

# Detailed guide: Turn your waste into a new non-waste product or material

*Updated:* We have updated information on how to use the Definition of Waste Service to get an Environment Agency opinion on the waste status of your material.

Work out if your waste material complies with an [European Union \(EU\) end of waste regulation](#) or meets the end of waste test through a [quality protocol](#) (QP) or an individual [assessment](#).

## **EU end of waste regulations**

Your first step is to check whether your waste derived product needs to meet the requirements of an EU End of Waste Regulation. There is a regulation for the following waste types:

- iron, steel and aluminium scrap
- glass cullet
- copper scrap

Find the EU End of Waste Regulations on the [European Commission website](#).

If the EU Regulation requirements cannot be met, then it remains waste. If you can meet them, end of waste is achieved.

## **Meet the end of waste test**

If no EU End of Waste Regulation applies to your waste derived product, you need to make an end of waste assessment on the basis of the relevant case law on end of waste. The Court of Appeal OSS end of waste test generally represents all the case law requirements for the end of waste test.

This test assesses whether:

- the waste has been converted into a distinct and marketable product, this means:
  - the waste has been turned into a completely new product, for example a playground surface is produced from waste tyres
  - the new product is different from the original waste (minor changes to its composition may not be sufficient), for example non packaging plastic recycled material is processed to make new plastic products
  - there is a genuine market for the material so it will definitely be used – if it's stored indefinitely with little prospect for use the material remains waste

- the processed substance can be used in exactly the same way as a non-waste
- the processed substance can be stored and used with no worse environmental effects when compared to the material it is intended to replace

## Quality protocols

In England, Wales and Northern Ireland there are several QPs available. They are voluntary end of waste frameworks for specific wastes and end uses based on the relevant end of waste case law.

[Check if a QP applies to your operation](#). What you are doing to your waste must meet the requirements set out in the relevant QP to demonstrate end of waste.

Generally QPs:

- ensure the product made from waste does not pose an unacceptable risk to human health or the environment
- increase market confidence in the quality of products made from waste and their potential value
- encourage greater waste recycling and recovery

For guidance on assessing whether excavated materials are classified as waste or not, or when developing or remediating land you can use the [The Definition of Waste: Development Industry Code of Practice](#).

If your waste derived product does not meet the requirements in the relevant QP or meet the end of waste test, it will still be waste so you must comply with waste management controls. If you do not comply you could be committing an offence and face a penalty.

If there is no applicable QP, you will need to assess whether your waste derived product meets end of waste on a case by case basis using the OSS test.

### Use the QP checker

Use the [QP checker online tool](#) to check if your waste derived aggregate or compost is compliant with a QP and is no longer waste.

## Definition of waste assessment

In England, if you produce a product from waste you can ask the Environment Agency for an opinion on the waste status of your material.

If you want to ask for our opinion you must use the [IsItWaste tool](#). There's a charge to use this Service.

The IsItWaste tool holds a checklist which sets out the minimum information you'll need to begin a Definition of Waste assessment.

You'll need to:

- provide all the required information
- submit your proposal

We'll then email you details on how to pay the interim charge of £750 plus VAT. Once we receive payment we'll check you've provided the right information and in the correct format.

If you have, we'll provide a cost estimate to do the full assessment. This will be based on £125 per hour plus VAT.

Once you've signed the charging agreement we'll do the assessment and give you our opinion on the waste status of your material. We may need to ask for more information to complete the assessment.

You can also do a self-assessment to get an indicative outcome. Use the [IsItWaste tool](#). There's no charge to do a self-assessment.

If you operate in other parts of the UK, contact your environmental regulator to find out what services they provide.

If your material is no longer waste, you'll also need to comply with all relevant product legislation, for example the registration, evaluation, authorisation and restriction of chemicals (REACH) regulations or groundwater authorisations.

### **End of waste: more information**

- [Defra's legal definition of waste guidance](#)
- [Regulatory position statement: Regulation of materials under consideration for a QP](#)
- [EU Life+ project EQual: Ensuring Quality of waste derived products to achieve resource efficiency](#)
- [Material comparators for end of waste decisions: Manufactured fertilisers](#)
- [Material comparators for end of waste decisions: Applying waste derived materials to land](#)

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## **[Detailed guide: Waste: import and export](#)**

*Updated:* Updated waste movement form.

The regulations apply from the point of loading the waste until it has been fully recovered or disposed of at the destination facility. If you fail to

follow them, you may be committing a criminal offence and risk prosecution, financial penalties and/or imprisonment.

