

New Rules for the Export of Green List waste.

The rules on shipping recyclable waste abroad for recovery are changing on 12 July 2007. Under existing rules many types of low hazard or 'Green List' waste can be exported to many countries for recovery under minimal regulatory controls. Under the new rules stricter procedures must be followed. More information on these can be found in our guide "Exporting recyclable waste for recovery in non-OECD countries" available through the following link: www.environment-agency.gov.uk/wasteshipments

There are also changes to which countries you can send your waste for recycling under Green List controls. Many exports you make now under Green List controls may be subject to notification controls or even be prohibited after 12 July 2007.

What procedures must I follow under the new "green list" rules?

If you are exporting waste under Green list controls from the UK after 12 July 2007 you must:

- Ensure the green list waste type you are exporting can still be sent to that country under Green List controls.
- Know where the waste is going to be recovered in the destination country before you ship the waste.
- Ensure the waste is dealt with in an environmentally sound manner throughout its movement and recovery.
- Complete the document specified in the rules with all required information, including details of the producer or collector of the waste and the destination facility before you ship the waste. You must keep a copy of this document for 3 years and ensure a completed version accompanies the waste.
- If shipping waste from Northern Ireland or Scotland you must submit a copy of the completed document mentioned above to the competent authority before the waste is shipped
- Enter into a written contract containing specified provisions for the recovery of the waste with the person receiving the waste before the waste is shipped.
- In the destination country the person receiving the waste must sign the document that accompanies the waste to confirm receipt of the waste.

More information on the procedures to be followed can be found in our guide 'Exporting recyclable waste for recovery in non-OECD countries' available through the following link: www.environment-agency.gov.uk/wasteshipments

Where can I send Green List waste for recycling under Green List controls after 12 July 2007?

- Any EU member state except for Latvia, Poland, Slovakia, Bulgaria and Romania. All exports to these new member states are subject to notification controls;
- Any country to which the OECD Decision applies – www.environment-agency.gov.uk/wasteshipments contains further information to help you identify these countries.
- Some countries to which the OECD Decision does not apply. The following section contains further information and our document “Controls on Exports of Green List waste to non-OECD countries – an Update”, the latest version of which is attached. An updated version of this document will be kept on our website.

Exports to non-OECD countries, such as China or India after 12 July 2007.

Under the new rules the existing two Green List Regulations are being replaced by a single European Commission ‘Green List Regulation’ [Green List Regulation \(801/2007/EC\)](http://ec.europa.eu/trade/issues/global/environment/waste_nr.htm). The controls set out in this new Green List Regulation are based on responses to a questionnaire sent out by the Commission to all non-OECD states in July last year. The options presented for each of the new Green List waste types in that questionnaire were prohibition, notification or Green List controls.

The rules specify that, where no response has been received to the questionnaire notification controls will apply. The questionnaire and some of the responses can be found at.

http://ec.europa.eu/trade/issues/global/environment/waste_nr.htm

The Commission has accepted [Green List Regulation \(801/2007/EC\)](http://ec.europa.eu/trade/issues/global/environment/waste_nr.htm) contains some errors – some of the responses received appear to have been misinterpreted. Further, some of the later responses have not been incorporated into the Green List Regulation.

To assist business we have produced a summary table – available on our web site - setting out we consider to be the correct position for key waste streams and key potential export destinations, based on Defra’s analysis of the responses received. We will, until such time as the errors in the Commission Regulation are corrected and the late responses incorporated, enforce the controls as set out in the table appearing on our website.

Other countries to and through which the waste will travel on route to its destination may take a different approach. Before exporting any waste you should make checks with the authorities in those countries to and through which the waste will travel.

If you export Green List waste to non-OECD countries what do these changes mean for you?

Exports you can currently make under Green List controls may, from the 12 July 2007, be either prohibited or subject to notification controls.

Under notification controls you must obtain express consent to the notification from the regulatory authorities in the destination country before we can consent to the proposed export. **In our experience it is very difficult to obtain such consents and, in effect, notification controls on exports to non-OECD countries are, in almost all cases, tantamount to a prohibition.**

Exporters and notifiers should always check the classification of wastes and the current controls before making a shipment. Further guidance is available from TFSNS on 01925 542265.