



Northern Ireland  
Assembly

Windsor Framework Democratic  
Scrutiny Committee

# OFFICIAL REPORT (Hansard)

Regulation (EU) 2024/1157 of the European Parliament and  
of the Council of 11 April 2024 on Shipments of Waste:  
Department of Agriculture, Environment  
and Rural Affairs

9 May 2024

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of 11 April 2024 on Shipments of Waste:  
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**Members present for all or part of the proceedings:**

Mr Philip McGuigan (Chairperson)  
Mr David Brooks (Deputy Chairperson)  
Dr Steve Aiken  
Mr Jonathan Buckley  
Ms Joanne Bunting  
Ms Emma Sheerin  
Mr Eóin Tennyson

**Witnesses:**

Mr Shane Doris	Department of Agriculture, Environment and Rural Affairs
Mr Steven Leckey	Department of Agriculture, Environment and Rural Affairs

**The Chairperson (Mr McGuigan):** I welcome Shane Doris, director of environmental policy in DAERA, and Steven Leckey, principal scientific officer in DAERA. I hand over to you to brief us on the regulation.

**Mr Shane Doris (Department of Agriculture, Environment and Rural Affairs):** I am the director of the environmental resources policy division (ERPD), and I am joined by Steven, who is from the Northern Ireland Environment Agency (NIEA). We appreciate the opportunity to provide some background on the published replacement act, EU regulation 2024/1157 on shipments of waste, which amends regulation 1257/2013 on ship recycling and regulation 2020/1056 on electronic freight transport information and repeals regulation 1013/2006 on shipments of waste.

Members will be aware from the papers provided that international shipment of waste is a reserved policy area and the Department for Environment, Food and Rural Affairs (DEFRA) is the lead Department. Therefore, the assessment is limited at this stage. The only currently available UK Government (UKG) explanatory memorandum (EM) is from the proposal stage of the proposed replacement act. However, DAERA officials have engaged with UKG officials to request an assessment of impact and an updated EM to assist the Committee. I have been advised that that work is ongoing, and an update to the current EM will be forwarded to the Committee when it is available.

A summary of the act is that the regulation lays down measures to protect the environment and human health, to contribute to climate neutrality and to achieve a circular economy and zero pollution by preventing or reducing the adverse impacts that can result from shipments of waste and the treatment of waste at its destination. It establishes procedures and control regimes for shipments of waste depending on the origin, destination and route of the shipment, the type of waste and the type of

treatment to be applied to the waste at its destination. The regulation applies to shipments of waste between member states, with or without transit through third countries, and shipments of waste imported into the EU from third countries, exported from the EU to third countries and in transit through the EU on the way to or from third countries.

The aim of the replacement regulation is to prohibit the export of plastic waste to non-OECD countries. Other waste suitable for recycling will be exported from the EU to non-OECD countries only when they ensure that they can deal with it sustainably. It also implements an EU digital tracking system for waste shipments. For clarity, OECD is the Organization for Economic Cooperation and Development, an international organisation that works to establish evidence-based international standards and solutions to a range of social, economic and environmental challenges. There are 38 member countries, including the UK, the United States and 22 of the EU member states.

As I mentioned in the introduction, the Department responsible is DEFRA, as the lead Department for international waste shipments. The Northern Ireland Environment Agency (NIEA) is the named competent authority for enforcement for destination and dispatch.

The initial assessment of impact is referred to in the papers. DAERA's current understanding is that it does not appear likely to have a significant impact specific to the everyday life of communities in Northern Ireland in a way that is liable to persist. However, DAERA is aware that the waste sector will be impacted by the replacement act. A significant volume of waste is exported from Northern Ireland that falls under the remit of regulation on shipments of waste. In 2023, waste exports from Northern Ireland outside of the UK totalled just under 1 million tons. A more extensive exercise will be needed to review the new regulation to determine any issues that might arise from a regulatory perspective. That exercise is planned by the UK regulators for June 2024, and NIEA will be involved in that process.

I move to the EU digital system requirements. NIEA is working with DEFRA to ensure that the UK digital waste system, which is currently in development, will be interoperable with the new EU waste shipments regulation. The UK Government have stated in their EM at proposal stage that there may be additional regulatory costs to Northern Ireland, depending on the outcome of negotiations and the requirement of the final regulation. However, they have also advised that it was too early to assess the additional costs at that stage.

