

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:

**CONSULTATION ON THE TRANSPOSITION OF THE REVISED WASTE
FRAMEWORK DIRECTIVE IN ENGLAND AND WALES**

REPORT OF:

HEAD OF WASTE STRATEGY AND CONTRACTS

FOR SUBMISSION TO:

AUTHORITY MEETING

DATE:

25th September 2009

SUMMARY OF REPORT:

This report provides Members with an overview of the Government's recently launched consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) into England and Wales. The report outlines some of the key points in the consultation document and potential implications for the Authority. A recommended draft response to the consultation is attached as Appendix 1 to the report.

RECOMMENDATION

The Authority is recommended to approve the response to the DEFRA and Welsh Assembly Government Stage One Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC), July 2009 attached as Appendix 1.

**Signed by: Head of Waste Strategy and
Contracts**

Date: 16th September 2009

1.0 REPORT OVERVIEW

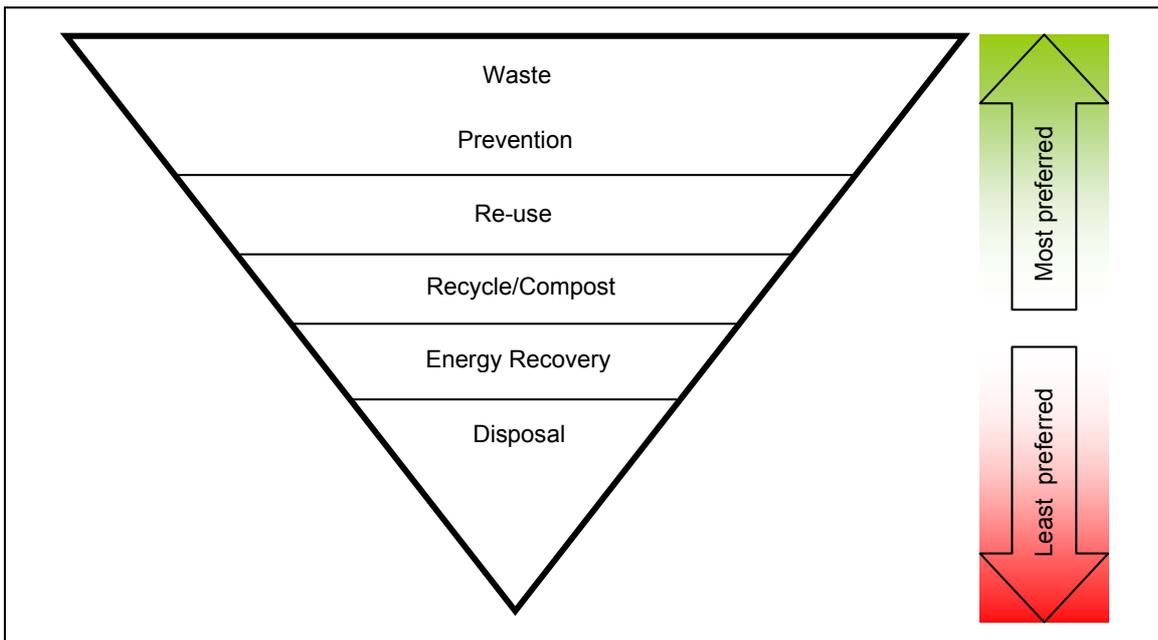
- 1.1 By 12th December 2010, EU Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the revised Waste Framework Directive (WFD). The WFD is the Directive which sets the framework for European waste legislation across the EU which was revised and came into force on 12th December 2008.
- 1.2 The Department for the Environment, Food and Rural Affairs (DEFRA) is responsible for transposing the revised WFD in England and the Welsh Assembly Government (WAG) for doing the same in Wales. The consultation is being carried out jointly by both WAG and DEFRA. The consultation is also being conducted in two stages:
- Stage One of the Consultation – which invites comments on the principles to be transposed
 - Stage Two of the Consultation – which will follow in early 2010 and which will involve consultation on the Regulations necessary to ensure that the revised WFD is fully and correctly transposed. This will take into account the comments received at the Stage One Consultation and Ministers' decisions on the same.
- 1.3 The summary of the document below and the Authority's draft response for Member approval is focused on the specific aspects of the revised WFD and associated consultation for England and Wales which are deemed to be of most relevance to the Authority.

