is the only subordinate legislation making power contained in the proposed Measure.

7. Territorial Application

7.1 This proposed Measure will apply in relation to Wales. It will confer functions on Welsh Ministers and local authorities in Wales.

Part 2: Regulatory Impact Assessment

8. Options

8.1 There is a body of evidence that suggests that the processing of waste in some developing countries is dangerous to the health of workers and people in local communities, and that children are often employed to process waste. These dangerous conditions are associated with both illegal and legal waste processing.

8.2 As a result of the Government of Wales Act 2006, there is an opportunity in Wales to use the new legislative powers of the National Assembly to place a duty on local authorities in Wales to make publicly available information about the proportion of recyclate collected from households that is processed outside the European Community and EFTA.

8.3 It is intended that this will result in increasing engagement of residents in the field of waste policy in general and the destination of recyclate in particular. As a result of this increased engagement, it is intended that residents will encourage local authorities to use recycling facilities closer to the source of the recyclate, where the use of such facilities is environmentally beneficial. Publication of this information will thereby increase both interest and participation in recycling.

8.3 The current options are:

Option 1: Do nothing

Option 2: Rely on reaching a voluntary agreement with each local authority in Wales

Option 3: Introduce a proposed Measure.

Option 1: Do nothing

8.4 The proposed Measure is not the only option when considering how to improve the transparency of information regarding the destination of recyclate collected from households.

8.5 The first option is to do nothing. In this 'business as usual' approach, the Welsh public will remain largely ignorant about the destination of their recyclate.

Option 2: Rely on reaching a voluntary agreement with each local authority in Wales

8.6 The second option is to reach a voluntary agreement with each Welsh local authority, so that each authority will make the information publicly available to its residents.

8.7 The disadvantage to this approach is that authorities may be unwilling to publish such information if they perceive it to be politically sensitive, or even that information could be withheld for a particular year if changing markets lead to an anomalous volume of export. Additionally, ensuring that all 22 local authorities are reporting comparable information could be problematic.

Option 3: Introduce a proposed Measure

8.8 The third option, involving the introduction of a proposed Measure, is the only option that would enshrine in legislation an equal reporting requirement on each local authority that could not be evaded for political expediency.

9. Estimate of Costs

Options 1 and 2

9.1 The costs for Option 1 (do nothing) are nil.

9.2 The costs for Option 2 (voluntary agreement) relate to time spent by Welsh Assembly Government staff in dealing separately with staff from 22 local authorities. Assuming that such agreement could be reached in a total of two working days per authority, this equates to 44 days' work for local authorities and 44 days' work for the Welsh Assembly Government, or a total of 88 days' work. Costed at the same rate as the Welsh Local Government Association (WLGA) considers appropriate for officers (see below), the total time cost would be in the order of £14,000.⁵⁵

Option 3

9.3 The costs resulting from this proposed Measure will be incurred almost exclusively by local authorities in Wales.

9.4 As part of the consultation exercise, respondents were asked to estimate the likely financial impact of the proposed Measure. Only one respondent – the WLGA – quantified an estimate of the costs that could be incurred by the introduction of the Measure. Accounting for 1 officer to be employed to work solely on this policy at each local authority in Wales, the cost was estimated to be £700,000.

9.5 The estimate provided by the WLGA, based on the administrative burden of the proposed Measure requiring the full-time input of one member of staff for each local authority, is questionable and it is not anticipated that one full-time member of staff per local authority would be required to carry out this work. In particular, because it is an annual reporting requirement, the workload is expected to be concentrated at one time of year, with monthly updates from processors. Further to this, several respondents to the consultation noted that existing processes are in place using Waste Dataflow to collect waste- and recycling-related information, and that the reporting requirements of the proposed Measure could be assimilated into existing procedures.

9.6 The process of implementation could follow this example:

⁵⁵ $(88/200 \text{ (working days per working year)}) * (700,000/22 \text{ (cost of officer per authority)}) = 14,000$

- i. The local authority gathers the necessary information from all the processors it uses for household recycle.
- ii. The local authority publishes the required information.
- iii. Repeat steps i and ii annually.

9.7 It is presumed that once contact has been made with processors, the same procedures can be followed in subsequent years.

9.8 Costs would also accrue to the bodies providing the information to local authorities, but as processes become normalised these costs are expected to be minimal.