That is some of the background and a quick run through some of the points in the paper. As it is a replacement regulation, much of its content already exists and applies. Part of the update also reflects updates to the UN Basel convention on transboundary shipments of waste, which regulates the transboundary movement of hazardous waste and other waste and obliges its parties to ensure that such waste is managed and disposed of in an environmentally sound manner. The UK is party to that convention and has to adhere to the rules on international shipments of waste. The new additions to the regulations are the export of waste from EU to non-OECD countries, ensuring that exports of waste from the EU are managed sustainably, unlocking the potential for EU waste to boost the circular economy and tackling waste trafficking.

Without wishing to speak on behalf of DEFRA or the UKG, we understand that the UK Government have proposed introducing tougher rules on plastic exports — that is, the banning of all waste plastic exports to non-OECD countries — which was a 2019 manifesto commitment. Provision for it was included in the Environment Act 2021. A consultation is anticipated, but it has not yet progressed. The new regulation would match that UK ambition within two and a half years and would require all waste to be monitored and exported only to facilities that have shown that the waste can be managed sustainably. To offset impacts on current waste exports, the new digital tracking mechanisms will also make it easier for waste to be shipped within the EU for recycling.

Northern Ireland is keen to develop a circular economy for waste. The UK-wide digital waste tracking system that is being developed will assist that greatly. It is expected that the UK system will be compatible with the new EU digital requirements. Similarly, one of the objectives of the UK digital waste tracking system is that it will assist in combating illegal waste trafficking. The proposed stronger cooperation between EU member states, new sanctions and on-the-ground expertise is to be welcomed in helping to address that issue.

I appreciate that that is a brief overview. I have tried, in the briefing, to address some initial queries that you may have. However, I am happy to take any questions, and I will answer those to the best of my knowledge, albeit in the context of this being a reserved matter.

**The Chairperson (Mr McGuigan):** Thank you very much, Shane. That was useful. I totally understand that it is a reserved policy area. I have a couple of questions. What you are saying is that the British Government intend to introduce, at some point, legislation that is very similar to what the EU intends to legislate for.

**Mr Doris:** They have certainly declared that as their ambition. I do not wish to speak on their behalf, but that is publicly recognised.

**The Chairperson (Mr McGuigan):** You said that the legislation will not have any major impact on community or society but will have an impact on the sector. A substantial amount of waste is exported. I was a bit surprised at the extent of that. How many operators are involved in the sector? Are they all private? Councils collect waste. Is some of the waste that is exported from the public-sector collection?

**Mr Doris:** All the companies involved are from the private sector, albeit that they engage with the public sector and facilitate waste collection on its behalf. They are all private enterprises. I think that one or two major companies are involved in that process. We will engage with them as this progresses. It will be two years before these begin to apply and be regulated, so that should allow time for changes, if required, to exporting to a more sustainable facility, if that is an issue, or to amend business models or whatever the case may be.

**The Chairperson (Mr McGuigan):** For clarity, the proposed legislation is about tightening existing issues that cause problems with pollution etc and the exportation of plastic waste. The legislation should make the transportation of waste much more environmentally friendly.

**Mr Doris:** Yes. Ultimately, that is the aim. A number of amendments to the existing regulations have been made over the years, so this captures all of them as well and updates that. The ultimate aim is to make it a more environmentally friendly process and to cut down on waste crime. The other element of tracking waste means that we can build towards the circular economy, which, again, forms much of our ambition in DAERA and beyond.

**The Chairperson (Mr McGuigan):** Grand job. Thanks.

**Ms Bunting:** Thank you very much, gents. It was helpful to have your input. It was also helpful to understand that the EM that you have is still the original and that you have not had an update on that yet. That is helpful for us to know, because we appreciate that that was some time ago and things may well have moved on since then.

I have three questions. First, to what extent, thus far, have you fed into DEFRA on the issue? Is there constant contact? To what extent have you fed in, beyond what you did originally?

**Mr Doris:** There is constant engagement with DEFRA throughout the process, and that is ongoing. As I mentioned, from the policy side of things, we are involved in that, and, from a regulatory side of things, NIEA is also involved in the preparation. The work that will take place in June will be the biggest indicator of where we are. That will then be used to inform the next steps and to inform industry and those impacted.

