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**Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
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Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Rosemary Butler AM
Chair
Legislation Committee No.1
National Assembly for Wales
Cardiff Bay
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16th June 2009

Dear Rosemary

Consultation by Legislation Committee No.1 on Proposed Shipment of Waste for Recovery (Community Involvement Arrangements) (Wales) Measure

Thank you for the opportunity to provide evidence on the above Measure. The Assembly Government's written response is structured along the lines of the consultation questions.

Q1) Is there a need for an Assembly Measure in relation to community involvement in local authorities' arrangements for dealing with recyclate?

1. I fully support the engagement of communities in the work of their local authorities, including the development of greater transparency about what happens to recyclate. In particular, local communities need to be encouraged to link the collection of recyclate to its use in the secondary materials economy, creating local jobs where possible. It should be noted however that for some materials, there is both an economic and environmental case for sending them abroad (both inside and outside the EU/EFTA) for recovery.
2. Whilst I fully support the objectives of the Measure in these regards, I would expect communities and local authorities to embrace this approach without the specific need of an Assembly Measure.

Q2) What are your views on the key provisions set out in the proposed Measure, i.e.

- *The duty on authorities in Wales to prepare statements in relation to waste destined for recovery shipped outside the European Community and European Free Trade Area (EFTA) (section 55A(2));*
- *The information required for the statement (section 55A, subsection 5(a) – (f));*
- *The arrangements for publication of the statement (section 55B);*

- *The requirement to include in the statement an invitation to the public to make representations to the authority on arrangements for waste destined for recovery (section 55B, subsection 3); and*
 - *The requirement on the authority to have regard to representations when deciding on future arrangements for waste destined for recovery (section 55B, subsection 5).*
3. I support the aspiration for greater transparency over the destination of recyclate. In particular, I appreciate that communities in Wales will be concerned if the recyclate they produce is sent abroad to places where it may be used in a system that is based on exploitation or poor health and safety. This does not mean that recyclate from Wales should never be sent abroad but that where it is, it should be dealt with in a transparent manner.
 4. There are some practical difficulties in monitoring the transport of recyclate. Waste collected for recycling is often managed by materials brokers to whom it is supplied by local authorities. This waste may be aggregated with waste from other sources before being sent abroad. Whilst it might be possible for the first destination of that aggregated waste to be identified, it would be extremely difficult to secure accurate data to meet all the requirements of the Measure.
 5. Local authorities can build in contract requirements to help them monitor the movement of the recyclate that they produce, however this will take time to introduce, not least because it cannot be inserted into existing contract requirements without significant costs for local authorities.
 6. Given the practical difficulties surrounding the collection of data in relation to the shipment of recyclate, I propose to consult with the UK Government and the EU regarding the management of data and how it may be improved.

Q3) Do the above provisions provide the most appropriate means for ensuring community involvement in local authorities' arrangements for dealing with recyclate?

7. I support the objectives of the Measure. It may, however, be possible to achieve the objectives of the Measure through alternative arrangements (see paragraphs 8 and 13-15).

Q4) What are the practical and financial implications of putting these provisions in place?

8. The practical difficulties of implementing the Measure revolve around the ability to provide data of recyclate movements. The WasteDataFlow¹ system currently collects some data in this regard and I have instructed officials to carry out a scoping exercise that will look at how the system may be improved to meet the objectives of the Measure.
9. In terms of financial implications, the Explanatory Memorandum only provides a very general assessment of costs. Assembly Government and Local Authority budgets are already under significant pressure, and this Measure is likely to place an additional burden on local authority budgets – estimated by the WLGA at £700,000 per year. Any such burden would need to be fully funded by the Assembly Government. There is currently no budget provision for this, so funds would need to be diverted from other

¹ WasteDataFlow is a web based electronic reporting system that local authorities use to report municipal waste statistics on a quarterly basis

initiatives, possibly displacing activities set out in the 'Towards Zero Waste' Strategy (currently out to consultation).

