



SEPA REGULATION OF GREEN LIST WASTE SHIPMENTS

Waste Shipment Unit

SEPA

SEPA WASTE SHIPMENT EVENT

- 09:30-10:00 registration k1
- 10:00-10:05 Welcome and introduction
- 10:05-11:15 Introduction to TFS & SEPA Regulation of Annex VII waste movements
- 11:15-11:30 Questions & Answers on Annex VII Regulation
- 11:30-11:45 Demonstration on electronic Annex VII upload
- 11:45-12:15 How to move notifiable waste
- 12:15- 12:30 Final summary and any further questions
- 12:30-13:30 Lunch
- CLOSE

Slide 2

k1

Fire alarm, etc

katie.olley, 25/03/2013

AIMS OF PRESENTATION

- Provide a background to TFS
- Understand the changes to SEPA Regulation of Green list shipments and Annex VII submissions
- Understand obligations relating to Green List Shipments
- Understand the importance of fully completing Annex VII forms
- Understand SEPA's Enforcement policy and how this relates to Green List shipments
- Understand how to submit Annex VII information electronically

Why regulate the TFS control regime?

- To provide a control system for the shipment of waste between countries
- To prevent harm to human health and the environment

What can happen if we don't



Illegal exports can have significant environmental, social and human health impacts on the country of destination

Guiya, China

- “Dumping ground for discarded computer hardware”
- Contaminated water
- Reported health problems

Controls on international shipments aim to:

- Prevent unauthorised disposal and recovery
- Facilitate the legitimate trade in waste

Background to legislation

- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989
- “Basel Ban” Amendment, 1998
- OECD decision C(92)39
- The Waste Shipment Regulation (EC 1013/2006)
- The Transfrontier Shipment of Waste Regulations 2007
- UK Plan For Shipments of Waste

The Waste Shipment Regulations

- **Prohibited**
 - Imports and exports for disposal
 - Exports of hazardous waste to Non-OECD
- Two control mechanisms for the movement of waste:
 - **Notification Control** – high level
 - Hazardous waste for recovery
 - Some imports and exports of non-hazardous wastes for recovery
 - **Green List Control** – low level
 - Majority of permitted imports and exports of non-hazardous waste for recovery

Green List Controls

- Non-hazardous waste to EU/OECD countries and some non-OECD countries

Green list controls require:

- no permission from authorities k2
- Completed and signed Annex VII form
- The contract shall be effective when shipment starts
 - include an obligation, where the shipment of waste or its recovery cannot be completed or where effected as an illegal shipment, on the person who arranges the shipment or, where that person is not in a position to complete the shipment (for example, is insolvent), on the consignee, to:
 - (a) take the waste back or ensure its recovery in an alternative way; and
 - (b) provide, if necessary, for its storage in the meantime.

Slide 8

k2

Unless stated in the green list reg - contains replies from all non-OECD countries

katie.olley, 25/03/2013

Green list Controls (continued)

- Waste dealt with in environmentally sound manner throughout movement and treatment
- Completed **Annex VII form to be kept** for 3 years
- For a waste export, forms to be sent to SEPA
- Annex VII forms must travel with the waste

WHAT THE REGULATIONS REQUIRE FOR GREEN LIST SHIPMENTS

- Regulation 45 of TFS Regs 2007 requires that:
 - “ A person who arranges the shipment **of waste** subject to the procedural requirements of Article 18 (1) must ensure that a copy of the Annex VII document that he has signed in accordance with Article 18(1) (b) is received by the competent authority before the shipment takes place and failure to do so is an offence”

Current SEPA Annex VII Enforcement Position

- [TFS Enf Position 051208.pdf](#)
- No requirement to submit Annex VII forms to SEPA for movement to OECD countries E: [\Annex VII Position\OECD COUNTRIES.doc](#)
- ~~Annex VII forms~~ have to be submitted to SEPA for Non OECD shipment prior to movement (Scotland & NI only)
- Annex VII forms **MUST** accompany all green list movements of waste.
- Annex VII forms **MUST** be kept for 3 years

Why was Annex VII Enforcement position introduced?