**Ms Bunting:** OK. Essentially, you are monitoring what the implications may be and flagging to DEFRA if it is going to cause us a problem, and then it negotiates on our behalf. Is that the general standard?

**Mr Doris:** Yes.

**Ms Bunting:** You are monitoring those things. OK.

Given where we are at present, you have stated that there will not be a significant impact, but you have also stated that it is too soon for us to know the costs and so on. Do you consider then, in light of what information is still to come, that you know enough to make a substantive decision that there will not be a significant impact?

**Mr Doris:** Our assessment of the impact is based on communities and the wider population of Northern Ireland rather than specific industries. We have not got into that level of detail yet. We are

aware that, obviously, there will be impacts. I am keen to have that negotiation position established first, and then we can advise stakeholders on that basis.

**Ms Bunting:** I will follow up on that point. You mentioned in your opening remarks that the impact will be on private-sector companies but that they undertake work for the public sector. Can you explain what the impact on the public sector might be? What type of work are they doing?

**Mr Doris:** The companies involved are operating in waste collection and working in recycling facilities. It will be part of the processes for the collection and management of waste that they undertake. The export is the back-end function of that in some areas.

**Ms Bunting:** Potentially, there is an impact. If they are undertaking work for the public sector with regard to waste, presumably, that is all levels of waste. Therefore, there is potential for there to be an impact on communities as an outworking of that. Is there?

**Mr Doris:** There is potential, but, again, as I said, having the two years from it coming into force until it starts to apply allows for the transition for the business models to reflect that.

**Ms Bunting:** OK. Finally, can you give us some additional information around the implications for plastics?

**Mr Doris:** One of the bans relates to the complete ban on plastics to non-OECD countries. Again, much of this is to stop that going to areas where it cannot be processed properly or dealt with sustainably. The aim is to drive up recycling and reuse, keep everything in the circular economy and deal with those problematic items in the most environmentally sustainable manner.

**Ms Bunting:** We are an OECD country.

**Dr Aiken:** The UK is.

**Ms Bunting:** The UK is.

**Mr Doris:** Yes.

**Ms Bunting:** So there are no implications in that way.

**Mr Doris:** The non-OECD element is really to stop plastic being exported to countries outside the OECD that do not come under the same regulation. I know that some of those things have been in the press in recent years, with plastic floating in the ocean or mounting up in piles in non-OECD countries, where it is not being treated in an environmentally effective manner.

**Ms Bunting:** To the best of your knowledge, does the UK ship plastics to non-OECD countries? If you do not know, it is fine.

**Mr Steven Leckey (Department of Agriculture, Environment and Rural Affairs):** I am not sure. I would need to check out the details on that.

**Ms Bunting:** That is OK. Thank you.

**Dr Aiken:** Thanks very much, Shane and Steven. I have a couple of questions. I am just trying to get my head round this. If the regulation comes into force, will Northern Ireland waste be deemed as EU waste, UK waste or third-party hybrid waste? That is my first question.

My second question is about where the costs lie for the digital tracking system. We know about the difficulties we had in setting up all the other digital systems that we have. Where will the costs lie for that? Will they be with the private waste companies or the Department? Where will the cost of setting that up lie?

You said that there was an expectation that, in about two and a half years, GB will migrate to something like that. Have any contracts for a digital waste management system been given in the UK?

We all know how late such programmes can be. I am glad that you did not mention the word "Fujitsu", because, if you had, everybody would have gone, "Oh".

What are your perspectives on those issues, particularly the one about how our waste will be classified?

**Mr Doris:** One of the key issues to be addressed in the negotiation is how that will be dealt with. I imagine that the crux of the negotiation will be about how and to what extent NI to GB waste and GB to NI waste are regulated and what implications that will have for the regulators and those involved in those exports and imports. That will have to be established.

**Dr Aiken:** So we do not know yet.

**Mr Doris:** No, we do not.

**Dr Aiken:** OK. What about the digital tracking system?

**Mr Doris:** Work is ongoing on the digital tracking system. The two-and-a-half-year timescale does not really relate specifically to the tracking element; it is more to do with the obligations in the regulations.