2.0 RELEVANT ASPECTS OF THE CONSULTATION

Article 4: The Waste Hierarchy

- 2.1 Article 4 of the revised WFD introduces a 5-step 'waste hierarchy' which is essentially a list in order of priority of ways in which waste should be managed. The hierarchy guides a significant amount of waste management thinking.

The Current Waste Hierarchy



Source: Waste Strategy for England 2007¹.

- 2.2 It is proposed that the waste hierarchy shown above is slightly revised in England, to bring English legislation and regulations in line with the new hierarchy in the revised WFD.
- 2.3 The first step in the revised WFD's waste hierarchy continues to be waste prevention. However, it is proposed that the second step is changed from 'reuse' to 'preparation for reuse'.
- 2.4 Article 3 (13) and (16) of the revised WFD defines 'reuse' and 'preparation for reuse' as follows:
"13. 're-use' means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;" and

"16. 'preparing for re-use' means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing'.

¹ With Authority amendment through the addition of the arrows to the right.

- 2.5 The significance of this change and these definitions is that they make a distinction between the reuse of products or components as non-waste, with reuse of this type being outside of waste management controls, and the preparation of products or components that have already become waste for reuse by cleaning or checking them for example. Therefore an item posted on an internet exchange website such as Freecycle would not be classed as waste and would fall into the definition of 'reuse', whereas an item of furniture collected by a furniture project and subsequently checked, cleaned and/or repaired would be classed as waste being 'prepared for reuse'.
- 2.6 The other stages of the waste hierarchy are also clarified in the consultation document, and the fourth stage in the hierarchy which is currently 'recycle/compost' in English strategy documents is proposed to be changed to 'recycle' only to bring it into line with the revised WFD version of the hierarchy.
- 2.7 However, it is clear from the definition of 'recycling' in Article 3 (17) of the revised WFD that the term 'recycling' also includes the reprocessing of organic material such as composting. The UK is seeking clarification from the European Commission however, that all organic waste that is reprocessed by means of anaerobic digestion also counts as being recycled, so long as the digestate is used on land.
- 2.8 The consultation asks how the revised waste hierarchy should be applied in a number of settings, for example in requiring producers of waste, other than householders, to follow the waste hierarchy and by planning and permitting authorities in determining applications for new facilities and permits.
- 2.9 The consultation also asks if there are any instances where for specific waste streams, a diversion from the waste hierarchy would be justified by the life-cycle thinking on the overall impacts of the generation and management of such wastes, in order to deliver the best overall environmental outcome.
- 2.10 **The Implications for the Authority** – of the proposed changes are that the clarification of 'reuse' and 'preparation for reuse' will potentially help in determining the registration and payment of reuse and recycling credits. For example the Authority may decide that payments will not be made for items which are simply being reused – as they will not be classified as 'waste' and therefore the Authority would not see any 'avoided cost of (waste) disposal' by the items' reuse. Credits reflect the avoided cost of disposal, i.e. the savings that the Authority makes from not having to dispose of the waste. Items which are 'prepared for reuse' however, will be deemed as waste and therefore will potentially attract credit payments. However, it is possible that the splitting of 'reuse' and 'preparation for reuse' might lead to some uncertainties of interpretation, for example what will constitute 'checking' of items, to potentially move them from the category of 'reuse' to 'preparation for reuse'.

Article 8: Extended Producer Responsibility

- 2.11 Article 8 of the revised WFD introduces discretionary provisions on extended producer responsibility intended to strengthen the reuse, prevention and recycling and other recovery of waste.

- 2.12 To date the UK has only used statutory producer responsibility for products identified in EU based legislation such as waste electrical and electronic equipment and packaging. Elsewhere voluntary agreements have been put in place such as the Courtauld Commitment on packaging and food waste reduction and the agreement with the Newspaper Publishers Association on the recycled content of newsprint.

The Authority's draft response comments on this issue.