- Temporarily waived requirement for OECD submissions on risk-based approach
- Allowed time to develop electronic system for Annex VII submissions on NPWD

Changes to Annex VII submissions

- SEPA will shortly be rescinding its Enforcement Position relating to Annex VII submissions
- In future will require:
 - Submission of Annex VII forms to SEPA for OECD and Non OECD shipments
 - Submissions can be either hard copy or via secure electronic submission to NPWD
- The National Packaging Waste Database (NPWD) is a web-based database supported by the EA, SEPA, NIEA, DEFRA and BIS.
- Hard copies are required to be submitted in advance of shipment as per the Regulations

Changes to Annex VII submissions

- Electronic submissions can only be submitted after movement (can be done in batch)
- Will Continue to require;
- Annex VII forms must accompany all green list movements of waste.
- Annex VII forms must be kept for 3 years
- Annex VII forms must be fully completed
- Contracts need to be in place and be effective from start of shipment

Reasons for change

- Data from Annex VII submissions help shapes SEPA's monitoring strategy
- SEPA focus on improving quality of waste recycle and reducing the risk of repatriation.
- Focus on duty of care
- Developed and piloted secure means of submitting Annex VII data
- Electronic data can be used more effectively to monitor compliance and shape monitoring strategy

Reasons for change continued

- Exporters accredited under the Packaging regime would have a reduced administrative burden in submitting tonnages exported as the online system would calculate the correct tonnage under a given packaging protocol.
- Minimise the risks of containers being stopped/ repatriated due to lack of Annex VII forms or the wrong procedure, e.g. repatriation of clean paper travelling to UAE
- Minimise cost to industry for associated storage and transport costs for repatriations

SEPA analysis of Annex VII data

- SEPA manually entered all 2011 and 2012 data onto NPWD
- Identified waste going to countries where green list does not apply
- eg Copper to United Arab **Emirates**
- Eg Metal to Vietnam
- Identified common errors and deficiencies in Annex VII forms

SEPA FOCUS ON RECYCLATE QUALITY FOR EXPORT

- Waste (Scotland) Regulations 2012 likely to increase amount of waste exported from Scotland in the medium term.
- Restrictions placed on the types of **waste** that are permitted to be landfilled from 2014 onwards. Eg
- Businesses to present [metal, plastic, glass, paper and card](#) for separate collection from 01 January 2014
- **A ban** on any [metal, plastic, glass, paper and card](#) collected separately for recycling from going to incineration or landfill from 01 January 2014
- SEPA will work to ensure that recyclable waste exported from Scotland is suitable for shipment and will follow the material flow of waste from “cradle to grave”.
- Potentially more recyclate and more shipments of recyclate abroad until Scotland develops domestic reprocessing capability.

DUTY OF CARE

- All parties involved in transport of waste have duty of care responsibilities including;
- Ensure waste description is accurate to allow safe handling or treatment by subsequent holders
- Ensure waste is covered by Annex VII and contract
- Ensure site of destination **holds** appropriate permit to accept waste
- Ensure that person you are transferring waste to is licensed to accept it
- Prevent the escape of waste from your control
- Ensure waste is suitable for export to destination country under Green List Control

China waste plastic

- China can accept waste plastic under Green list but will only accept the following types of plastic:
- Ethylene, styrene, polypropylene, polyethylene terephthalate, acrylonitrile, butadiene, polyacetals, polyamides, polybutylene terephthalate, polycarbonates, polyethers, polyphenylene sulphides, acrylic polymers, alkanes c10-c13 (plasticiser), polyurethane (not containing CFCs), polysiloxanes and polymethyl methacrylate, polyvinyl alcohol, polyvinyl butyral, polyvinyl acetate.
- This information was taken from a questionnaire completed by the Chinese to amendments to Commission Regulation 1418/2007 – the response from China was Feb 2012