The UK-wide digital tracking system is being developed at the moment. You can correct me if I am wrong, Steven. The basis for that is that it would be funded by those involved in it. It would be funded by the operators through fees, so there would be no costs from that.

**Dr Aiken:** There will be a cost to the local authorities, obviously, because the operators will move the cost on to whomever they collect the waste from. They will be collecting the waste from the consumer, so there will be a cost to the people of Northern Ireland but not necessarily to the Department.

**Mr Doris:** Yes, in some shape or form, the cost will have to be transferred to whomever the end user is.

**Dr Aiken:** Do we know the quantum yet?

**Mr Doris:** No, we do not.

**Dr Aiken:** OK. Thanks.

**Mr Brooks:** I was going to come in when we are making a decision. I have more of a comment than a question, so I am happy to wait.

**The Chairperson (Mr McGuigan):** No problem.

**Mr Buckley:** Chair, I have a question that follows on from the points raised. One million tons of waste is shipped outside the UK every year. For information purposes, do you have a breakdown of the types of waste being shipped outside the UK?

**Mr Leckey:** We can potentially provide that. I do not have it with me.

**Mr Buckley:** Like the Chair, I was shocked at the amount. I am sure that there is some sort of breakdown of the information.

On Steve's point about the fees being levied, has any concern been expressed by those who export waste about how difficult a challenge that may be?

**Mr Leckey:** With the new regulations coming in?

**Mr Buckley:** Yes.

**Mr Leckey:** Not at present.

**Mr Buckley:** Given that it is their business model, I assume that they are well aware of the potential changes in this regard.

**Mr Leckey:** The regulations have just come in, so that exercise needs to be carried out with the other regulators to determine the implications for us as regulators and for our stakeholders. Once we have done that, we could provide updates and communication to the stakeholders on any changes and implications, and, obviously, we can make DEFRA aware of that as part of that process.

**Mr Buckley:** Are any fees currently levied by NIEA on companies that export waste?

**Mr Leckey:** There are fees for certain types of waste. There are two main types of waste that fall under the waste shipment regulations: notifiable waste and green list waste. There are fees associated with the notifiable waste.

**Mr Buckley:** What is the figure per ton, for example?

**Mr Leckey:** It is not per ton; it is per band. It is by number of movements. Off the top of my head, there is a band of one to five movements, and it is about £1,000 for that band. That policy has not been updated since 2014, and, with the new regulations, that will continue to apply because the 1013/2006 regulations are still in place. There has been no update yet to NIEA's fees and refunds policy, so the fees will remain the same for notifiable waste.

**Mr Buckley:** OK. Do we have no indication of what that fee may go to if you build in this regulation and the associated costs?

**Mr Leckey:** The new regulations will not change the fees associated with notification. That work will be NIEA-specific on transfrontier shipment of waste (TFS) fees and refunds policy. Review work needs to happen on that. The GB agencies have already started some of that work, but we are not in a position to do that at the minute.

**Mr Buckley:** Additional audits and inspections are envisaged. What sort of team does NIEA have in place or would have to have in place to deal with the rise in inspections and audits?

**Mr Doris:** I imagine that the aim of the introduction of the digital waste tracking is to streamline that process and make it more efficient for the regulators and operators. We hope that that will, in fact, offset some of the costs and make it more economically viable for those involved.

**Mr Buckley:** Do you accept that, come June, when you have a full picture from your assessment, you will be in a better place to assess whether it would have a significant impact on communities in Northern Ireland?

**Mr Leckey:** Yes. In June, we will sit down with the other regulators, look at it in that regulatory capacity and determine exactly what implications it might have. From then, we can raise concerns with DEFRA about any issues that may arise for us or our stakeholders and then try to work through those.

**Mr Doris:** June would be the first step in that process. We would still need to get to the point where we had the finalised negotiated position between UKG and the EU on that, so June may be too early to fully inform the decision on that.

**The Chairperson (Mr McGuigan):** David, do you want to come in now?

**Mr Brooks:** I will come in when we are considering whether to have an investigation.

**The Chairperson (Mr McGuigan):** Fair enough.

Gentlemen, thank you very much. We appreciate your coming before us. That was useful.