Part 3: Explanatory Notes

Section 1 – Amendment to the Environmental Protection Act 1990 (c.43)

1. Section 1 amends the Environmental Protection Act 1990 (“the 1990 Act”) by the insertion of new sections 55A, 55B and 55C.
2. Subsection 55A(2) places a duty on waste collection and waste disposal authorities in Wales (defined in section 30(3)(bb) and (2)(f) respectively of the 1990 Act as county or county borough councils) which sell or otherwise dispose of waste destined for recovery to prepare, in respect of each financial year, a statement containing information prescribed by subsection (5) and section 55B(3).
3. Subsection (3) sets out relevant definitions.
 - “waste destined for recovery” means waste which the authority intends should be subject to a recovery operation;
 - “recovery operation” means an operation provided for in Annex IIB of the Waste Framework Directive being:
 - **R 1** Use principally as a fuel or other means to generate energy
 - **R 2** Solvent reclamation/regeneration
 - **R 3** Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
 - **R 4** Recycling/reclamation of metals and metal compounds
 - **R 5** Recycling/reclamation of other inorganic compounds
 - **R 6** Regeneration of acids or bases
 - **R 7** Recovery of components used for pollution abatement
 - **R 8** Recovery of components from catalysts
 - **R 9** Oil re-refining or other reuses of oil
 - **R 10** Land treatment resulting in benefit to agriculture or ecological improvement
 - **R 11** Use of wastes obtained from any of the operations numbered R1 to R 10
 - **R 12** Exchange of wastes for submission to any of the operations numbered R 1 to R 11
 - **R 13** Storage of wastes pending of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where it is produced).

- “Waste Framework Directive” means Directive 2006/12/EC of the European Parliament and of the council dated 5 April 2006 on waste.
4. Under subsection (4) the duty to prepare the statement applies if, during the financial year in question, any of the waste sold or otherwise disposed of by the authority and which is destined for recovery is shipped outside the European Community and EFTA.
- 5 Subsection (5) provides that the statement must contain the following information:
- The total quantity of the waste shipped (to the nearest tonne or, if the quantity is estimate, that this is so and must set out the method use for estimating the quantity – subsections (6) and (7))
 - The quantity of waste shipped which was ultimately subject to a recovery operation;
 - The nature of the operation or operations;
 - The quantity of waste shipped which was not ultimately subject to a recovery operation;
 - The manner in which the waste was disposed of;
 - In relation to every quantity of waste subject to a recovery operation or otherwise disposed of, the location at which that operation or disposal took place.
6. Subsection (8) is subject to the provisions of subsection (8) and (9).
7. Subsection (8) provides that the information to be included in a statement prepared in accordance with subsection (5) is such information as the authority holds but an authority must, when preparing the statement, take reasonable steps to obtain information as to those matters.
8. Where an authority is unable to include in a statement information as to any matter specified in subsection (5) because it does not hold the information, then under subsection (9) it state this in the statement and the statement must also state the steps which the authority has taken to obtain information as to that matter.
9. Section 55A(10) requires authorities , when making arrangements to sell or otherwise dispose of waste destined for recovery, to have regard to the desirability of including in those arrangements provision for ensuring that that the authority is provided with information as will enable it to include in the statement required by subsection (2) full and accurate information as to all the matters specified.
10. Section 55B(1) requires the authority to publish the statement on its website. Under subsection (2) publication of the statement must begin within 6

months of the end of the financial year to which it relates and continue for 6 months or until the end of the financial year whichever is the later.

11. The statement must, under section 55C(3) include an invitation to the public to make representations in writing to the authority as to the appropriateness, having regard to the proximity principle, of the arrangements made by the authority under which waste destined for recovery has been caused or permitted to be shipped outside the European Community or EFTA.

12. Section 55B(4) clarifies the “proximity principle”: waste should be disposed of in one of the nearest appropriate installations.

13. Section 55B(5) requires an authority to have regard to representation made under subsection (3) when deciding on future arrangements to be made under that subsection.

14. Section 55C provides that:

- In preparing and publishing a statement under section 55A(2), the authority must have regard to any guidance issued by the Welsh Ministers (Subsection (1));
- Under section 55A(2) the Welsh Ministers may, by order, amend any of the definitions contained in section 55A(3). The power to make such an order is to be exercisable by statutory instrument, a draft of which must be laid before and approved by resolution of the National Assembly before being made (affirmative procedure) (subsections (3) and (4)).

Section 2 – Short title and commencement

15. Section 2 deals with the short title and commencement. The Measure will come into force on the day on which it was approved by Her Majesty in council save that the duty to prepare a statement under section 55A(2) will not apply in respect of the financial year in which the Measure comes into force.