Article 11(1): Separate Collections of Waste

- 2.13 The consultation document refers to a Minutes Statement tabled at the Environment Council on 20/21 October 2008 which outlined how the UK intends to interpret the revised WFD requirement for Member States to take measures to promote high quality recycling and to set up 'separate collection' for at least the following: paper, metal, plastic and glass by 2015.
- 2.14 The key issue of concern with these requirements was whether commingled collections of dry recyclables could continue after 2015 as a result of the above requirements.
- 2.15 In its letter to the UK the Commission made the following statements:
- "As regards setting up separate collection of waste, Member States are obliged to fulfill this requirement as long as separate collection is technically, environmentally and economically practicable and appropriate to meet the necessary quality standards of the relevant recycling sectors. Therefore, if co-mingled collection of paper, metal plastics, glass and other recyclable materials followed by their subsequent separation assures that the abovementioned quality standards are met and that high quality recycling is being promoted, Member States would be allowed to continue such practice."
- 2.16 Although the Authority's draft response does not comment upon this issue as it is primarily for the constituent borough councils to decide upon the most appropriate collection methodology for their recycling service, it is important to note that the Government expects commingled collections will continue to be allowed after 2015.

Article 29: Waste Prevention Programmes

2.17 Recital (40) of the revised WFD states that:

“(40) In order to improve the way in which waste prevention actions are taken forward in the Member States and to facilitate the circulation of best practice in this area, it is necessary to strengthen the provisions relating to waste prevention and to introduce a requirement for the Member States to develop waste prevention programmes concentrating on the key environmental impacts and taking into account the whole life-cycle of products and materials. Such measures should pursue the objective of breaking the link between economic growth and the environmental impacts associated with the generation of waste. Stakeholders, as well as the general public, should have the opportunity to participate in drawing up the programmes, and should have access to them once drawn up..... Waste prevention and decoupling objectives should be developed covering, as appropriate, the reduction of the adverse impacts of waste and of the amounts of waste generated.”

2.18 The consultation questions associated with this article ask whether consultees think that freestanding national waste prevention programmes are the best way forward or whether a more dispersed approach requiring individual authorities to draw up their own waste prevention plans would be better.

2.19 From the Authority’s perspective it is suggested that a national waste prevention programme would be the best place to start, with if necessary, a requirement for local plans to follow on.

3.0 QUESTIONS FOR CONSULTEES

3.1 There are 25 separate questions, some supported by supplementary clarification questions for consultees in the document. As already noted, these questions relate to the different articles of the revised WFD.

3.2 It is proposed that the Authority only responds to the questions relating to articles 4, 8 and 29 outlined above. However, a full list of the consultation questions is included for reference within Appendix 2 to this report.

4.0 IMPLICATIONS FOR THE AUTHORITY

4.1 The consultation question responses outlined in Appendix 1 detail the main implications of the proposed changes upon the Authority. It is likely however that a more detailed assessment of the implications of the transposition of the revised WFD into England and on the Authority will be possible at the next Stage Two of the consultation process when draft UK regulations for transposing the Directive will be considered.

5.0 RECOMMENDATION

- 5.1 The Authority is recommended to approve the response to the DEFRA and Welsh Assembly Government Stage One Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC), July 2009 attached as Appendix 1.

6.0 COMMENTS OF THE FINANCIAL ADVISER

- 6.1 The Financial Adviser has been consulted in the preparation of this report and has no further comments to add.

7.0 COMMENTS OF THE LEGAL ADVISER

- 7.1 The Legal Adviser has reviewed this paper and his comments are incorporated within the body text of the report.

Local Government Act 1972 – Access to information

Documents and Websites used:

Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC), A consultation document issued jointly by the Department for the Environment, Food and Rural Affairs and the Welsh Assembly Government, July 2009

Revised Waste Framework Directive, adopted as Directive 2008/98/EC and available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:313:0003:0030:EN:PDF>

WRAP Waste Prevention Toolkit, available at http://wrap.org.uk/applications/waste_prevention_toolkit

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**DRAFT AUTHORITY RESPONSE TO THE STAGE ONE:
CONSULTATION ON THE TRANSPOSITION OF THE REVISED
WASTE FRAMEWORK DIRECTIVE**

**Revised WFD Consultation (Stage One)
Waste Framework Directive Unit
Department for Environment, Food and Rural Affairs
Area 6D Ergon House
17 Smith Square
London
SW1P 3JR**

25th September 2009

Dear Sir/Madam,

Ref: Revised WFD Consultation (Stage One)

Thank you for providing us with the opportunity to respond to the consultation on the above. The North London Waste Authority (NLWA) is one of the six joint waste disposal authorities in England, with nearly 1m tonnes of municipal solid waste arising in its area each year.

