

## Frequently asked questions on the new green list rules

- 1. I export recyclable waste to China and India, I understand there's some new procedures that must be followed and a form that must be filled in. Where can I find out more information?**

Our website contains extensive further information on the new controls, including a guide titled "Exporting recyclable waste to non-OECD Countries".

<http://www.environment-agency.gov.uk/subjects/waste/1030716/1770640/?lang=e>

- 2. I've been told that I'll no longer be able to easily export recyclable waste to many non-OECD countries after the 12<sup>th</sup> July. Where can I send such waste for recovery without having to apply for permission first?**

Provided the waste you want to send is "green list" waste – see our guide on "Exporting recyclable waste to non-OECD Countries" for more help to determine this – you can export the waste for recovery to:

- 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](http://www.environment-agency.gov.uk/wasteshipments) contains further information to help you identify these countries.
- Some non-OECD countries. The Commission has recently published a Regulation specifying the controls that will apply to different types of green list waste destined to different countries. This Regulation is based on responses sent by the countries to a questionnaire sent by the Commission.

The Commission has accepted the Regulation contains some errors. 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 in our document "Controls on Exports of Green List Waste to non-OECD Countries – an Update" 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.

- 3. Under the new green list procedures you say it seems I've got to complete a form – the Green list form- before I send green list recyclable waste for recovery. I can't complete the form as I don't have all the information. Can I still export my waste?**

The form should be fully completed for each waste export.

You must keep a copy of the completed form but, if you're exporting waste from England or Wales, you don't need to provide a copy to us. For exports from Scotland or Northern Ireland the position is different and the authorities there do require copies of the form before the waste is sent.

During the initial phases, provided the waste being exported really is green list waste rather than notifiable waste, we will not take formal enforcement action if we discover that the form is incomplete. Regulators in other countries may take a more rigid approach and insist that the form be fully completed from day one.

- 4. The form includes space to provide details of the person who produced the waste. I'm a broker and don't want to reveal this information to the person I'm sending the waste to. Can I leave this information off the form?**

No. The rules require all information to be completed but see point above regarding our enforcement priorities.

- 5. I can't provide information on the original producer of the waste as I source the waste from a waste transfer station that collects the waste from 100's of different businesses. What can I do?**

The form allows you to provide details of the waste transfer station in these cases, provided they are licensed.

- 6. Does a Green List Form have to be produced for each load (a lorry or a container)?**

The completed Green List form must accompany each consignment of waste throughout its journey. We consider a movement of one or more lorries or containers as a single consignment providing that the lorries or containers start from the same location on the same day and follow the same route to the same recovery facility. All loads in a single consignment must comprise a single type of waste and be the subject of a single contract for recovery.

However you must be aware that other authorities in countries to and through which the waste travels on route to its destination may take a

different route and may consider each individual container should be accompanied by a completed Green List form.

**7. Can I have a “season ticket” Green list form, for the same grade of waste, from the same producer to the same consignee via the same route for a period of 12 months?**

No. There’s no provision within the rules for this type of arrangement.

**8. Does the Green list form have to physically travel with the waste?**

Yes. The form must accompany the waste shipment and should be available for inspection during its journey. Where permitted by the competent authorities concerned, the document may be in an electronic form with a digital signature if it can be made readable at any time during the transport.

**9. Can I put the Green list form in a pocket inside the door of a shipping container?**

Whilst this might be an acceptable approach legally, it may cause delays if, during transport, regulators want to inspect the document. It would be preferable if businesses transporting waste could find another mechanism to ensure the Green list form relating to the contents of any particular container could be made available to be checked without the need to open the container on every occasion.

**10. Am I required to have the original signatures of the exporter, carriers (including any vessel used) and the consignee?**

The form must be signed by the person who arranges the shipment (exporter) and the consignee when the waste is received.

Businesses moving waste internationally involving transport within the UK should ensure any haulier used is a registered waste carrier.

The form includes spaces to enable carriers to sign and date the form on each waste transfer that takes place during the transport of the waste from its point of departure through to its destination. Accordingly some regulators in other countries may insist on the Green list form to being signed on each transfer of the waste but we don’t.

**11. Am I required to keep records of the Green list form?**

The person who arranges the shipment and the consignee (if they are in the EU) must keep a copy of the completed form for three years.

Carriers, freight forwarders, transport logistic companies, shipping agents or shipping lines do not have to keep copies. The consignee is **not** required to send a signed copy of the form back to the exporter.

**12. Do we have to provide the actual address of the facility where the recovery will take place on the form?**

Yes. This information must be provided in block 7 on the form. The details of the consignee, who is responsible for ensuring the recovery of the waste actually takes place, need to be provided in block 2.

**13. What regulations govern a shipment that commences prior to the 12 July and remains in transit until after the 12 July?**

Provided a movement of Green list waste has started its international journey on or before the 11<sup>th</sup> July 2007 we take the view that that movement will be subject to the old rules.

Again, you must be aware that this is the UK's approach to this issue. You should check with the authorities in any other country to and through which the waste will travel to confirm their approach to this issue.

**14. Can I broker waste from the UK if I am based in a different country?**

Any business that exports waste from a country must be under the jurisdiction of that country at the time of dispatch. Block 1 should specify an established business address within the UK.

**15. 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, in the future, 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.**

Using the table in our document "Controls on Exports of Green List Waste to non-OECD Countries – an Update" on our website you may want to consider identifying countries where the waste you deal with can be shipped under green list controls.

**16. I've only just become aware of the changes in the rules, is there going to be any time to adapt my business to the new controls?**

The rules don't provide for any formal transitional period. We have set out our enforcement priorities on our website.

We recognise the importance of the global market for recyclable materials and our focus is to ensure that quality recyclables end up in the right place.

Our enforcement effort will be targeted at:

- Exporters shipping waste masquerading as 'green list waste' or as used second hand goods where it is not
- Exporters sending waste to countries that do not want it
- Anyone importing or exporting hazardous waste without notification

When we do take action, this will be in line with our published Enforcement and Prosecution Policy. We will keep our approach under review and will maintain an up-to-date version of our Enforcement Priorities on our website.

11<sup>th</sup> July 2007