Annex 1: List of Respondents to the Consultation

Pembrokeshire Local Action Network for Enterprise and Development (PLANED)

Vale of Glamorgan Council

Veolia Environmental Services

Powys County Council

Welsh Local Government Association (WLGA)

Waste and Resources Action Programme (WRAP)

Welsh Environmental Services Association

Environment Agency Wales

Novelis Recycling

The Chartered Institution of Wastes Management (CIWM)

Annex 2: Summary of Consultation Responses

Consultation questions

1. Do you think that the proposed Measure will achieve the desired aim of improving transparency and openness in the way that Welsh local authorities deal with recycle?
2. Do you consider that the proposed Measure is the best means of improving transparency and openness in the way that Welsh local authorities deal with recycle? If not, which other approaches should be used?
3. Are there additional powers that could be included in the Measure to further promote this approach in local authorities?
4. Do you consider that the implementation of the proposed Measure would lead to residents encouraging local authorities to use recycling facilities that are closer to the source of the recycle, than those that are further away? Do you agree that publication of the required information will lead to increased interest, and therefore participation, in recycling?
5. What unintended consequences, if any, could arise from the implementation of the proposed Measure?
6. What do you estimate the costs of complying with the proposed Measure to be for your organisation? Do you consider these costs to be excessive?

Consultation Responses

Six of the respondents were opposed to the Measure in its current form. Three of the respondents were in favour, although one of these was in favour 'in principle'.

Specific issues raised:

Environment Agency Wales

Environment Agency Wales (EAW) welcomed the proposed Measure. EAW suggested that WasteDataFlow (which it operates) could be adapted for use as the mechanism for capturing the data required to fulfil the proposed Measure's aims. It suggested that the data required goes beyond current legislative requirements and may be difficult to obtain:

"Some local authorities already provide data on the final destination of materials via the WasteDataFlow system, giving us some information about waste exported for reprocessing. However, many local authorities are currently unable to provide this information as the recycle passes through a number of hands between collection and the final destination. It is important to note that clear guidelines will be needed on how

the information should be gathered to ensure consistency and quality. The proposed Measure makes amendments to the Environmental Protection Act 1990, but not to secondary regulations which provide the current mechanisms for tracking waste movements. Therefore, consideration needs to be given to assessing options for further regulatory changes and also opportunities for local authorities to obtain this information via procurement routes".

There is neither a duty on exporters to inform local authorities on the destination of waste, nor a requirement on the export notifying organisation to send records back to the originator of the waste:

"To enable Local Authorities to obtain this information via the Transfrontier Shipments of Waste Regulations would require legislative change at the European level, which could be a resource intensive and lengthy process. Without this legislative change, the requirement for local authorities to collect and report this information is not backed by any national/international legislation. Local authorities could require this information from their waste management contractors under the terms of their procurement contract, but they may ultimately find this information difficult to obtain from their contractors for the very same reasons".

EAW noted that because recyclate is bulked up for shipping from a number of different sources, it makes it "almost impossible" to track waste from a particular local authority to a particular end destination (UK or overseas).

EAW recommended that "simplified standards for recyclate could be produced" in order to make it easier for those involved to determine whether the standard is high enough for recovery.

EAW "would not want to discourage the recovery of materials overseas where this provides the best environmental option", and considered that life cycle analyses are useful for providing such information.

EAW stated that there is public reluctance to accept waste reprocessing facilities locally, but that the provision of more information may help encourage people to accept the need for more local recycling facilities.

EAW indicated some concern that negative media publicity relating to mismanagement of waste destined for export could cause the public to "cease recycling".

EAW considered that local markets for recyclate would not always provide the best price for local authorities, which would have budgetary implications.

Novelis Recycling

Novelis Recycling (NR) was in favour of the proposed Measure. Its response included the following caution:

"Finally, the proposed Measure needs to be prepared and responsive to the frequent and rapid market changes that might mean that recyclate is sold to multiple reprocessors during the course of any given year. Again it would be disappointing if the intent of the measure was lost because respondents were able to suggest that market conditions were such that multiple and continually changing outlets were used".

NR also requested a clear definition of processors (those who handle, sort and bale recyclate), as compared to the reprocessors whose role is defined in Annex IIB of the Waste Framework Directive.

PLANED

PLANED considered that the proposed Measure would achieve its aims, providing that it is 'policed' satisfactorily. It considered that destinations of recyclate and its end use should also be included in the legislation. PLANED believed that evidence should be provided by local authorities to demonstrate that the "most environmentally friendly and long-term sustainable" solution had been sought. The principal unintended consequence of the proposed Measure was envisaged as being the identification of poorly performing local authorities.

Veolia Environmental Services

Veolia Environmental Services (VES) supported the proposed Measure in principle. VES was uncertain as to whether or not the proposed Measure was intended to restrict exports to England and continental Europe. VES considered that the volumes of waste produced in Wales would be insufficient to justify local facilities.

