

Safer waste cleaner world

Moving waste between countries: determining the controls on waste exports



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The Environment Agency, Scottish Environment Protection Agency (SEPA) and the Environment and Heritage Service (EHS) are responsible for protecting and improving the environment in the United Kingdom.

It's our job to look after the environment and make it a better place – for you, and for future generations. Working with business, Government and society as a whole, we are making your environment cleaner and healthier.



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Determining the controls on waste exports

This guide provides information to help you determine the controls that will apply to exporting waste from the UK. It covers moving waste between the UK and other EU member states as well as exports to countries outside the EU.

This guide sets out the approach of the UK competent authorities. You should also make checks with the relevant regulators in each country through which the waste will travel and the country of destination.

If you are unfamiliar with the types of controls that can apply, please refer to 'An introduction to moving waste between countries' at: www.environment-agency.gov.uk/wasteshipments first.

Summary

Prohibited exports

- Exports for disposal are, apart from some very restricted exceptions, prohibited. Refer also to 'The UK Plan for Shipments of Waste 2007' at: www.environment-agency.gov.uk/wasteshipments.
- Exports of hazardous waste to economically developing countries (those non-EU countries outside the OECD) such as China, India and Indonesia are prohibited, even if being sent for recovery.
- Exports of some types of non-hazardous waste to certain non-OECD countries outside the EU.

Exports potentially permitted under notification controls

- Hazardous waste for recovery in EU member states and OECD countries. Refer also to 'Moving notified waste between countries – a guide' at: www.environment-agency.gov.uk/wasteshipments.
- Non-hazardous waste for recovery in 'new' EU member states – Latvia, Poland, Slovakia, Bulgaria or Romania.
- Some types of non-hazardous waste for recovery in some non-EU countries outside the OECD.

Exports potentially permitted under green list controls

- Some exports of certain types of non-hazardous waste to be recovered are subject to green list controls, such as clean waste paper being sent for recycling in the Netherlands. Refer also to 'Exporting recyclable waste for recovery in non-OECD countries' at: www.environment-agency.gov.uk/wasteshipments if exporting to non-EU countries outside the OECD.

The following provides further guidance on the controls to help you to:

- understand the difference between recovery and disposal;
- identify your waste correctly;
- understand the status of the destination country;
- understand the controls on exports for recovery.

1. Recovery or disposal

It is important to understand the difference between recovery and disposal, as this will determine the appropriate control if the waste movement is permitted.

You must make this assessment on the basis of the first operation carried out on the waste. If, for example the waste is incinerated and the ash is then used in construction, you must assess whether the incineration is recovery or disposal rather than any activity the ash is used for.

Exports for disposal are, apart from some very restricted exceptions, prohibited.

You can find further guidance on moving waste to and from England or Wales at: www.environment-agency.gov.uk/commondata/acrobat/dr_guidance_v_1_1150011.pdf

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2. The type of waste being exported

European legislation setting out the rules on moving waste to and from the UK includes a number of different annexes containing lists of wastes. This guide will mainly refer to annexes III, IIIA, IIIB, IV and IVA.

In broad terms, annex III, IIIA and IIIB specify different types of non-hazardous waste, whilst annex IV and IVA specify different types of hazardous waste.

You must determine in which annex the code that best describes the waste being moved appears. To do this, you must take into account any contamination that may either make the waste more hazardous so that it should be classified by another code, or prevent it being recovered in an environmentally sound manner.

If you conclude that any waste you want to export is classified as hazardous waste within the UK, but you consider it can still be appropriately classified by a code in annex III, IIIB or IIIA, contact the relevant UK competent authority for further guidance.

If there is no appropriate code for the waste being exported, it is classed as 'unassigned'. Exports of unassigned waste to be recovered are always subject to notification controls.

To make them easier to understand, we have provided consolidated versions of the waste lists that appear in each annex. This is available at: www.environment-agency.gov.uk/wasteshipments.

3. 'Status' of the destination country

If you are exporting waste to be recovered, the controls will partly depend on the country where the recovery is to take place. You will need to find out which of the following categories the destination country falls into:

- an EU member state – except for the 'new' member states listed below;
- a 'new' EU member state, namely Latvia, Poland, Slovakia, Bulgaria or Romania;
- an OECD member state;
- a non-EU member state outside the OECD.

You can find a list of EU member states at: http://europa.eu/abc/european_countries/index_en.htm

You can find a list of OECD countries at: www.oecd.org/document/58/0,2340,en_2649_201185_1889402_1_1_1_1,00.html

4. Exports to be disposed of

These are generally not allowed and, where there is an exception, they will always be subject to notification controls. If you think the movement you are concerned with may fall within one of these exceptions, you should contact the relevant UK competent authority to check before you make any applications to move the waste.

5. Exports to be recovered

Some are prohibited, others can proceed under notification or green list controls. The situation varies depending on the type of waste being exported and the particular country where the recovery is to take place. Waste being exported under green list controls must be accompanied by a completed Annex VII form specified in the legislation. You can find a blank copy of this form at: www.environment-agency.gov.uk/wasteshipments. The person who arranges the shipment of the waste must complete and sign this form.

• Recovery in other EU member states

This is generally potentially allowed and will be subject to either notification or green list controls depending on the type of waste being exported and the particular EU country where the recovery is to take place.

– **Waste listed in annex IV and IVA and unassigned waste (waste not classified under one single entry in either annex III, IIIB, IV or IVA)** – Notification controls apply.

– **Waste listed in annex III, IIIA, or IIIB** – Generally green list controls apply except when the waste is to be recovered in a 'new' member state, namely Latvia, Poland, Slovakia, Bulgaria or Romania. In this case, notification controls apply.

• Recovery in OECD countries outside the EU

This is generally potentially allowed and will be subject to either notification or green list controls depending on the type of waste being exported.

– **Waste listed in annex IIIB, IV and IVA and unassigned waste** – Notification controls apply.

– **Waste listed in annex III or IIIA** – Generally green list controls apply.

• Recovery in a non-OECD country outside the EU

The rules prohibit exporting almost all types of hazardous waste to these countries. Where export is not prohibited, the controls depend upon the type of waste being moved and which particular non-OECD country the waste is being moved to for recovery. The process for determining the controls that apply is complex and is dealt with in detail in the guide 'Exporting recyclable waste for recovery in non-OECD countries' at:

www.environment-agency.gov.uk/wasteshipments.

The Environment Agency, together with the Scottish Environment Protection Agency and the Northern Ireland Environment and Heritage Service has issued this guide. It has been produced for information only and is not meant to be a comprehensive or definitive guide to the law or the policies on the international shipment of waste.

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