

Pwyllgor Deddfwriaeth Rhif 1

LC1(3)-09-09(p1): 29 Ebrill 2009

Ystyriaeth Cyfnod 1 y Mesur Arfaethedig Cludo Gwastraff i'w Adfer (Ymgysylltiad Cymunedau â'r Trefniadau) (Cymru)

Dulliau gweithio

Diben

1. Diben y papur yw cytuno ar ddulliau craffu'r Pwyllgor ar y Mesur Arfaethedig Cludo Gwastraff i'w Adfer (Ymgysylltiad Cymunedau â'r Trefniadau) (Cymru) yn ystod Cyfnod 1, a'r fframwaith ar gyfer hynny.

2. Cyfeiriwyd y Mesur arfaethedig at y Pwyllgor gan y Pwyllgor Busnes yn ei gyfarfod ar 24 Chwefror (yn unol â Rheol Sefydlog 23.21), ac wedi hynny cytunwyd ar 30 Tachwedd 2009 fel y dyddiad cau ar gyfer cyflwyno adroddiad arno.

Cefndir

3. Ym mis Chwefror 2008, bu Nerys Evans AC yn llwyddiannus mewn balot a gynhaliwyd gan y Cynulliad i roi hawl i Aelodau ofyn caniatâd y Cynulliad i gyflwyno Mesur Arfaethedig Aelod, yn unol â Rheol Sefydlog 23.99.

4. Ar 7 Mai 2008, cytunodd y Cynulliad y gellid cyflwyno Mesur arfaethedig Nerys Evans AC mewn perthynas ag ailgylchu i'w ystyried. Gellir gweld y trawsgrifiad o'r ddatl yn y Cyfarfod Llawn yma:

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<http://www.cynulliadcymru.org/bus-home/bus-chamber/bus-chamber-third-assembly-rop.htm?act=dis&id=89956&ds=5/2008>

5. Ar 5 Tachwedd 2008, cyflwynodd Nerys Evans AC (yr Aelod sy'n gyfrifol am y Mesur arfaethedig) y Mesur Arfaethedig Cludo Gwastraff i'w Adfer (Ymgysylltiad Cymunedau â'r Trefniadau) (Cymru) a Memorandwm Esboniadol. Gellir gweld copi o'r Mesur arfaethedig a'r Memorandwm Esboniadol yma:

Y Mesur Arfaethedig

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<http://www.cynulliadcymru.org/ms-ld7287-e.pdf>

Memorandwm Esboniadol

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<http://www.cynulliadcymru.org/ms-ld7287-em-e.pdf>

6. Fel y nodwyd yn y Memorandwm Esboniadol, diben y Mesur arfaethedig yw 'sicrhau bod y ffordd mae awdurdodau lleol Cymru yn ymdrin â deunydd ailgylchu yn fwy eglur ac agored'. Yn benodol, byddai'n ofynnol i awdurdodau lleol sicrhau bod gwybodaeth ar gael i'r cyhoedd am y gyfran o deunydd ailgylchu o gartrefi sy'n cael ei brosesu y tu allan i'r Gymuned Ewropeaidd ac Ardal Masnach Rydd Ewrop.

7. Yn ôl y Memorandwm Esboniadol, o ganlyniad i'r wybodaeth hon, gobeithir y bydd trigolion yn annog awdurdodau lleol i ddefnyddio cyfleusterau ailgylchu sy'n agosach at darddle'r deunydd ailgylchu na'r rhai sydd ymhellach i ffwrdd. Mae'r Memorandwm Esboniadol hefyd yn mynd ymlaen i awgrymu y gall cyhoeddi gwybodaeth arwain at fwy o ddiddordeb ac at fwy o gyfranogi mewn ailgylchu.

8. Mae Gwasanaeth Ymchwil yr Aelodau wedi llunio nodyn briffio sy'n rhoi cefndir polisi a chefnidir deddfwriaeth y Mesur arfaethedig - mae hwn i'w weld yn Atodiad 1.