The Authority and its seven constituent borough councils (Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest) have recently (February 2009) adopted a joint municipal waste management strategy for the area which includes a target of 50% recycling, composting and reuse by 2020 and we already have in place a short term waste prevention implementation plan. We have a mix of recyclables collection systems in our area, so are interested in the UK's Minute Statement to the Commission in this regard. The Authority has also recently embarked on a procurement process to secure longer term services for managing waste when its contract with its existing supplier comes to an end in 2014. Accordingly the areas of the consultation which are of most relevance to us are those aspects relating to the waste hierarchy, targets, collection systems and waste prevention.

In our response which is attached we have therefore focused upon aspects which have particular relevance to the Authority as noted above.

Thank you once again for the opportunity to respond to this consultation and if you require clarification on any of the points raised, please do not hesitate to contact me.

Yours faithfully

**Cllr. Clyde Loakes
Chair, North London Waste Authority**

REVISED WASTE FRAMEWORK DIRECTIVE CONSULTATION (STAGE ONE) - North London Waste Authority response to specific questions

Article 4: The Waste Hierarchy

Q1: What steps do you consider DEFRA/WAG should take to apply the waste hierarchy set out in Article 4(1) of the revised WFD as a priority order in waste management legislation?

(a) How should producers of waste – other than householders- be required to apply the waste hierarchy as a priority order when taking their decisions on the treatment options for their waste – either before the in-house treatment of their waste or before its transfer to another person for treatment? Please explain how you consider the required would operate and how it would be enforced.

A1: This is substantially a matter for businesses' internal manufacturing and resource-use activities. Government advice and support (such as the Business Resource Efficiency and Waste Programme (BREW)) and fiscal measures (such as the Aggregates Levy) should lead progress here.

One short-term measure however, would be to ensure that the business plans for compliance schemes, taking on the producer responsibility obligations of companies obligated under the packaging, WEEE and batteries directives demonstrated their commitment to the waste hierarchy on an ongoing basis. This could be enforced through the annual monitoring reports and tonnage returns submitted by compliance schemes. For example they could be required to demonstrate and record tonnage or percentage of members' income spent on prevention, preparation for reuse, recycling etc to demonstrate that they are operating across all aspects of the hierarchy when taking decisions on the treatment options for waste.

(b) What other measures, if any, should be adopted in the spatial planning system to apply the waste hierarchy as a priority order

The spatial planning system currently requires a level of regional self sufficiency to be demonstrated within each waste development plan document. However, the system allows for the plans to be both waste type and technology neutral. To encourage the consideration of the waste hierarchy within the spatial planning system, one option would be for there to be a requirement on waste development plan documents (to demonstrate a percentage allocation of land within their plan area to different aspects of the waste hierarchy) before they can be formally adopted. However, given the demands of regional self sufficiency, and the other pressures on municipal waste management in particular such as the Landfill Directive and landfill tax, it is possible that the approval of a mix of new waste facilities, targeting different aspects of the waste hierarchy might happen anyway without further intervention. One option would be to specify a presumption against certain technologies on particular sites that are allocated for waste management within the spatial plan. Whilst this approach would not guarantee that all aspects of the waste hierarchy were allowed for in terms of allocating sites for waste, it would mean that all the land allocated for waste use within a

particular area was not allocated to disposal for example, which is theoretically possible at present.

Article 8 – Extended Producer Responsibility

Q4: Are there any specific waste streams which you consider should be the subject of a producer responsibility regime under Article 8? If so, please explain what the economic and environmental costs of such regimes would be.

A4: The Authority does not suggest any specific new waste streams that should be subjected to producer responsibility legislation, but suggests rather that in areas where there is currently a voluntary agreement on producer responsibility, e.g. direct mail and minimum recycled content in newspapers then mandatory measures should be considered. Our rationale for this suggestion is that in difficult economic times, other priorities may take precedence within businesses.