SEPA FOCUS ON RECYCLATE QUALITY FOR EXPORT

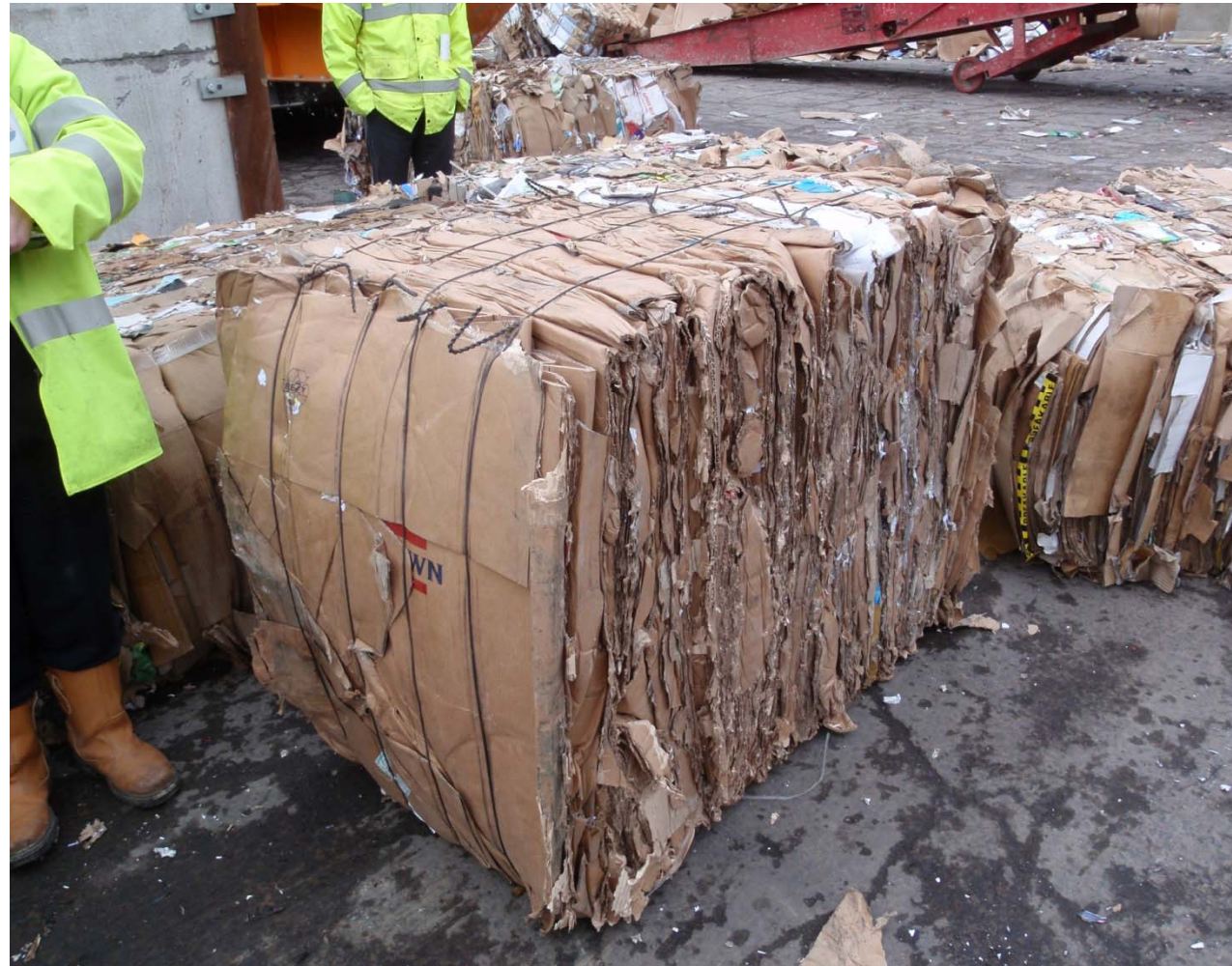
- Around 70 per cent of UK plastics **for recycling** are sent to the Far East
- China is no longer willing to accept the low-grade plastic sent from the UK, which has been “contaminated” by other materials
- 2013- 17 containers, containing 420 tons of plastic, have been turned back to UK on their way to Asia,
- China is looking to develop a resource efficient system using closed loop recycling by 2020
- Other emerging economies (eg India) may also aim for closed loop recycling