Swyddogaeth y Pwyllgor

9. Swyddogaeth y Pwyllgor yw ystyried egwyddorion cyffredinol y Mesur arfaethedig a chyflwyno adroddiad arnynt (Rheol Sefydlog 23.23). Nid oes unrhyw ofnion penodol yn y Rheolau Sefydlog sy'n dweud sut y dylai'r Pwyllgor gynnal y gwaith craffu hwn. Fodd bynnag, awgrymir bod y Pwyllgor yn parhau â'r arferion a sefydlwyd ar gyfer craffu ar deddfwriaeth arfaethedig, a nodir ym mharagraff 10 isod.

Fframwaith awgrymedig

10. O ran craffu ar egwyddorion cyffredinol y Mesur arfaethedig yng Nghyfnod 1, awgrymir bod y Pwyllgor yn gweithio o fewn y fframwaith canlynol -

Ystyried:

- (i) yr angen am Fesur Cynulliad ynghylch cynnwys cymunedau yn y trefniadau a wneir gan awdurdodau lleol ar gyfer ymdrin â deunydd sydd wedi ei ailgylchu;
- (ii) y darpariaethau allweddol a nodir yn y Mesur arfaethedig ac a ydynt yn briodol ar gyfer cyflawni ei amcanion;
- (iii) goblygiadau ymarferol ac ariannol rhoi darpariaethau'r Mesur arfaethedig ar waith;
- (iv) a fydd y Mesur arfaethedig yn cyflawni ei ddiben a'i amcanion cyffredinol.

Dull craffu'r Pwyllgor yng Nghyfnod 1

11. Yn ei gyfarfod ar 2 Ebrill 2009, cytunodd y Pwyllgor i gychwyn ar waith paratoadol ar y Mesur arfaethedig ar ddechrau tymor yr haf. Bwrriedir i'r Pwyllgor lansio'i ymgynghoriad cyn iddo gychwyn ar drafodion Cyfnod 2 ar ddau ddarn arall o ddeddfwriaeth. Os bydd amser yn caniatáu, efallai y bydd y Pwyllgor yn awyddus i ddychwelyd at y gwaith ar y Mesur arfaethedig cyn diwedd tymor yr haf a chlywed tystiolaeth gan Nerys Evans AC a'r Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai.

Mae amserlen enghreifftiol yn seiliedig ar yr uchod i'w gweld yn Atodiad 2.

12. Yn unol â'r arfer a sefydlwyd ar gyfer craffu ar ddeddfwriaeth arfaethedig, awgrymir bod y Pwyllgor yn cytuno ar y dull canlynol o weithio.

Galwad gyffredinol am dystiolaeth

Cyhoeddi galwad gyffredinol am dystiolaeth, a fyddai'n cael ei gwneud yn hysbys i'r cyfryngau yng Nghymru a'i chyhoeddi ar fewnwyd y Cynulliad.

Gofyn am gyflwyniadau ysgrifenedig

Gofyn am gyflwyniadau ysgrifenedig gan sefydliadau ac unigolion penodol. Mae rhestr bosibl o ymgynghoreion i'w gweld yn Atodiad 3.

Tystiolaeth lafar

Gofyn i randdeiliaid allweddol roi tystiolaeth lafar mewn cyfarfodydd yn y dyfodol.

13. Rydym yn cynnig cyfnod ymgynghori o 6 wythnos o 5 Mai hyd at 15 Mehefin. O gofio amserlen y Pwyllgor, bydd dadansoddiad o'r ymatebion a dderbyniwyd ar gael cyn diwedd tymor yr haf er mwyn cynorthwyo'r Aelodau i ganfod tystion i roi tystiolaeth lafar yn ystod tymor yr hydref.

14. Bydd y dystiolaeth a gasglwyd, yn ysgrifenedig ac ar lafar, o gymorth i lywio trafodaeth y Pwyllgor ar y Mesur arfaethedig a'i adroddiad dilynol.