VES suggested that the proposed Measure might deter people from recycling if they did not understand the complex dynamics of the market, and that certain elements of the media would use information to "stir up public concerns", leading to pressure on politicians not to export waste, and "ultimately affecting the cost benefit".

VES commented that as the market for recyclate depends on spot prices and transport availability, it would be very difficult to "keep everyone properly informed" about the materials' destination.

VES considered that the proposed Measure should be expanded beyond the realm of municipal waste.

Powys County Council

The response from Powys County Council (PCC) came from the official with responsibility for waste management, who is also Chair of the Local Authority Recycling Advisory Committee. PCC considered that the proposed Measure does not aid the improvement of transparency and openness, it suggests that sufficient

information "already exists within returns through the Waste Data Flow (WDF) system to ensure that local authority recycling activities are open to scrutiny". As such, PCC regarded the proposed Measure to be duplicating the functions of WDF.

PCC considered that improvements to the current system could be obtained by requiring waste companies, merchants and reprocessors to submit quarterly returns to local authorities regarding the final destination of waste for recycling. PCC claimed that waste companies have been reluctant to provide this information to local authorities citing commercial sensitivity, and that the Environment Agency had confirmed this reluctance:

"Any current lack of information results mainly from unwillingness of the private waste industry to supply local authorities with the information it routinely requests. Therefore the focus of any such measure should be aimed at clearing this blockage as opposed to placing more burdens on local authorities".

PCC therefore considered that the proposed Measure should be changed to require private industry to supply the information – if private companies were required to comply, then PCC would accept a requirement upon it to submit the information via WDF.

PCC believed that the way in which information would be provided – as currently proposed – would be an oversimplification which could harm the public perception of recycling. In particular, PCC feared that negative media coverage of final destinations of waste could decrease participation in recycling, unless accompanied by extensive awareness-raising. Such awareness-raising would be particularly beneficial if it led to reduced opposition to construction of local reprocessing facilities that are important in treating waste closer to its source.

PCC considered that some local authorities might face further difficulties in achieving Landfill Directive targets if they delayed decisions over recycling in order to try to find more local markets for recycling (which may not exist).

PCC considered that additional costs would arise from the proposed Measure, as a result of administering the new requirements, without any corresponding benefit.

Vale of Glamorgan County Council

The Vale of Glamorgan County Council (VGCC) considered that the proposed Measure represented a "significant lost opportunity" to include measures requiring businesses to provide recycling data returns to the EA, as the Scottish Parliament has proposed for Scotland. VGCC also questioned the necessity for the proposed Measure as "the detail required should already exist with the Assembly's own Municipal Waste Database 'Wastedatabase'". Duplication of effort was thus a concern:

"Surely it would be easier for the Assembly to use this information and publicise it directly as it does with local authority recycling/composting and landfill allowance performance... the use of the Wastedataflow database... would eliminate any element of wasteful duplication of effort and resources between local authorities and the EA whilst providing the outcome required in the proposed Measure".

VGCC considered that negative media coverage of overseas reprocessing conditions could lead to reduced householder participation in recycling, and that pressure on local authorities to use more local facilities could result in increases in council tax.

Welsh Local Government Association

The Welsh Local Government Association (WLGA) had several concerns about the proposed Measure:

- That Wales could become uncompetitive, and that Welsh local authorities could suffer as a result. The WLGA was unsure whether non-local reprocessors would steer away from Wales, and that this would "make Wales uncompetitive". The WLGA theorised that without this increased competition for resources, a lower price would be realized for recycle – especially if local reprocessors took advantage of requirements for local authorities to use local facilities – and that this could have consequences for service delivery.

"The measure seems to imply that LAs do not look for local markets – this is not true. All LAs have a duty to promote the social, environmental and economic well being of their areas and this activity is part of this. There are a lot of reprocessors in Wales and if material is being taken elsewhere it is for a reason".

- That Welsh local authorities will be required to publish information, but that without the powers to require the information from private companies, the local authorities could be subject to unfair criticism:

"For example LAs can provide the information as requested but still have no power should the broker/reprocessor handle the waste in an inappropriate way or refuse to provide the information. The Environment Agency is the regulatory authority for all waste activity and we are concerned that there has been no examination of their role or processes through the development of this measure".

- The WLGA was also concerned that local authorities could suffer reputational damage if information supplied to them by third parties was subsequently determined to be untrue. In such cases, the WLGA was concerned that public confidence could be eroded, with declining rates of participation in recycling.
- That all waste streams in Wales should be covered, not just municipal waste. The WLGA believed that all waste should follow the same rules, regardless of

source. The WLGA claimed that "far more could be achieved" by focusing on all waste generated in Wales.