Unfortunately we are not able to provide an explanation of the economic and environmental costs of such regimes, as we do not have expertise in this area. However, we would argue that any extension of producer responsibility programmes should be accompanied by further and continued support for the Waste and Resources Action Programme (WRAP), who have an established reputation and expertise in market development expansion and support, which is necessary in order to ‘close the loop’, if additional recyclable materials are coming onto the market as a result of extended producer responsibility schemes. They can also provide the necessary support in terms of consumer information, as evidenced by their recent small WEEE (waste electrical and electronic waste) recycling promotional scheme trial – Don’t bin it, bring it.

The Authority would, of course, be happy to work with DEFRA on an assessment of the waste types for which DEFRA has published ‘product road maps’ or even food waste to see if these might be suitable for future statutory attention.

Article 29 – Waste Prevention Programmes

Q22: What are your views on the merits of either (i) freestanding national waste prevention programmes in England and Wales or (ii) a more dispersed approach which would involve introducing a requirement for local authorities to draw up their own waste prevention programmes? Please give reasons for your answer.

Q23 What are your views on the integration of waste prevention programmes into the waste management plans required by Article 28 of the revised WFD, their integration into other environmental policy programmes or their functioning as separate programmes?

Q24 Member States must evaluate the usefulness of – but not necessarily adopt – the 16 examples of waste prevention measures in Annex IV to the revised WFD. Do you have views on the usefulness of any of these examples as waste prevention measures? If so, please specify the measures and give reasons for your answer.

A22: The Authority's view is that it would be better to introduce a national waste prevention programme for England rather than to introduce a requirement for local authorities to draw up their own waste prevention programmes. However, our view is that any national waste prevention programme, should be seen as a subset of the national waste strategy, not as a completely free standing document in its own right. For example in North London, we have an over-arching municipal waste management strategy for the area and a supplementary Waste Prevention Implementation Plan, which addresses how in the shorter term we will implement the waste prevention objectives contained within the longer term overarching waste management strategy for the area.

Our preference for a national waste prevention programme rather than a requirement for local authority programmes to be put in place is based upon the following:

- A national programme would allow a better integration of the supply and demand side approaches to waste prevention as it is easier for central government to tackle both supply and demand, than for local authorities to do this.
- A 'top down' approach from national government is most appropriate in the initial stages, even if at a later date, local authority programmes were a requirement. Any local authority programmes would benefit from fitting within the framework of an established national programme.
- Thirdly, local authorities, will principally only impact upon municipal waste, a small percentage of the total. It would be better for England to be addressing all types of waste within a national waste prevention programme, and this can best be approached by central, rather than local government.
- Fourthly, as there are already a number of initiatives in place at a national level which are focused on waste prevention, it would be useful to have an over-arching national programme which brings together some of the initiatives such as the Market Transformation Programme, the National Industrial Symbiosis Programme and the Sustainable Consumption and Procurement Programme. This integration could not be achieved by placing the requirement for producing waste prevention programmes at a local level alone.
- Fifthly, in terms of cost, Annex 3 to the consultation, the evidence base, suggests that if 288 local authorities were required to produce waste prevention plans a cost of £250,000 would represent a reasonable assessment of the order of magnitude for the cost of the same. In North London the production of a joint waste strategy cost in the order of £60,000, taking into account the need for associated strategic environmental assessment (SEA), equalities impact and habitat assessment, but excluding significant officer time from Partner authorities. The production of our waste prevention implementation plan cost considerably less, but largely because the screening exercise undertaken for SEA concluded that SEA was not necessary for the prevention plan. However, if the conclusion of the screening had been

that SEA was required then the production costs of the prevention plan could have been of the same order of magnitude as the strategy itself. We would therefore argue that it would be much more cost effective for a national waste prevention programme or plan to be produced, rather than requiring individual local authorities to produce their own.

- A23. Our view on the integration of waste prevention into spatial waste management plans is that spatial plans must be based at the outset upon robust data sets for waste arisings in the area. There is additionally already a requirement through the production of annual monitoring reports to review the data on which plans are originally produced. This can include reviewing and updating information on waste arisings which might be affected by waste prevention plans from either commercial and industrial or municipal waste producers and/or policy makers. Our view is that there are therefore already sufficient requirements in place to ensure that spatial strategies take account of the impact of any waste prevention initiatives without a need for greater integration of those prevention plans into the spatial policy framework.