15. Mae'r Rheolau Sefydlog yn darparu bod y Pwyllgor Cyllid a'r Pwyllgor Is-ddeddfwriaeth yn cyflwyno adroddiad ar yr elfennau sy'n berthnasol iddynt mewn Mesurau arfaethedig. Efallai yr hoffai'r Pwyllgor hwn ystyried unrhyw adroddiadau a gyflwynir gan y pwyllgorau hynny ac y byddai'n ddefnyddiol rhoi gwybod am ein hamserlen i'w cadeiryddion. Os na allant gyflwyno adroddiad mewn pryd i'r Pwyllgor ystyried eu hadroddiadau, gallant geisio dylanwadu ar ddatl Cyfnod 1 yn y Cyfarfod Llawn.

Camau i'w cymryd

16. Gofynnir i'r Pwyllgor wneud y canlynol:

Cytuno ar y fframwaith y bydd yn gweithio oddi mewn iddo ar gyfer y Mesur arfaethedig (fel yr amlinellwyd ym mharagraff 8);

Cytuno ar ei dduilliau craffu yng Nghyfnod 1, gan gynnwys cyfnod ymgynghori o 6 wythnos (fel yr amlinellwyd ym mharagraffau 9 - 15, ac Atodiad 2);

Cytuno ar y rhestr o ymgynghoreion (Atodiad 3).

Y Swyddfa Ddeddfwriaeth

Ebrill 2009

Annex 1

Proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure

This briefing paper provides the policy and legislative background to the Proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure and builds on the information contained in the Explanatory Memorandum and on the consultation responses received.

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1.	Review of the duty of care and waste carrier/broker registration regimes

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Background and purpose of the proposed Measure

Background

On 20 February 2008 Nerys Evans was successful in the legislation ballot giving Members the right to seek leave of the Assembly to introduce a Member proposed Measure in relation to recycling. On the 7 May 2008 the Assembly agreed that the proposed Measure could be introduced for consideration. Having secured this agreement Nerys Evans AM carried out a public consultation on a draft proposed Measure in August 2008 for a six week period. 10 responses were received and, of these, four were broadly in favour of, and six were opposed to, the draft proposed Measure. A list of respondents and a summary of the consultation responses received can be found at Annex 1 and 2 to the Explanatory Memorandum. In light of the responses received to Nerys Evans AM's consultation a number of changes were made to the draft proposed Measure before it was finalised and introduced to the Assembly on 5 November 2008. Details of these changes can be found in Part 1, section 5 of the Explanatory Memorandum. On 2 December 2008 the Business Committee agreed, in accordance with Standing Order 23.21, to refer the proposed Measure to Legislation Committee No 1 to consider and report on the general principles of the proposed Measure.

Purpose of the proposed Measure

The purpose of the proposed Measure, as defined in the Explanatory Memorandum, is to: engender greater transparency and openness in the way that Welsh local authorities deal with recyclate. In particular, it would require local authorities to make publicly available information about the proportion of the recyclate collected from households that is processed outside the European Community and European Free Trade Area (EFTA) The Explanatory Memorandum goes on to state that, it is intended, as a result of this information, that residents will encourage local authorities to use recycling facilities that are closer to the source of the recyclate, than those that are further away. In addition, it suggests that the publication of this information will lead to increased interest, and therefore participation, in recycling. The proposed Measure would insert new sections (55A, 55B and 55C) under Section 55 - Powers for recycling waste, of the Environmental Protection Act 1990. The proposed Measure places a duty on waste collection and waste disposal authorities in Wales to prepare a statement if, during the financial year in question, any of the waste sold or otherwise disposed of by the authority and which is destined for recovery is shipped outside the European Community and EFTA. The statement must contain the following information:

The total quantity of the waste shipped

The quantity of waste shipped which was ultimately subject to a recovery operation

The nature of the operation or operations

The quantity of waste shipped which was not ultimately subject to a recovery operation

The manner in which the waste was disposed of

In relation to every quantity of waste subject to a recovery operation or otherwise disposed of, the location at which that operation or disposal took place

The statement must be published on the authority's website and include an invitation to the public to make representations in writing to the authority.

