

What's happening? Waste management in the UK after 31 December 2020

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24 June 2020



“United wishes and goodwill cannot overcome brute facts”

Winston Churchill

- Where were we?
- Where will we be on 1 January 2021?
 - Great Britain
 - Northern Ireland
- Where can we go?
- How can we get there?
- How to prepare



Where were we?

- EU competence in environment
 - Not in the Treaties in 1973
 - Added in 1987 to improve the functioning of the Single Market
 - Then 1999 - Article 193(2) of TFEU – EU environmental law & policy based on 4 principles:
 - Precautionary
 - Prevention is better than cure
 - Rectification at source
 - Polluter pays

Environment & Climate Change, Review of the Balance of Competences between the UK & the EU: final report

- *“The evidence showed that a large number of organisations representing all sectors considered that it is in the UK’s national interest for the EU to have a degree of competence in the broad areas of environment and climate change because of the advantages that this brings for the Single Market and environmental protection.”*
- *Whilst there can be tensions between environmental standards and competitiveness, the evidence paints a more nuanced picture in which some sectors of business welcome some degree of cross-EU environmental regulation. For example, EU targets on waste and on climate change were seen by many as providing greater certainty for investors and an important spur for growth in the rapidly expanding environmental and low carbon services and products sector. In addition, EU regulation on chemicals and other environmental standards was also seen by many businesses as important in providing a level playing field across the Single Market.*



Pros and Cons of shared EU competence in waste management

- EU minimum standards protect & enhance environment e.g. Landfill Directive & Waste Framework Directive
 - >40% household & >50% commercial/industrial waste now recycled
 - c65% reduction in methane gas emissions from landfill
- EU is largest single market in world, stable policy framework & level playing field spurs financial investment & innovation in waste & environmental services sectors and reduces trade barriers
- SMEs have fewer resources to enable keeping up-to-date with environmental regulations (*Smarter Environmental Regulation Review*)
- Extent and complexity of regulatory requirements for waste a burden esp for SMEs
- Changes in EU law can impose costs that affect competitiveness & cause carbon/waste leakage
- Some actions go beyond those needed under subsidiarity and proportionality principles



Where will we be on 1 January 2021?

- England, Wales & Scotland

- on paper - business as usual for waste management within England, Scotland and Wales with removal of references to EU institutions, obligations, targets etc in domestic legislation
- Will we have an Environment Bill or an Environment Act?
- Movement of wastes between GB and EU will be subject to Basel Convention on the control of transboundary movement of hazardous wastes and their disposal (1989) rather than EU Regulation (1013/2006) on shipments of waste and will need to go through customs clearance

- Northern Ireland:

- Under the Protocol on Ireland/Northern Ireland the EU and the UK have committed, inter alia, to maintain the necessary conditions for continued North-South cooperation inc in environment
- The Irish Sea will become the de facto EU/GB external border
- The following EU law will continue to apply in NI:
 - Regulation 1013/2006 on shipments of waste
 - Directive 94/62/EC on packaging and packaging waste
 - Regulation 1257/2013 on ship recycling
 - Directive 2006/117 on shipments of radioactive waste
 - Directive 2006/66/EC on batteries and accumulators & waste batteries &

accumulators



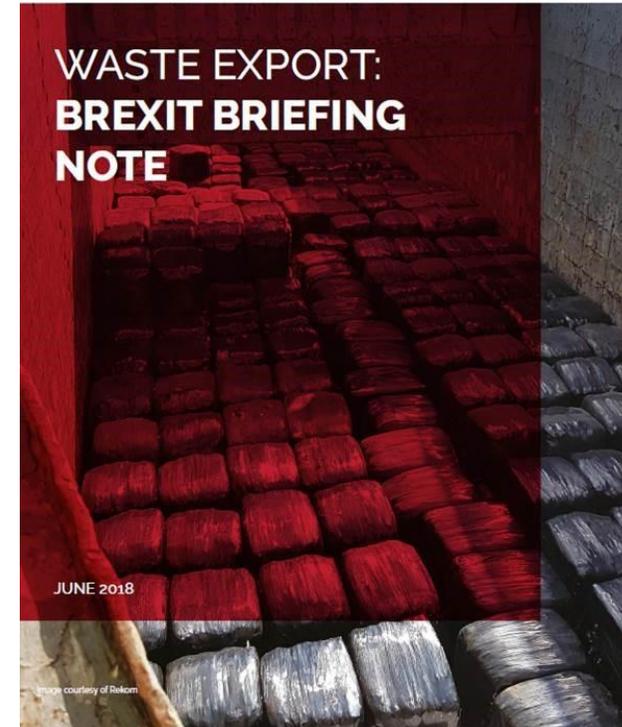
Shipments of waste between UK & EU from 31 December 2020

- Shipments of waste from UK to EU - Basel Convention & OECD re recovery
 - Decisions of competent authorities
 - Notification document
 - Movement document
 - Contract provisions
- Impact of economic factors
 - Exchange rates
 - Domestic taxes - Landfill tax
 - Tariffs (if movements of goods rather than services)
 - Costs of conformity assessments (if required)
- Shipments of waste from EU to UK:
 - Prohibition of export of waste for disposal and mixed municipal waste for recovery operations
 - Recovery of WEEE, batteries, packaging, end-of-life vehicles & municipal waste in UK can count towards EU waste targets if UK treatment equivalent to Directive reqs



Waste streams

- Different waste streams will be impacted in different ways, e.g.
 - *Refuse derived fuel*
 - *Air pollution control residue*



What's the Plan?