In terms of the need to integrate waste prevention into the waste strategy for England, we have already noted in our response to question 22 that we think that a national waste prevention strategy or plan would be helpful, but one which addresses both the supply and demand side of the issue and which brings together some of the initiatives such as the Market Transformation Programme, the National Industrial Symbiosis Programme and the Sustainable Consumption and Procurement Programme.

- A24. In terms of the Authority's view of the usefulness of the 16 waste prevention measures [outlined in Appendix 3] it is difficult to assess these without some indication of the potential impact of each. A prioritization exercise carried out in North London in order to assess which prevention measures to focus upon in the short, medium and long term was based upon an assessment of the likely impact (in terms of tonnage of avoided waste disposal) of each of the measures considered, based upon national data from the Waste Prevention Toolkit published by WRAP. If a similar set of data could be produced for the measures below, this would be helpful in terms of prioritising actions and assessing usefulness/cost and likely impact in terms of tonnage of waste diverted from disposal or recycling. Therefore if measure 3 below could be implemented first, along with the production of some impact data, it would then assist in developing a comprehensive programme of prevention activity for the future.

Full List of Consultation Questions

Paragraph numbers refer to consultation document paragraphs.

Article 4: The Waste Hierarchy (paragraphs 2.5-2.33 above)

Question 1: What steps do you consider DEFRA/WAG should take⁹¹ to apply the waste hierarchy set out in Article 4(1) of the revised WFD as a priority order in waste management legislation? For example:-

- (a) How should producers of waste – other than householders – be required to apply the waste hierarchy as a priority order when taking their decisions on the treatment options for their waste – either before the in-house treatment of their waste or before its transfer to another person for treatment? Please explain how you consider the requirement would operate and how it would be enforced;
- (b) What other measures, if any, should be adopted in the spatial planning system to apply the waste hierarchy as a priority order;
- (c) How should establishments or undertakings applying for permits for the treatment of waste under Article 23 of the revised WFD be required to demonstrate that they have applied the waste hierarchy as a priority order in reaching their decision about the type of treatment operation for which a permit application is being made;
- (d) How should competent authorities be required to apply the waste hierarchy as a priority order in making their decisions on permit applications for the treatment of waste; and
- (e) How should the waste hierarchy be applied to waste treatment operations already authorised and in operation on the due date for transposition of 12 December 2010?

Question 2: Are there specific waste streams where you believe that departing from the waste hierarchy would be justified by life-cycle thinking on the overall impacts of the generation and management of such wastes, in order to deliver the best overall environmental outcome?

Question 3: Are there any further steps stakeholders and members of the public would like DEFRA/WAG to take to ensure that the development of waste legislation and policy, to apply the waste hierarchy as a priority order, is a fully transparent process?

Article 8: Extended Producer Responsibility (paragraphs 2.34-2.42 above)

Question 4: Are there any specific waste streams which you consider should be the subject of a producer responsibility regime under Article 8? If so, please explain what the economic and environmental costs and benefits of such regimes would be.

⁹¹ In addition to the legislative steps set out in paragraph 2.25 of the consultation

Article 11(1): Re-use And Preparing For Re-use Activities (paragraphs 2.44-2.52 above)

Question 5: Are there any further measures you consider it would be appropriate for DEFRA/WAG to take under the terms of Article 11(1) to promote the re-use of products or preparing for re-use activities? Please give reasons to support your answer.

Article 11(1) Separate Collections of Waste (paragraphs 2.53-2.68 above)

Question 6: Do you agree with the proposed approach to implementing the requirements of Article 11(1) on separate collections? Please provide reasons for your answer including, if possible, the costs and benefits of your preferred approach.

Question 7: Do you consider that:-

- (a) There are any measures that are technically, environmentally and economically practicable and appropriate to take in England and Wales, on the separate collection of household, commercial or industrial waste to meet the necessary quality standards for the relevant recycling sectors? Please give reasons for your answer; and
- (b) If yes, which measures do you think should be introduced to achieve this?

