

15<sup>th</sup> September 2010Revised WFD Consultation (Stage Two)  
Waste Framework Directive Unit  
Department for Environment, Food and Rural Affairs  
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Dear Sir/Madam,

**Stage Two: Consultation on the Transposition of the Revised Waste Framework Directive (Directive 2008/98/EC)**

This response to the consultation document is made on behalf of the Confederation of Paper Industries (CPI). CPI has within its membership mill-owned and independent recovered paper merchants and exporters, paper manufacturers, tissue manufacturers and corrugated converters. All Members of CPI are likely to be impacted by the transposition of the revised Waste Framework Directive (rWFD) into UK legislation from a raw material as well as producer perspective.

Paper and board recycling is a huge success in the UK driven by the ease with which paper and board products can be recycled and strong global market demand for high quality recovered paper as an economic raw material. The UK recovered paper industry is responsible for moving over 8 million tonnes of recovered paper for recycling, either in the UK or overseas, and on many occasions this material is managed by several different parties prior to final recycling; CPI Members handle around 67% of this volume. The 8.2 million tonnes of recovered waste paper recycled in 2009 provided up to 10.8 million tonnes of carbon benefits<sup>1</sup> to the UK in comparison to disposal through current UK landfill and incineration waste management options.

There is also likely to be around 4 million tonnes of waste paper being handled as residual waste in the UK going for landfill or incineration mixed with other waste streams, of which over 1.5 million tonnes is recyclable into new paper and board products. This 1.5 million tonnes of potential recyclable waste paper offers further carbon benefits to the UK of up to 2 million tonnes but can only be realised if the material is recovered in a way that makes it suitable for efficient recycling into new paper and board products.

In 2009, just over 3.8 million tonnes of recovered waste paper was recycled domestically in the UK with around 4.4 million tonnes exported for recycling overseas and around 92,000 tonnes imported to the UK for domestic use. In order to allow recyclable waste paper to be effectively recovered from the UK residual waste stream the regulatory drivers for recovery must be maximised while the regulatory costs of managing this material must be minimised whilst ensuring the recovery systems employed provide a suitable quality of material for effective, economic recycling. Recycling paper waste offers a far better carbon option than disposing of the material through incineration and landfill, as demonstrated in the 2006 and 2010 WRAP global life cycle impacts of recycling analysis<sup>2</sup>. The rWFD waste hierarchy, if appropriately transposed, should provide a suitable framework to maximise these environmental benefits.

<sup>1</sup> [http://www.paper.org.uk/information/factsheets/greenhouse\\_gas.pdf](http://www.paper.org.uk/information/factsheets/greenhouse_gas.pdf)

<sup>2</sup> [http://www.wrap.org.uk/downloads/Recycling\\_LCA\\_Report\\_Sept\\_2006\\_-\\_Final.a5628227.2838.pdf](http://www.wrap.org.uk/downloads/Recycling_LCA_Report_Sept_2006_-_Final.a5628227.2838.pdf)

### General response:

CPI supports many aspects of the rWFD, particularly the emphasis on driving the EU to become a “recycling society” through the use of waste as a resource rather than a disposal problem. It also fully supports the call for better quality control of recyclable waste streams to ensure efficient recycling and maximised carbon benefits. The UK paper industry has a strong history of recycling and the level of paper recovery for recycling has grown strongly over the last ten years as government policy and public opinion have recognised the immense benefits, both economic and environmental, from managing recyclable waste as a resource. However, the UK paper making industry, including domestic recycling capacity, has declined at an alarming rate as the UK governments have failed to maintain the competitiveness of the UK manufacturing industries in the global arena. This has led to the situation that the UK now imports the majority of paper and board materials it consumes whilst exporting the majority of recovered waste paper and board it collects overseas for recycling as we have insufficient recycling capacity in the UK.

The export markets for recovered waste paper will play a critical role in ensuring the UK meets the rWFD recycling targets for household waste as well as other European Directive targets such as packaging and landfill. To ensure the UK remains competitive in the global market for recovered waste paper there must be control of the regulatory costs applied to the industry while ensuring that the quality of material collected remains desirable and conforms to the EU Waste Shipment Regulations and the UK Trans-frontier Shipment of Waste Regulations at all times. The collection industry, including Local Authorities, saw the impact that a drop in export demand can have on the value of recovered waste paper at the end of 2008 and the press and public reaction to the situation. There is also understandable outrage when UK waste, exported as recyclables under lesser export controls, are found overseas in illegal dumps and this can undermine confidence in recycling and jeopardise meeting several EU Directive recycling targets.