Mixed Household waste

Recorded on shipping manifest as “paper” or “plastic” travelling under Green list controls



Good examples - Cardboard



Bad examples – Cardboard



Good example Paper



Bad example Paper



Good example Plastics

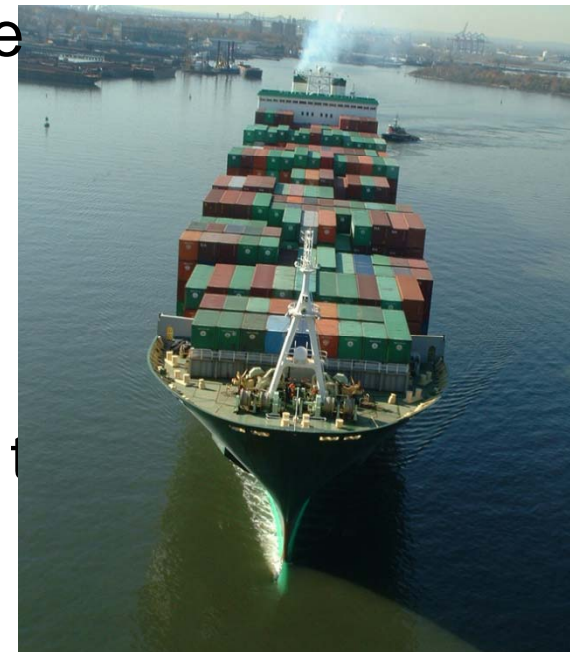


Bad example Plastics



Take back of illegal shipments

- Obligation on the competent authority to take back illegal shipments stopped overseas
- Cost of take back include
 - transport
 - storage
 - recovery or disposal
- Costs arising is charged to
 - notifier
 - Waste Broker



Fully Completing Annex VII forms

- [L Letter to Brokers.doc](#)
- Court of Justice of the European Union ruling
- need to provide the details of the waste producer on the Annex VII document in box 6
[TFS annex vii form.pdf](#)
- This document must be submitted to the consignee of the shipment without any omissions
- SEPA will no longer accept a separate document accompanying an Annex VIII identifying the waste producer.
- Analysis of Annex VII submissions for 2011 and 2012 identified other common omissions

Block Two

2. Importer/consignee

Name:

Address:

Contact person:

Tel.:

Fax:

E-mail

Full name, address & contact details of the consignee/person receiving the waste (importer) must be provided.

Provide the licence/permit number as appropriate. This must not be provided on a separate document.

If you do not have a designated contact person...? *Does we need a designated contact person, and if so, what should they do if they don't have one?*

Block Three

3. Actual quantity: Tonnes (Mg): m³:

The actual quantity of waste to be shipped must be provided in metric tonnes (Mg) or cubic metres (m³), not in imperial measurements. Put actual weights not <value



Block Five

<p>5.(a) 1st carrier (2) Name: Address: Contact person: Tel.: Fax: E-mail: Means of transport: Date of transfer: Signature:</p>	<p>5.(b) 2nd carrier Name: Address: Contact person: Tel.: Fax: E-mail: Means of transport: Date of transfer: Signature:</p>	<p>5.(c) 3rd carrier Name: Address: Contact person: Tel.: Fax: E-mail: Means of transport: Date of transfer: Signature:</p>
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The name & contact details of the first waste carrier must be entered in block 5(a), including the type of transport, date of transfer & signature.