Question 8: Do you consider that:-

- (a) It will be technically, environmentally and economically practicable to set up by 2015, in England and Wales, separate collection for paper, metal, plastic and glass which is classified as household, commercial or industrial waste: Please give reasons for your answer; and
- (b) If yes, which measures do you think should be introduced to achieve this?

Article 11(2) (a): Household Waste Recycling Target (paragraphs 2.69-2.91 above)

Question 9: Do you agree with the proposed approach to implementing the recycling target for household and similar waste required by Article 11(2) (a)? Please provide reasons for your answer including, if possible, the benefits or otherwise of your preferred approach.

Question 10 (England only): Given the “Local Authority Waste Recycling Recovery and Disposal” – a predictive model for waste arisings - scenarios above, do you agree with the Government’s preferred —no further measures approach? Please give reasons for your answer.

Question 11 (England only): If you think the Government should look to introduce additional measures to ensure that the recycling target of 50% for household and similar wastes is reached by 2020, do you have views about what these additional measures should be? If so, please specify and give reasons for your answer.

Question 12 (England only): Do you have views about targeting any additional measures on specific materials? If so, please specify which materials you consider are high priority and give reasons for your answer.

Question 13 (Wales only): Do you think that Wales approach will meet the requirements of Article 11(2) (a) of the revised WFD? Please give reasons for your answer.

Article 11(2) (b): Recovery Target For Non-Hazardous Construction And Demolition Waste (paragraphs 2.92-2.102 above)

Question 14: Do you agree with our assessment of the extent to which we are already meeting this construction and demolition waste recovery target in England and Wales?

Question 15: Do you believe that any additional policy or legislative measures are necessary for us to guarantee that we are meeting this target in England and Wales?

Article 16: Principles Self-Sufficiency and Proximity (paragraphs 2.103-2.115 above)

Question 16: Do you agree that the UK is currently self-sufficient in installations for the recovery of mixed municipal waste from private households etc? If not, please (i) explain your reasons and (ii) the steps you consider need to be taken by the UK to achieve self-sufficiency in relation to such installations.

Articles 17-20: Hazardous Waste (paragraphs 2.116-2.121 above)

Question 17: Do you consider that the following changes will have an impact on the way in which hazardous waste is managed? Please give reasons for your answer and, if yes, set out the implications that you consider the changes will have:-

- (a) The addition of a new property: —H13 (*) = Sensitizing: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence;
- (b) Existing property H13 has been re-numbered to H15. This means that this property —H15: Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics above now also applies to —H14 = Ecotoxic. In other words, H14 (ecotoxicity) now has to be considered as a criterion for H15; and
- (c) Article 18(2) which allows mixing only where the permitted mixing operation conforms to best available techniques.

Article 21: Waste Oils (paragraphs 2.122-2.124 above)

Question 18: Do you agree with the proposed approach to rely on the measures adopted to transpose and implement the waste hierarchy (and related measures) and not to prescribe under Article 21(3) that waste oils must be regenerated if technically feasible? If not, please provide reasons for your answer and, if possible, explain the economic and environmental costs and benefits of your preferred approach.

Article 22: Bio-waste (paragraphs 2.125-2.132 above)

Question 19: Do you agree that sufficient measures are already being taken in England and Wales to encourage bio-waste treatment etc as envisaged in Article 22? If not, please (i) explain your reasons and (ii) the measures you consider need to be taken in England and Wales to encourage bio-waste treatment etc as envisaged in Article 22?

Article 28: Waste Management Plans (paragraphs 2.133-2.138 above)

Question 20: What revisions do you consider DEFRA/WAG should make to the existing arrangements for waste management plans (see paragraph 2.134 above) to

transpose the requirements of Articles 28(1), (2) and (3)(a)-(e) of the revised WFD? Please give reasons for your answer.

Question 21: Which, if any, of the discretionary issues set out in Articles 28(4) (a)-(d) of the revised WFD do you consider DEFRA/WAG should address in the arrangements for waste management plans adopted in response to Question 20? Please give reasons for your answer.