The transposition of the rWFD is thus a critical opportunity to tighten up on bad waste management practice and truly drive the agenda of the public towards understanding the key role waste and resource management has to play in the future of sustainable living in the UK, Europe and globally. If transposed effectively the rWFD may also lay the foundations for investment in UK domestic paper recycling capacity creating significant new skilled green jobs in the UK and reducing the UK trade deficit associated with paper and board consumption.

### LIST OF QUESTIONS IN THE CONSULTATION PAPER

#### The Transposing Regulations

**Question 1:** Do you agree that the draft transposing Regulations Chapter 3 of the paper (page 59) fully and correctly transpose the requirements of the rWFD? If not, please identify the specific requirement of the rWFD and give reasons to support your view that it is not fully and correctly transposed in the draft Regulations.

**CPI Response:** On the issues relevant to the paper and board industry, CPI feels that the draft transposing Regulations correctly transpose the rWFD. Where there is likely to be some controversy however is on the issue of Regulation 12 where “separate” collection is defined as both “separate” collection at source as well as “mixed” collection with subsequent “separation” at a materials recovery facility (MRF). The paper and board industry has long advocated “separation” as close to

the source of the waste paper as possible. This maximises the reprocessing efficiency of remanufacturing waste paper into new paper products and reduces the potential for cross contamination from other materials; resulting in lower waste disposal costs to the reprocessors themselves. CPI feels that the actual UK paper reprocessing mills will only accept draft Regulation 12 if there is clear guidance in updated national and local waste management plans reflecting the endorsement by both Defra and WAG of the WRAP hierarchical approach as referenced in the consultation document (paragraph 2.99). These plans will also need to set out exactly how the WRAP collection hierarchy will be applied and what controls will be implemented to ensure that “mixed” recycle collections with subsequent “separation” at MRFs meet, on a consistent basis, the requirements of the global paper reprocessing industries as specified in the EU Commissions response to the UK minutes statement.

**Question 2:** Do you consider that any of the provisions in the draft Regulations Chapter 3 of the paper (page 59) do more than is necessary to transpose the requirements of the rWFD (e.g. gold-plate)? If so, please identify the provision in the draft Regulations, and the requirement of the rWFD, and give reasons to support your view that the provision does more than is necessary to transpose requirement.

**CPI Response:** CPI does not detect any significant gold plating.

#### **Article 4 : The Waste Hierarchy (Chapter 2 paragraphs 2.16-2.49)**

##### **Stage 1 - The right waste facilities in the right places: waste hierarchy and planning**

**Question 3:** Do you agree with the proposal to give effect to the waste hierarchy (a) by updating PPS10 in England and TAN21 in Wales; and (b) through spatial planning which will require Waste Development Frameworks (in England) and the Local Development Plans and Regional Waste Plans (in Wales) to have regard to the waste hierarchy? If not, please give reasons to support your answer.

**CPI Response:** CPI agrees with this proposal.

##### **Stage 2 – Waste facilities operating in the right way: the waste hierarchy and permitting**

**Question 4:** Do you agree with the proposals in respect of each of the categories of permits/exemptions described at (a) to (c) above? Are the assumptions made about costs reasonable (please see the accompanying Impact Assessment for more details). Please give reasons or alternative data to support your answer.

**CPI Response:** CPI agrees with this proposal.

##### **Stage 3 - Managing waste as high as possible up the hierarchy: the role of waste producers and holders**

**Question 5:** Do you agree with the proposal to give effect to the waste hierarchy, and Article 15(1) of the rWFD, by adding a declaration to the duty of care waste transfer note, so that waste holders and producers etc. are required make a short standard declaration on the transfer note certifying they have taken the waste hierarchy into account in minimising waste and in their decision about the treatment which the waste is being consigned to, having had regard to the guidance for England, or sector plan(s) for Wales?

(NOTE: The requirement will not apply to householders and household waste produced on their property.)

Are the assumptions made about costs reasonable (please see the accompanying Impact Assessment for more details)? Please give reasons or alternative data to support your answer.

**CPI Response: CPI agrees with this proposal.**

**The Waste Hierarchy Guidance (Chapter 2 paragraphs 2.50-2.60 and Chapter 4 (page 60))**

**Question 6:** Do you agree with the legislative proposals underpinning the guidance in England and Wales on the application of the waste hierarchy?

**CPI Response: CPI agrees with this proposal.**

**Question 7:** (England only): What are your views on the draft guidance on the application of the waste hierarchy in Chapter 4 of this consultation paper? In particular, what are your views on:-

- whether it covers the right waste streams;
- whether and how it could be made easier to read and use;
- the substance of the guidance; and
- the way Section 2 of Part 2 (*Switching to better options: ideas and sources of support*) is organised. Would users prefer to have it laid out by material (so it goes through the steps of the hierarchy for each material in turn), or the way it is now, which is designed to allow users to look at the same activity for several materials at a time?

