

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

A MEASURE of the National Assembly for Wales to make provision for improved community involvement in arrangements made by local authorities in Wales for the shipment outside the European Community and European Free Trade Area ("EFTA") of waste destined for recovery.

5 **1 Amendment to the Environmental Protection Act 1990 (c.43)**

The Environmental Protection Act 1990 (c.43) is amended by inserting after section 55

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10 **"55A Duty on authorities in Wales to prepare statements in relation to waste destined for recovery shipped outside the European Community and EFTA**

- (1) This section, together with sections 55B and 55C, applies to waste collection authorities in Wales or to waste disposal authorities in Wales.
- (2) If an authority to which this section applies sells or otherwise disposes of waste destined for recovery that authority must, if subsection (4) applies, prepare, in respect of each financial year, a statement which contains the matters prescribed by subsection (5) and by section 55B(3).
- (3) In this section —
- (a) "waste destined for recovery" means waste which the authority intends should be subject to a recovery operation,
- (b) a "recovery operation" means an operation provided for in Annex IIB to the Waste Framework Directive, and
- (c) the "Waste Framework Directive" means Directive 2006/12/EC of the European Parliament and of the Council of 5th April 2006.
- (4) This subsection applies if, during the financial year in question, there is a shipment to a destination outside the European Community and EFTA of any waste sold or otherwise disposed of by the authority and which is destined for recovery.
- (5) A statement required by subsection (2) must, subject to subsections (8) and (9), contain, in respect of every such shipment, the following information —

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- (a) the total quantity of the waste shipped,
- (b) the quantity of the waste shipped which was ultimately subject to a recovery operation,
- (c) the nature of that operation or operations,
- (d) the quantity of the waste shipped which was not ultimately subject to a recovery operation,
- (e) the manner in which that waste was disposed of,
- (f) 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.
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- (6) References in subsection (5) to a quantity are to the weight of the waste to the nearest tonne.
- (7) If any quantity contained in the statement is estimated, the statement must state that this is so and must set out the method used for estimating the quantity.
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- (8) The information required by subsection (5) to be included in a statement is such information as to the matters specified in that subsection as the authority holds but an authority must, when preparing a statement, take reasonable steps to obtain information as to those matters.
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- (9) If an authority is unable to include in a statement information as to any matter specified in subsection (5) because it does not hold that information, the statement must say so and must identify any steps which the authority has made to obtain information as to that matter.
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- (10) When making arrangements to sell or otherwise dispose of waste destined for recovery an authority must have regard to the desirability of including in those arrangements provision for ensuring that the authority is provided with such information as will enable it to include in any statement required by subsection (2) full and accurate information as to all the matters specified in subsection (5).

30 **55B Publication of statements required by section 55A(2)**

- (1) A statement which an authority is required by section 55A(2) to prepare must be published by the authority on its web-site.
- (2) Publication of the statement must begin within 6 months of the end of the financial year to which it relates and must continue for 6 months or until the end of the financial year in which it first appears on the authority's website, whichever is the later.
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- (3) The statement must, in addition to the information required by section 55A(5), also 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 and EFTA.

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- (4) In subsection (3), “the proximity principle” means the principle that waste should be disposed of in one of the nearest appropriate installations.
 - (5) The authority, when deciding what future arrangements of the kind referred to in subsection (3) it should make, if any, must have regard to any representations of the kind referred to in that subsection.

55C Statements: general

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- (1) When preparing and publishing a statement which it is required by section 55A(2) an authority must have regard to any guidance given by the Welsh Ministers as to the form of the statement.
 - (2) The Welsh Ministers may by order amend any of the definitions contained in section 55A(3).
 - 15 (3) The power to make an order under subsection (2) is exercisable by statutory instrument.
 - (4) A statutory instrument containing an order under subsection (2) may not be made unless a draft of the order has been laid before, and approved by, a resolution of the National Assembly for Wales.”

2 Short title and commencement

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- (1) This Measure may be referred to as the Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure 200-.
 - (2) Subject to subsection (3), this Measure comes into force on the day on which it is approved by Her Majesty in Council.
 - 25 (3) The duty to prepare a statement under subsection (2) of the new section 55A inserted into the Environmental Protection Act 1990 (c.43) by section 1 of this Measure does not apply in respect of the financial year in which this Measure comes into force.