Background to waste

The revised Waste Framework Directive defines waste as "any substance or object which the holder discards or intends or is required to discard". The Welsh Assembly Government's strategy for dealing with waste is set out in Wise About Waste: The National Waste Strategy for Wales (the Strategy). Its objective is to:

Make Wales a model for sustainable waste management by adopting and implementing a sustainable, integrated approach to waste production, management and regulation (including litter and flytipping) that minimises the production of waste and its impact on the environment [...] and minimises where practicable, the use of energy from waste and landfill.

The current national controls on waste originate from the Control of Pollution Act 1974 and were greatly tightened with the introduction of the Environmental Protection Act 1990. Legislation originally focused on the disposal of waste, but since the introduction of the Waste Framework Directive "control has extended to include the storage, treatment, recycling and transport of waste. Under section 30 of the Environmental Protection Act 1990, the Environment Agency is the waste regulation authority for Wales, and county or county borough councils in Wales are both the waste collection and waste disposal authorities. A waste collection authority has a duty to collect waste from households, and a waste disposal authority manages the waste that is collected by the waste collection authority. The Environmental Protection Act 1990 "requires that anyone who treats, keeps, deposits or disposes of waste needs a waste management licence [as per the Environmental Permitting (England and Wales) Regulations "2007" from April 2008 all waste management licences have become environmental permits] (unless exempt or excluded), which is issued by the Environment Agency. Environmental permits include conditions relating to operations at the site and the Environment Agency monitors activities to ensure compliance with the permit conditions. A key objective of the permit system is to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which harm the environment. It is an offence to transport controlled waste unless registered with the Environment Agency. Registered carriers are authorised persons for the purposes of the Duty of Care. Similarly, the holder of a waste management licence is also an authorised person. The Duty of Care is set out in Section 34 of the Environmental Protection Act 1990 and associated Regulations. It applies to anyone who is the holder of controlled waste, as defined in Section 75, part II, of the Environmental Protection Act 1990. Persons concerned with controlled waste must ensure that the waste is managed properly, recovered or disposed of safely, does not cause harm to human health or pollution of the environment and is only transferred to someone who is authorised to receive it. The Duty applies to any person who produces, imports, carries, keeps, treats or disposes of controlled waste or as a broker has control of such waste. A statutory code of practice on the Duty of Care has been published by the Secretary of State for Wales. Under The Environmental Protection (Duty of Care) Regulations 1991, parties transferring waste are required to complete and retain a 'transfer note', containing a written description of that waste. In order to meet the Landfill Directive's requirements on monitoring the acceptance and treatment of waste it is required that waste is described on the transfer note by reference to The List of Wastes (Wales) Regulations 2005 and its appropriate code number. The diagram below represents the typical movement of waste from the consumer to the final destination. The Duty of Care is denoted below each stage in the process:

Householder LA Recovery facility Broker/reprocessor Dispatcher

2.1 The waste hierarchy The waste hierarchy is a useful framework that has become a cornerstone of sustainable waste management, setting out the order in which options for waste management should be considered based on environmental impact. The waste hierarchy places different waste management practices in order of environmental favourability. The Welsh Assembly Government aims to move waste management as far up the waste hierarchy as practicable. It progresses through the following stages: Prevent Waste Production:

Develop clean production technologies more sparing in their use and wastage of natural resources

Develop and market products designed to make no or little environmental impact from their manufacture, use or disposal (e.g. so that they last longer before they become waste, or they are capable of refurbishment)

Reduce / minimise waste production and hazardousness:

Ensure efficient use of resources within existing processes through tighter management control (e.g. within an environmental management system)

Reduce the hazardousness of materials or products which become waste (e.g. by changing from organic solvent to water based products or phasing out of the use of toxic metal and persistent organic pollutants)