**CPI Response: CPI sees the draft guidance as useful and the format appears acceptable. We would highlight 3 points that may make the guidance more appealing.**

- 1.** The guidance should set out clearly in the opening gambit in which legislation the guidance is framed and the consequences of not applying the hierarchy in waste management thinking. This should ensure the document is given due consideration at the highest level of a company.
- 2.** Page 17, Paper, bullet 1 – This should be removed as it makes no sense. The specification for cardboard packaging is to protect the product and this statement risks increasing product damage. The corrugated industry continues to work towards the lowest weight corrugated packaging to ensure product protection yet this statement suggests it is a simple solution for businesses.
- 3.** The individual guidance set out for paper and card (page 27 and 28) should make reference to PAS105 within the section as well as in annex E so that it is easy to follow. Although PAS105 is specifically written as guidance for the recovery of municipal waste paper for UK reprocessing, it still sets out all the relevant requirements for maintaining quality from all sources and for all end markets.

**Article 11(1) : Separate Collection Of Paper, Metal, Plastic And Glass By 2015 (Chapter 2 paragraphs 2.101-2.119)**

**Question 8:** Do you believe that:-

- a) civil offences and sanctions at the levels proposed are appropriate in relation to the provisions on the separate collection of commercial and industrial waste; or
- b) would you prefer to see the separate collection requirement implemented as a condition in the waste carrier registration and permitting regimes?

**CPI Response:** CPI would like further clarification on these proposals to understand exactly how they would work in practice? The definition of the “separate” requirement, as framed within Regulation 12, may make a fundamental difference to the current, well established collection infrastructure for mono-material collectors (including recovered paper) from commercial and industrial producers. It is unclear from the consultation or the impact assessment of what the potential costs to the collection industry would be of meeting the requirement to offer a commercial and industrial service for the four listed materials (paper, metal, plastic and glass), particularly for the established industry. Do the new proposals in fact mean that those currently offering a paper only collection service will in future be “required” to offer a collection service for the other listed materials or risk breaching the Regulations? If this is the case then the regulatory costs for those having to meet this “requirement” will increase significantly as they will have to apply for increased “exemptions” for handling the other materials “separately”, or move to an “Environmental Permitting” regime if they are to go down a “mixed” collection and sorting route. It is very interesting to note that the Environmental Permitting regime differentiates the handling of the four listed materials (paper, metal, plastic and glass) “separately” and “mixed” by way of exemptions from the regime reflecting the environmental risk of these collection approaches. Yet, Regulation 12 proposes to make no such distinction in terms of the proposed transposition which CPI believes to be a clear anomaly.

Traditional recovered paper merchants may well offer a paper only collection service to commercial and industrial customers, particularly where a very large percentage of their waste is paper. However, they may not offer a service for the other materials specified as they are not experts in those fields or it may impact negatively on the commercial or service aspects of any contract. Given the proposals in the consultation document would they in fact be breaching the proposed Regulations in future by NOT offering a service for the other recyclable materials? If so then the options being proposed would act as a barrier, particularly to specialized mono-material collectors, in providing a service. This may lead to a large scale reduction in small and medium sized players in the collection market leaving only large waste management style companies who can offer a service across the material streams. CPI does not feel this would be a desirable outcome.

**CLEAR GUIDANCE ON THE APPLICATION OF THIS PART OF THE NEW REGULATORY PROPOSALS MUST BE PREPARED WITH FULL CONSULTATION PRIOR TO IMPLEMENTATION.**

**The Impact Assessment (Chapter 2 paragraph 2.224 and Annex 2 (page 66))**

**Question 9:** Do you consider that the costs and benefits of the transposition and implementation of the provisions of the rWFD that are addressed in the Impact Assessment have been accurately assessed? If not, please provide whatever evidence you can to enable a more accurate assessment to be made in the Impact Assessment that will accompany the post-consultation draft of the transposing Regulations that is laid before both Houses of Parliament and the Welsh Assembly Government.

**CPI Response:** CPI does not believe that the impact assessment has looked in enough detail at the potential impact on well established mono-material collectors (small and medium sized enterprises in particular) that currently work in the waste materials markets, particularly in the commercial and industrial fields. Our concerns are raised in answer to question 8 above. The potential added costs associated with the requirement for increased exemptions for “separate” collections of more materials and/or full environmental permitting for “mixed” collections may well act

as a barrier to many established “mono-material” businesses and may favour large scale non specialised waste management companies. This could significantly stifle competition in the collection market and increase the cost of recycling to the producer rather than incentivise good waste management practice and support growth in efficient recycling.

Kind regards,

A handwritten signature in black ink that reads 'Peter Seggie'.

**Peter Seggie**  
CPI Recovered Paper Sector Manager