- We will minimise waste, reuse materials as much as we can and manage materials at the end of their life to minimise the impact on the environment. We will do this by:
 - Working towards our ambition of zero avoidable waste by 2050
 - Working to a target of eliminating avoidable plastic waste by end of 2042
 - Meeting all existing waste targets – including those on landfill, reuse and recycling – and developing ambitious new future targets and milestones
 - Seeking to eliminate waste crime and illegal waste sites over the lifetime of this Plan, prioritising those of highest risk. Delivering a substantial reduction in litter and littering behaviour.
 - Significantly reducing and where possible preventing all kinds of marine plastic pollution – in particular material that came originally from land

What's the Plan?



“We will preserve our stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. At the same time we will minimise the damage caused to our natural environment by reducing and managing waste safely and carefully, and by tackling waste crime. It combines actions we will take now with firm commitments for the coming years and gives a clear longer-term policy direction in line with our 25 Year Environment Plan. This is our blueprint for eliminating avoidable plastic waste over the lifetime of the 25 Year Plan, doubling resource productivity, and eliminating avoidable waste of all kinds by 2050.”

Demand for waste management in UK/GB post 31/12/2020

- Short term:

- goods could be rejected at pre GB departure customs & SPS checks = > waste
- reduction in wastes exported to EU owing to £ and customs/regulatory barriers could put pressure on existing UK landfill and EfW capacity = > waste
- loss of some waste imports for treatment in UK facilities
- capacity constraints in haulage sector
- increase in fly tipping/illegal waste disposal

- Short – long term:

- contraction in economy esp from reduction in manufacturing, food and construction activity = < waste but > waste crime

- Middle – long term:

- potential for circular economy, innovation and investment will depend on direction of Government policy and regulatory regimes not only in terms of waste management & resourcing of regulators but in respect of product, energy and efficiency standards, green infrastructure, the relationship between import standards and domestic standards, divergence in regulatory regimes within the UK, foreign direct investment and the values that are promoted



Where can we go?

- Less complexity in bureaucracy for waste handling (NB impact on environmental objective?):
 - Definition of waste
 - Duty of care for waste
 - Hazardous waste classification – e.g. utility waste
- Approach to targets
 - To have or not to have?
 - Shift from weight based targets for recycling
- Waste minimisation
 - More effective waste hierarchy
- End of waste and the chain of utility
 - Approach to definition of ‘by products’
 - Waste Protocols Project
 - Retain resources within UK/GB rather than exporting for recycling



How do we get there?

- Delivery of greater self-sufficiency in waste management needs simultaneous focus on waste supply (driving down waste generation) and increase in capacity for waste treatment
- Requires stable, coherent, evidence based policy framework

“half of our recycling is exported overseas, depriving the economy of valuable assets and jobs. Britain landfills at least £3.8 billion’s worth of resources annually and sends plenty more to incineration. A lack of government support for remanufacturing means it contributes only £2.4 billion to the economy, less than half of its potential £5.6 billion” Green Alliance



“But five years isn't long. Indeed it barely takes you into the next Conservative government! It means that business needs to prepare itself quickly. Starting right now.” Margaret Thatcher (1992)

- Brute fact: changes take time whether consumer & commercial practices, contracts & supply chains, market adaptation, building new infrastructure, getting innovations to market etc
- Many UK based businesses have taken steps to mitigate impacts (NB Covid-19) but many haven't/can't/don't know how to as future EU/UK relationship still unclear
- There will be opportunities – “awareness is the start of the battle”
- Preparing for 31 December:
 - Good housekeeping – tidy premises, minimise waste on site, if a landlord/agent then check tenants aren't stockpiling waste (early sign of £ distress)
 - If producer of waste that is exported to EU contact carrier to check robustness of chain, understand new costs & bureaucracy, incoterms etc & consider alternatives
 - For those with cash to spend...



How to prepare – longer term

- Challenge for Government: to provide the robust and coherent legal frameworks and economic conditions required to encourage the significant investment necessary to deliver a circular economy, innovation and infrastructure BUT the Government has committed the UK to legal instruments and policies the consequences of which will be to deliver smaller domestic markets, high new trade barriers & bureaucracy esp for UK located entities, disruption of UK/EU/RoW supply chains, less food & energy security and instabilities/fractures in the UK/GB internal market
- Businesses can step up, too!
 - SWOT analyses – know the new market places, spot the opportunities, mitigate the risks and have a plan
 - Get involved with trade and business organisations to ensure your voice is heard
 - Innovating businesses need creative minds in the team and wide engagement
 - Laws define all formal relationships – understand the impacts of changes and always read the small print inc in contracts





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