Re-use:

Re-use of raw materials

Re-use of packaging

Refurbish and re-use other items

Recover Materials:

Materials reintroduced into the economic cycle (e.g. recycle paper and glass)

Materials returned to the environment in a useful and harmless form (e.g. compost or sludge spreading)

Recover Energy:

Treat by combustion to produce a fuel for energy recovery (e.g. by gasification, pyrolysis)

Treat by mechanical means to produce a fuel for energy recovery (e.g. production of refuse derived fuel)

Treat by biological means to produce a fuel for energy recovery (e.g. anaerobic digestion)

Use directly as a fuel without pre-treatment (e.g. by mass-burn incineration)

Dispose:

Burning (incineration without energy recovery)

Landfill

The proposed Measure concerns waste which is destined for recovery. The revised Waste Framework Directive defines recovery as: [...] any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

Legislation relating to the shipment of waste

Shipments of waste to, from and through the UK are subject to a range of legal controls. The relevant controls depend upon the nature of the waste being moved, whether the waste is moving for recovery or disposal and where in the world the waste is moving from, to and through. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Disposal 1989 established worldwide notification requirements for the movement of hazardous waste and obliged parties to minimize the generation of such waste and to ensure its environmentally sound management. The Basel Convention was further reinforced by the Organisation for Economic Co-operation and Development (OECD) Decision which created a streamlined system for regulating movements of hazardous waste for recovery between OECD countries in accordance with the framework established by the Basel Convention. From 1998 the export of hazardous wastes to non-OECD countries became prohibited altogether. The OECD Decision classified wastes to be recovered into one of three categories according to their hazard:

The Green List - wastes considered to be non-hazardous wastes

Amber List - wastes considered to be hazardous

Red List - wastes considered to be the most hazardous of wastes

The OECD Decision has since been revised and Amber List and Red List wastes under the revised Decision are now considered under a single heading of Amber List. Exports of waste from the UK were subject to controls under the Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (as amended) which placed a duty on any person who imported or exported controlled waste to take all reasonable steps to ensure that their waste was handled lawfully and safely and implemented the Community's obligations under the Basel Convention and the OECD decision on transboundary movements of waste. Following the changes to the Basel Convention and the OECD decision it was recognised that the Council Regulation (EEC) No 259/93 needed to be revised to ensure that these changes were implemented within the Community. The Council Regulation (EEC) No 259/93 was replaced on 12 July 2007 by the Regulation (EC) No 1013/2006 on shipments of waste. This Regulation has been supplemented in the UK as the Transfrontier Shipment of Waste Regulations 2007. The Transfrontier Shipment of Waste Regulations sets out offences and penalties, and designates the competent authorities responsible for enforcing Regulation (EC) No 1013/2006 in the UK. New offences have been inserted into The Transfrontier Shipment of Waste Regulations 2007 by the Transfrontier Shipment of Waste (Amendment) Regulations 2008. In addition to Regulation (EC) No 1013/2006 and the Transfrontier Shipment of Waste Regulations, the UK has a statutory policy document, the UK Plan for Shipments of Waste (the Plan). The Plan entered into force on 9 August 2007. It replaced the UK Management Plan for Exports and Imports of Waste which came into force on 1 June 1996. Any shipment of waste for which notification is required under Regulation (EC) No 1013/2006 is subject to this Plan. The Plan supports the key objectives under the Waste Framework Directive and sets out the UK Government's policy on shipment of waste for disposal to and from the UK. 3.1 The shipment of waste from the UK Within the EU, waste must only be recovered or disposed of at an appropriately permitted facility. Within the UK, this normally means the facility receiving the waste must have a waste management licence, an exemption from the waste management licensing regime or a pollution prevention and control permit. If waste is to be sent to places outside the EU, the recovery facility must be operated according to human health and environmental protection standards that are broadly equivalent to those within the EU. If the UK regulators believe that the waste will not be dealt with in an environmentally sound manner, they will not allow it to be exported. In the UK importing or exporting of waste to be disposed of, or exporting hazardous waste to non-OECD countries (even if this is to be recovered) is prohibited, apart for some very restricted exceptions. Where the exports are not prohibited, (e.g. green and amber listed waste for recovery to OECD countries and green listed waste for recovery in non-OECD countries) the controls depend on the type of waste and which particular country the waste is being exported to. Regulation (EC) No 1013/2006 "includes a number of different annexes containing lists of waste. Annex III, IIIA and IIIB specify different types of non-hazardous waste, whilst Annex IV and IVA specify different types of hazardous waste. Green list controls are the lowest level of control that can apply to waste imports and exports. Green list controls only ever apply to some (but not all) imports or exports of non-hazardous wastes for recovery. Green list waste is:

a single type of waste that can be classified by a single entry in Annex III

a mixture of wastes covered by a single entry in Annex III

a mixture of wastes covered by a single entry in Annex IIIA

To export waste under green list controls the exporter must:

make sure the waste to be exported is 'green list' waste

check the recovery facility is located in a country that accepts imports of the type of green list waste being sent under green list controls

make sure the waste is going to a facility where it will be recovered in an environmentally sound manner

enter into a contract with the facility the waste is being sent to for recovery. The contract must contain specified terms and be in place before the waste is sent

complete and sign an Annex VII form before the waste is moved which provides details about: the people involved with producing and

moving the waste, the waste itself, the proposed recovery operation and the recovery facility
make sure a copy of the signed and completed form accompanies the waste on its journey to the receiving facility in the country it is going to
keep copies of the completed form sent with the waste for three years. UK regulators may ask for copies of the forms that have been completed for shipments already made
send a copy of the completed form to the competent authority before the waste is moved

Only certain specified non-hazardous waste can be exported to certain non-OECD countries under green list controls. All other exports are either prohibited or subject to notification controls. Notification controls are a much higher level of control than green list controls. They apply to all permitted imports and exports of:

hazardous waste being moved for recovery
any type of waste being moved for disposal
some imports and exports of non-hazardous wastes for recovery

To export notified waste from the UK the exporter must:

apply in the right way with the relevant fee to the appropriate UK authority
put a financial guarantee in place to make sure enough money is available to deal with the waste if things go wrong, including the cost of returning the waste to the UK. Also, the arrangements which are made must be approved by the UK authorities
draw up a contract for the recovery of the waste, including specific terms, with the business that will be receiving and recovering the waste
make sure that they have insurance against liability for damage to third parties
obtain all necessary permissions from the competent authorities in all countries concerned before moving the waste
make sure that the waste is dealt with in an environmentally sound manner at all times when it is being shipped and recovered
make sure that they comply with all necessary legislation, for example regarding packaging and carrying dangerous goods.
Existing arrangements relating to the recording and publication of information

4.1 WasteDataFlow

WasteDataFlow is the web based system for municipal waste data reporting by UK local authorities to Government. It requires weight based data to be entered quarterly on recycling, re-use, composting and disposal activities. The WasteDataFlow is designed for local authorities:

to allow faster and more accurate data collection of municipal waste statistics, more regularly and efficiently
to enhance their local data management for reporting and strategic planning purposes
to offer them streamlined access to performance benchmarking with other authorities

Local authorities are asked to provide data relating to a number of questions. One of the questions (Qu19) asks local authorities 'what is the final destination of materials sent for recycling?' This data will record the movements of waste until it reaches the exporter.