Where applicable, block 5(b) & (c) should also be completed, including the date of transfer from the previous carrier & signature.

If there are more than three carriers, provide details of the others in an annexe.

Block Six

Signature.

Signature.

6. Waste generator (3)

Original producer(s), new producer(s) or collector:

Name:

Address:

Contact person:

Tel.:

Fax:

E-mail:

Waste generator's full name, address & contact details must be provided (*this will be the original waste producer(s) or the person/facility generating the waste for export*).

This information cannot be provided on a separate document.

Block Seven

7. RECOVERY

7. Recovery facility

Laboratory

Name:

Address:

Contact person:

Tel.:

Fax:

E-mail:

The full name, address and contact details must be provided for the disposal/recovery site including site registration details (waste licence or permit number).

This information cannot be provided on a separate document.

Block Eight

Signature:

8. Recovery operation (or if appropriate disposal operation in the case of waste referred to in Article 3(4)):

R-code/D-code (4):

Insert the appropriate 'R' code for the proposed recovery operation.

A list of codes is available in a PDF document on the SEPA website

www.sepa.org.uk/waste/waste_data/reporting_definitions_and_term/coding_systems.aspx

OFFENCES

- A PERSON WHO TRANSPORTS WASTE SPECIFIED IN ARTICLE 3(2) or (4) commits an offence if;
- waste is not accompanied by a **completed & signed** Annex VII form
- There is not contract in place between the person who arranges the shipment and the consignee for recovery of the waste

DETAILS OF CONTRACT

- The contract shall be effective when the shipment starts and shall include an obligation, where the shipment of waste or its recovery cannot be completed as intended or where it has been effected as an illegal shipment, on the person who arranges the shipment or, where that person is not in a position to complete the shipment of waste or its recovery (for example, is insolvent), on the consignee, to:
 - (a) take the waste back or ensure its recovery in an alternative way; and
 - (b) provide, if necessary, for its storage in the meantime.

OFFENCES

Any reference to a person who transports waste includes the **following persons**

- (a) the notifier
- Any transporter of waste, by land or otherwise- (i) into or in the UK; or (ii) from the UK
- Any freight-forwarder; or
- Any other person involved in the shipment of waste

SEPA ENFORCEMENT

- SEPA's approach to enforcement outlined in policy number 5 [E:\Annex VII Position\SEPA ENFORCEMENT POLICY.pdf](#)
- Regulation of Green list and Annex VII submissions in line with this policy
- Proportionate action
- Where possible, engage and work with operators
- Advisory/warning letters
- Formal notices
- Report to Procurator Fiscal
- Provision in Regs for Fixed Penalty Notices

SEPA Monitoring Strategy

- Increase in number of inspections of recyclate for export to ensure “fit for export”
- Inspections and paperwork audits **at site of** loading, port, rail terminals & roadside checks
- Monitoring Annex VII submissions to SEPA
- Auditing of Annex VII paperwork held by exporters and brokers
- Ensuring contracts in place for Annex VII shipments
- Ensuring all relevant parties fulfilling duty of care requirements

ENSURING COMPLIANCE

- Undertake appropriate checks to ensure that waste is suitable for export under greenlist to destination country by either;
- Contacting country of destination for advice
- Contacting SEPA staff for advice
- Use EA Waste Export tool as a guide [Environment Agency - Waste export controls tool](#)
- Fulfil your duty of care requirements by checking that Annex VII document is
 - (i) fully completed, (ii) submitted to SEPA, (iii) accompanies the movement, (iv) retained for 3 years
- Ensure signed contracts are in place

MOVING FORWARD

- Enforcement position will be rescinded over the next 4-6 weeks
- Will write **to all relevant** sector to advise of changes
- Option available to trial electronic submission prior to roll out. Opportunity for Approved Exporters to trial.
- Require user name and password for NPWD
- SEPA can provide help and assistance in using system
- Contact detail

Producer Compliance and Waste Shipment Unit

- Transfrontier@sepa.org.uk