Q5) Will the proposed Measure achieve its overall purpose and aims, i.e. to engender greater transparency and openness in the way that Welsh local authorities deal with recyclate; for residents to encourage local authorities to use recycling facilities nearer to the source of the recyclate than those further away; and increased interest, and possibly participation, in recycling?

10. The proposed Measure would result in more information being made available through local authorities about their arrangements for dealing with recyclate. I support this objective and will be exploring ways of ensuring that this happens irrespective of whether the Measure progresses further.
11. Careful consideration should be given to the potential negative impacts of imposing a duty on local authorities to produce the proposed statements and any attendant publicity which might result.

General Comments

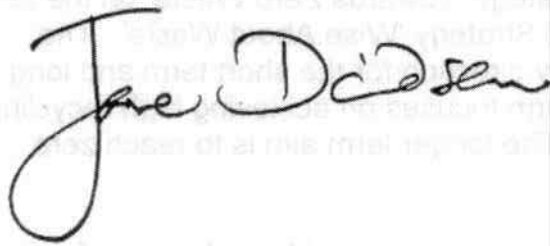
12. This Measure has good intentions and supports the sustainable development principles of the Waste Strategy, 'Towards Zero Waste', particularly in terms of encouraging the general public to take a greater interest in recycling. The Assembly Government launched the revised Waste Strategy 'Towards Zero Waste' on the 29th April. The Strategy is building upon the 2002 Strategy 'Wise About Waste'. The Assembly Government provides a clear policy direction for the short term and long term within the new Strategy. The shorter term focuses on achieving high recycling and composting targets of 70% in 2024/25. The longer term aim is to reach zero waste by 2050.
13. It may however be possible to achieve the same objectives without the use of legislation. I have asked Assembly Government and Environment Agency officials to investigate whether it is possible to facilitate the reporting of destinations of recyclate through the WasteDataFlow system. This system is not currently used to monitor the transport of recyclate to destinations outside EU and EFTA. Encouraging local authorities to voluntarily report this information would be less onerous and would not require any financial contribution from the Assembly Government. May Gurney provide kerbside source segregation collections on behalf of local authorities in Avon, Somerset, West Midlands and London and voluntarily publicises the destination of recyclate on its website. This provides a clear audit trail system so that residents can be confident about what happens to the items put out for recycling. The following website link shows an example of this audit trail:

<http://www.ectrecycling.co.uk/page/372>

14. The website lists the material recycled, the name of the reprocessor and what the material was reprocessed into. Whilst this is less detail than the data that would be required by the Measure, it would be easier to obtain in an accurate and timely way. It is likely to be more difficult for co-mingled collections to track the audit trail of materials than kerbside sort. In co-mingled collections materials may be moved from a MRF to a secondary MRF for resorting. The Assembly Government preference is for kerbside sort and we shall encourage more of our local authorities to take this approach.

15. The Assembly Government will be encouraging local authorities to pursue this reporting mechanism through their own websites. This requirement could be considered to become a condition of grant receipt, and then introduced into contracts tendered by local authorities.
16. It should be noted that the EC Regulation on the Supervision and Control of Shipments of Waste (EC Regulation No. 1013/2006) controls shipments within, into and out of the European Community. This EC Regulation seeks to ensure that waste is managed in an environmentally sound manner throughout the period of shipment and including recovery or disposal in the third country of destination. The EC Regulation has direct effect and is enforced in the UK by the Transfrontier Shipment of Waste Regulations 2007 (S.I. 2007/1711). The Welsh Ministers do not have any functions under the 2007 Regulations, nor are they designated for the purpose of section 2(2) of the European Communities Act 1972 in relation to the export of waste.
17. I would be happy to respond to any queries you might have regarding this written evidence and I look forward to contributing further to the Committee's deliberations on this matter.

Yours sincerely,



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