Another question (Qu20) asks local authorities 'what is the total quantity of materials LA sent to brokers or reprocessors?' This gives data on an annual basis of how much material (tonnage) has been sent to brokers or reprocessors for recycling (excluding composting)? Data from WasteDataFlow is available to the public from the WasteDataFlow website and is published by the Welsh Assembly Government in quarterly and annual reports to show how municipal waste is managed in Wales. 4.2 Review of the duty of care and waste carrier/broker registration regimes The duty of care and waste carrier registration systems are currently being reviewed by the UK Government. A consultation was launched asking whether there should be a general duty of care on those involved in the export of waste to ensure that they take all measures as are reasonable to prevent the contravention of the Transfrontier Shipment of Waste Regulations. It also asked if there should be specific offences to knowingly transferring waste that had been illegally imported or exported. The consultation closed on 6 March 2007 and a summary of responses was published in June 2007. There was unanimous support for this principle. Responses from the first consultation informed a second consultation which was launched on 13 June 2008 and ended on 17 September 2008. Since the first consultation the UK Government has been working with the Environment Agency to better understand the reasons for the difficulty in enforcing against illegal shipments. The main problems identified were:

Outputs from Material Recycling Facilities (MRFs) - It is illegal to export unsorted or poorly sorted municipal waste. However, for a number of reasons, some out of the control of the MRF, waste may come out of the MRF poorly sorted. There are then strong drivers for this waste to be exported. The poorly sorted waste will either have to be landfilled which is expensive and a problem in terms of landfill reduction targets, or resorted, which is also expensive. Selling the waste on to a dealer may be cheaper. However, it was found that this waste is sometimes then exported illegally.

Enforcement - It is very difficult to stop illegal shipments through the current Transfrontier Shipment of Waste Regulations. If a person is directly involved in an illegal shipment they are likely to be liable under the Transfrontier Shipment of Waste Regulations. However if somebody supplies waste to a dealer or contracts with a broker who then arranges the illegal export of the waste that person will not normally commit any offence under the legislation. Where a waste broker or dealer is involved with initiating a waste export they are likely to be liable for offences but where, as is often the case in practice, they are located overseas, prosecutions will rarely if ever be a practical option for the Environment Agency.

This second consultation included a new draft regulation which proposes to introduce a free standing obligation for persons to take reasonable measures to prevent a contravention of the Transfrontier Shipment of Waste Regulations. A summary of responses was published in December 2008. It is planned that new regulations will come into force in October 2009.

Annex 2

Illustrative timetable for Stage 1 consideration of the Proposed Shipment of Waste (Community Involvement in Arrangements) (Wales) Measure

29 April	Consider and agree approach to scrutiny and agree consultation letter
5 May - 15 June	Public consultation period
July	Oral evidence sessions with Member in Charge (Nerys Evans AM) and the Minister for Environment, Sustainability and Housing
September & October	Oral evidence sessions with stakeholders and further session with Member in Charge (if required)
November	Consideration of key issues Consideration of draft report Agree final report Publish report by 30 November

Annex 3

Proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure - Stage 1 Consultation

Suggested Consultees for written evidence

Environment Agency Wales *

Welsh Local Government Association *

Welsh Unitary Authorities (Chief Executives)

Biffa

BTCV Cymru (British Trust for Conservation Volunteers)

CBI

Centre for Alternative Technology

Chartered institute of Water and Environmental Management

Chartered Institute of Waste Management *

Countryside Council for Wales

Cylch (Wales Community Recycling Network)

