

No-deal Brexit Contingency Planning for the Waste Management Industry—Defra Workshop Notes

Operation Yellowhammer is now activated, for the UK to deal with the reasonable worst case planning contingencies relating to BREXIT. DEFRA is confident that there are no significant domestic legislative or administrative barriers to prevent the normal movement of waste when we leave the EU. This note provides an outline of the changes that waste companies should consider when making contingency plans.



Key Messages for Waste Management Companies

- **Environmental Permits will remain valid and enforceable.**
- Companies need to make plans in case of disruptions at the ports that you use, in particular RoRo ports.
- Review your own capacity and how long you can store waste on your site. Identify alternative storage facilities that could accept your waste.
- Assess if there are other export routes to market that avoid impacted ports. Identify any alternative recovery or disposal routes for your waste.
- If you do change your export route, you will also be required to change your export notification.
- If the UK leaves the EU without a deal, waste carriers will need to be aware that the licensing for the transport of waste may change for certain EU member states.
- Contact the relevant authorities in the country you're transporting waste to or through to find out about the authorisation process.
- **Share your plans with your customers and hauliers—the importance of this cannot be over-emphasized.**

Environmental Regulator Approach

- All current environmental regulations will still apply if we leave the EU with or without a deal.
- RDF / SRF are the largest waste stream affected.
- Although there will be a potential need for more storage along the waste chain, no blanket allowances for storage extensions should be assumed. Keep your site regulator informed of your EU exit risk assessment and any potential negative impacts for your licence compliance as soon as possible.
- EfW, incinerators and AD capacity is understood to be limited but there is capacity at landfill, in particular Kent and S London, Cumbria and Lancashire.

Useful links

Brexit imports and exports helpline: 0300 3301 331

<https://www.gov.uk/guidance/how-to-move-goods-through-ro-ro-locations-in-a-no-deal-brexit-eu-to-uk-and-uk-to-eu>

<https://www.gov.uk/government/publications/hmrc-brexit-communications-resources>

Changes to the Law

As 80% of all UK environmental legislation is underpinned by EU legislation. 72 items of EU legislation relate to waste, 42 of which are inc, the changes in the UK are broad and deep. All potential changes in law are included in the **Waste (UK) (EU Exit) (Miscellaneous Amendments) Regulations 2019 as amended.**

The EU (Withdrawal) Act 2018 will ensure existing EU environmental law continues to have effect in UK law after the BREXIT. However, our economic relationship with the EU changes to that of a third country so there are implications for movement of goods between the UK and the EU.

The **International Waste Shipments (UK) (EU Exit) (Miscellaneous Amendments) Regulations 2019 (WSR)** exist to maintain the status quo as far as possible and provide certainty and continuity for waste imports and exports.

Green List waste shipments:

- Waste imports and exports for recovery—no practical changes anticipated.
- UK exports to non-OECD countries: the UK will rely on the existing EU Regulation EC Reg. 1418/2007 (relating to export for recovery and the Basel Convention)

Notified waste shipments:

Imports of waste from the EU to the UK for disposal will be prohibited when the UK leaves the EU (Article 34 of WSR). On the rare occasion we export for disposal from the UK to the EU, we will need to submit a 'Duly Reasoned Request' to EU MS Govt. in advance of notification.

- Waste imports and exports for recovery—no practical changes anticipated. The EU will treat the UK as an OECD Decision country.
- All UK and EU consents to ship notified waste between the UK and the EU will remain valid should there be a no-deal exit.
- **Ensure your waste carrier has multiple copies of the Movement Document and is authorised to carry waste in each EU country they will visit — acceptance can vary and may**