Article 29: Waste Prevention Programmes (paragraphs 2.139-2.145 above)

Question 22: What are your views on the merits of either (i) freestanding national waste prevention programmes in England and Wales or (ii) a more dispersed approach which would involve introducing a requirement for local authorities to draw up their own waste prevention programmes? Please give reasons for your answer.

Question 23: What are your views on the integration of waste prevention programmes into the waste management plans required by Article 28 of the revised WFD, their integration into other environmental policy programmes or their functioning as separate programmes?

Question 24: Member States must evaluate the usefulness of – but not necessarily adopt - the 16 examples of waste prevention measures in Annex IV to the revised WFD. Do you have views on the usefulness of any of these examples as waste prevention measures? If so, please specify the measures and give reasons for your answer.

Initial Impact Assessment (paragraph 2.146 above)

Question 25: Do you consider that the costs and benefits of the transposition and implementation of the provisions of the revised WFD that are the subject to the Stage One consultation exercise have been accurately assessed in the initial Impact Assessment at Annex 3 (page 71) to the consultation paper? If not, please provide whatever evidence you can to enable a more accurate assessment to be made in the Impact Assessment that will form part of the Stage Two consultation exercise.

NLWA note on the LAWRRD model referred to in Question 10 above:

The Local Authority Waste Recycling Recovery and Disposal (LAWRRD) model was developed for DEFRA by AEA Technology. The model used fiscal drivers to determine the waste routes by which compliance with the Landfill Directive (99/31/EC) and Waste Strategy targets can be achieved. The LAWRRD model outputs estimate the amount of municipal solid waste that will be produced between 2001 and 2020 for different policy initiatives.

The LAWRRD model is a cost-driven, bottom-up model, which uses input data on waste arisings, numbers of facilities (actual and planned) from each local authority.

**EXAMPLES OF WASTE PREVENTION MEASURES REFERRED TO IN
ARTICLE 29**

Measures that can affect the framework conditions related to the generation of waste

1. The use of planning measures, or other economic instruments promoting the efficient use of resources.
2. The promotion of research and development into the area of achieving cleaner and less wasteful products and technologies and the dissemination and use of the results of such research and development.
3. The development of effective and meaningful indicators of the environmental pressures associated with the generation of waste aimed at contributing to the prevention of waste generation at all levels, from product comparisons at Community level through action by local authorities to national measures.

Measures that can affect the design and production and distribution phase

4. The promotion of eco-design (the systematic integration of environmental aspects into product design with the aim to improve the environmental performance of the product throughout its whole life cycle).
5. The provision of information on waste prevention techniques with a view to facilitating the implementation of best available techniques by industry.
6. Organise training of competent authorities as regards the insertion of waste prevention requirements in permits under this Directive and Directive 96/61/EC.
7. The inclusion of measures to prevent waste production at installations not falling under Directive 96/61/EC. Where appropriate, such measures could include waste prevention assessments or plans.
8. The use of awareness campaigns or the provision of financial, decision making or other support to businesses. Such measures are likely to be particularly effective where they are aimed at, and adapted to, small and medium sized enterprises and work through established business networks.
9. The use of voluntary agreements, consumer/producer panels or sectoral negotiations in order that the relevant businesses or industrial sectors set their own waste prevention plans or objectives or correct wasteful products or packaging.
10. The promotion of credible environmental management systems, including EMAS and ISO 14001.

Measures that can affect the consumption and use phase

11. Economic instruments such as incentives for clean purchases or the institution of an obligatory payment by consumers for a given article or element of packaging that would otherwise be provided free of charge.
12. The use of awareness campaigns and information provision directed at the general public or a specific set of consumers.
13. The promotion of credible eco-labels.
14. Agreements with industry, such as the use of product panels such as those being carried out within the framework of Integrated Product Policies or with retailers on the availability of waste prevention information and products with a lower environmental impact.

15. In the context of public and corporate procurement, the integration of environmental and waste prevention criteria into calls for tenders and contracts, in line with the Handbook on environmental public procurement published by the Commission on 29 October 2004.
16. The promotion of the reuse and/or repair of appropriate discarded products or of their components, notably through the use of educational, economic, logistic or other measures such as support to or establishment of accredited repair and reuse-centres and networks especially in densely populated regions.

Report Ends