Federation of Small Businesses

Friends of the Earth, Cymru

Groundwork

Institute of Air Quality Management

Keep Wales Tidy

Marine Conservation Society

Pembrokeshire Local Action network for Enterprise and Development (PLANED) *

The Wales Environment Trust

Veolia *

Wales Environmental Link

Waste Awareness Wales

Waste and Resources Action Programme (WRAP) *

Welsh Environmental Services Association *
West Wales Eco Centre

Environmental Services Companies

A M G Resources Ltd, Llanelli

Actionsmart Ltd, Caldicot

Ahern Waste Management Services, Essex

Novellis, Warrington

AWS Eco Plastics Ltd (cut waste costs), Newcastle upon Tyne

Amber Engineering Limited t/a Amber Services, Hengoed

Armstrong Environmental Services Ltd, Bolton

Aylesford Newsprint, Kent

Bayliss Recovery Limited, Bridgend

Biffa Waste Management Ltd, High Wycombe

Bridgewater Paper Co Ltd, Ellesmere Port

British Soil Western Ltd, Cardiff

Bryn Compost Ltd, Hengoed

Carmarthen Recycling Company Limited, Johnstown

Carmarthenshire Environmental Resources Trust Ltd, Carmarthen

CB Environmental Ltd, Aberystwyth

Celsa Steel UK Ltd, Cardiff

Citiraya Recycling Technology Ltd, Aberdare

Cleanaway Limited (Veolia Environmental Services UK), Pontypridd

Corus, Llanelli

Cymru Metals Ltd, Llanelli

Cynon Valley Waste Disposal Co Ltd (Amgen Cymru Ltd), Aberdare

Dale Recycling, Flintshire

Davies Bros (Waste) Ltd, Bridgend

Delleve Plastics Ltd, St Helens

Dyfed Recycling, Llanelli

Eco Oil Limited, Newport

Eurokey Recycling Limited, Leicester

European Metal Recycling Ltd, Cardiff

Evans Logistics Ltd, Tredegar

Excel Industries Limited, Rhymney

Flogas Direct, Edinburgh

Fordpad Ltd, Neath

Fred Lloyd & Sons Ltd, Pontypool

Global Environmental Recycling Company Ltd, Birkenhead

Grays Engineering and P, Holyhead

Greenwood Plant Services Ltd, Bridgend
Hanson Aggregates, Holyhead
I T Williams Company Ltd, Ruthin
IMCO Recycling UK, Swansea
JFC Delta Range, St Helens
K M Environmental Ltd, St Asaph
Kronospan Holdings Ltd, Wrexham
LAS Recycling Ltd, Lampeter
Lovatt Brothers, Abermule
M Baker Recycling Ltd, St Helens
Mekatek Ltd, Johnstown
Merthyr Industrial Services Ltd, Merthyr Tydfil
Midex Reverse Technologies Ltd, Aldershot
Nant y Caws Landfill Site, Carmarthen
Nationwide Recycling Ltd, Skewen
Neal Soil Suppliers Ltd, Cardiff
Nolan Recycling Ltd, Bridgend
Novelis UK Ltd, Newport *
Oss Group Ltd, Exeter
P & R Disposal Services Ltd. Leyland
P Dobbins Chester Ltd, Chester
Pesci J & Sons Ltd, Caerphilly
Plastic Reclamation Limited, St Helens
Preston Board & Packaging, Preston
Recresco Ltd - Head Office, Nottinghamshire
Recyclo Ltd, Flintshire
S Norton & Co Ltd, Bootle
Safety Kleen U K Ltd, Flintshire
Severnside Recycling, Cardiff
Shanks Waste, Llanelli
Silent Valley Waste Services, Ebbw Vale
Sims Recycling Solutions, Newport
Sita, Weston Super Mare
Solidcast Ltd, Manchester
Thomas Waste Management Limited, Ebbw Vale
UPM Shotton Paper Mill, Shotton
Utopia, Corby
Verdant, Kent

Viridor Waste Management Ltd, Taunton

W H Chaloner & Son Limited, Wrexham

Wastetechnique Ltd, Rhondda Cynon Taf

West Coast Recycling, Llandysul

World Care (Wales) Ltd, Conwy

Equality of Opportunity (standard consultees)

Age Alliance Wales

AWEMA

Black Voluntary Sector Network

Care Council for Wales

Care Standards Inspectorate

Cultural Concerns

Disability Wales

Equality and Human Rights Commission

Joseph Rowntree Foundation

Race Equality First

RNIB Cymru

RNID Cymru

Shelter Cymru

Stonewall Cymru

Wales TUC Cymru

Welsh Consumer Council

Welsh Language Board

Welsh Refugee Council

Welsh Police Forces Liaison Officer

* responded to Member in Charges consultation

Powys County Council and the Vale of Glamorgan Council also replied to the consultation