- That local markets and infrastructure may not be in place to deal with recycle arisings.
- That the information requirement could duplicate existing functions. The WLGA stated that Waste dataflow already contains a line for local authorities to submit information on end markets, where the information is known. The outputs from Waste dataflow are used in two annual outputs: an Environment Agency report to the Welsh Assembly Government, and in Welsh Assembly Government performance indicators. The WLGA requested that one of these mechanisms be used for reporting rather than creating a new process.
- That additional resources will be required to meet the aspirations of the proposed Measure; the WLGA estimates that if one full time officer were employed to undertake these duties at each local authority, annual costs for the country would be £700,000. The WLGA also considered that its timing is inappropriate given that the Environmental Protection and Waste Management Legislative Competence Order is in train.

Waste and Resources Action Programme

The Waste and Resources Action Programme (WRAP) did not support the proposed Measure. WRAP believed that its introduction could damage recycling participation in Wales as a result of "likely negative media stories that the measure will generate".

WRAP considered that the proposed measure would have a "much higher" bureaucratic cost than had been envisaged.

WRAP claimed that the proximity and self-sufficiency principles only apply to waste destined for disposal, and not for recycle.

WRAP commented:

"we think it far more likely that the measure, if enacted, would simply lead to a large volume of negative media stories about those authorities that export waste for recycling, and would consequently lead to a reduction in participation in recycling, as some members of the public get the mistaken impression that recycling abroad is "no good". In addition, those authorities "exposed" for exporting waste for recycling abroad may feel compelled to stop doing so. However, if no additional recycling infrastructure is made available, they may end up landfilling the waste that was previously being recycled abroad".

The Chartered Institution of Wastes Management

The Chartered Institution of Wastes Management (CIWM) considered that the proposed Measure is not the appropriate means through which the desired changes should be effected:

"If the Assembly has concerns over the effectiveness of the Duty of Care, opportunity should be taken of the current review of this legislation, its communication and any guidance or Code of Practice to go with it... CIWM believes that if local authorities make information available, as required under their Duty of Care, to their residents and commercial customers - this will encourage both interest and participation in recycling. The information should make clear to whom the waste is delivered and where, what process it is subjected to and what rejects / outputs that process has. It is unlikely that many authorities will be able to report on the destination and fate of their recyclable materials after passing through such a process".

"Strict control over the quality and destination of exports of part or wholly re-processed "Green List" wastes should be through the Transfrontier Shipment Regulations requiring either lobbying for change through the EU or strengthening of the policing of the regulations through the Environment Agency".

The CIWM considered it to be neither reasonable, nor always possible, for local authorities to report a complete audit trail for recyclate:

"Recyclables are operating in a rapidly changing market and therefore the destinations for reprocessing are constantly in flux".

The CIWM suggested that although the proposed Measure could lead to residents encouraging more local waste processing plants, "closer will not always mean better or more sustainable solutions":

"Life cycle assessment by WRAP has recently shown that bulk transport of recyclates by ship to distant markets is carbon-efficient, despite a frequent belief that local use must be more beneficial. It is therefore possible that information provided could be used to demand less sustainable solutions or to weaken a public engagement in separation and recycling that has taken a decade to develop to its current level. However, despite these possible unintended consequences CIWM still agrees that public engagement with recycling – at work and at home – will be supported through information being made available, as it should be, under the Duty of Care".

The CIWM expressed a preference for accurate data on all waste flows, including those from industrial and commercial sources.

The CIWM considered that the provision of more information could lead to economic advantage:

"Collection and reporting of timely and reliable material/energy flow information would require additional resources to be made available, but this should be viewed as part of

a much larger and more important consideration of wastes as resources and an economic advantage for a region. Whilst this will need more input resources the return in economic advantage will substantially outweigh the investment to all sectors".

Welsh Environmental Services Association

The Welsh Environmental Services Association (WESA) considered that although the proposed Measure would make more information publicly available:

"we have serious reservations about the practical implications of the proposed Measure and the administrative burden it could place on Welsh local authorities... In particular the requirement to establish the exact proportion of exported material that is recovered (sub-clause 1 (5) (d)) would be an onerous requirement, as once ownership of the material has passed to the reprocessor (e.g. the paper mill), it is under no obligation to provide information on how the material is used in its facility".

WESA considered that a better means of achieving the proposed Measure's aims would be to require Material Recovery Facilities to register with the voluntary code "Recycling Registration Service", which demonstrates that waste material handled at a facility is handled according to industry good practice.