The controls that apply to your waste shipment will depend on the:

- treatment planned for the waste when it reaches its destination
- country of destination and the transport route
- waste type

Knowing this information will allow you to decide if your waste shipment:

- is prohibited
- requires prior notification and consent from the competent authorities concerned (also known as notification controls)
- can occur under [Article 18 controls](#) (also known as green list controls) – this is a lower form of control than notification, and mainly applies to shipment of non-hazardous waste

International Waste Shipments (IWS) or transfrontier shipments of waste are other terms for exporting and importing waste – they mean the same thing.

If you produce, carry, import, keep or dispose of waste you have responsibilities. You have a legal duty of care to make sure your waste is handled safely and only passed to people who are authorised to receive it.

Everyone involved in the shipment must ensure that any waste is managed without endangering human health and in an environmentally sound manner.

## Waste shipment controls

Follow these steps to work out the controls that apply to your waste shipment and what forms you need to complete.

### 1: Is it waste?

You must first find out if the material to be exported or imported is classed as waste by any country involved in the journey. If so, then waste shipment controls apply to the whole journey. To help you decide if your material is waste, see:

- [Defra guidance on legal definitions of waste](#)
- [European Commission Waste Framework Directive end of waste criteria](#)
- [Quality protocols: agreed end of waste criteria](#)

You must then work out if the intended journey and destination for your waste is legal. All exports or imports of waste to or from European Union (EU) countries are governed by the [EU Waste Shipments Regulation](#). Wherever else you ship waste, you must comply with the requirements of this regulation and import controls of any countries outside the EU. This includes any countries through which the waste will pass or dock during transport.

See list of:

- [EU countries](#)
- [OECD \(Organisation for Economic Co-operation and Development\) countries](#)
- [competent authorities of EU member states](#)
- [competent authorities of OECD countries](#)
- [competent authorities of non-OECD countries](#)

Where the competent authorities disagree on whether something is waste, it will be classed as waste.

## **2: Disposal or recovery**

The terms 'disposal' and 'recovery' are defined in the [EU Waste Framework Directive](#).

Importing and exporting waste for recovery is possible, depending on country controls, waste type and destination.

Exports or imports of waste for disposal are prohibited, save for a few exceptions described in the [UK plan for waste shipments](#). In these exceptions notification controls will always apply.

## **3: Classify your waste**

You must match your waste to one of the description codes listed in the annexes to the [Waste Shipments Regulation](#). You may find it easier to use the [consolidated waste list](#) – it has all the annexes in one document.

You must include the correct code in any forms you complete for shipping your waste. If there is no code for your waste, you must describe it as 'not listed'.

## **4: Export or import controls**

The controls are in [Article 18](#), notification or prohibition. The general rules are outlined below but you must confirm control with the destination country.

### **Recovery in other EU member states**

[Article 18 controls](#) generally apply to waste listed under a single entry in annex III, IIIB or the mixtures of wastes listed in annex IIIA.

Notification controls apply to all other wastes.

### **Recovery in OECD countries outside the EU**

[Article 18 controls](#) generally apply to waste listed under a single entry in annex III or the mixtures of wastes listed in annex IIIA.

Notification controls apply to all other wastes.

## Recovery in a non-OECD country outside the EU

Certain wastes listed in annex V are prohibited from export including [hazardous waste](#) and household waste. Check the [EU \(green list\)](#) regulations which set out the controls that apply to waste listed in annex III and IIIA according to each non-OECD country.

If you export wastes such as packaging, batteries, end of life vehicles or waste electrical and electronic equipment, there is additional producer responsibility legislation which you may need to comply with.

You should now know if your waste shipment is subject to [Article 18](#), notification controls or prohibition.

## Use the waste export tool

Alternatively use the [waste export controls tool](#) to work out the correct code and control for your shipment. Be aware that it is a guide only. Before shipping always check the controls with the transit and destination countries or their government departments, customs inspectorates or official waste regulatory bodies.

## Apply for import or export notification controls

You must:

- apply to the competent authority of the country from where the waste will be exported by completing a notification and paying the correct fees
- obtain consent from the relevant exporting and importing countries, paying any additional fees required by the importing competent authorities:
  - [Competent authorities of EU countries](#)
  - [Competent authorities of OECD countries](#)
  - [Competent authorities of non-OECD countries](#)

To export from England, you must:

- be under the jurisdiction of England or Wales
- apply to and obtain consent from the Environment Agency and importing competent authorities

and be one of:

- the original waste producer
- the licensed new producer
- a licensed collector of waste
- a registered dealer or broker with written authorisation from a producer or licensed collector to move their waste
- the holder of the waste when all the above are unknown or insolvent

# For exports from England: use IWS online

## 1. Complete a notification application online

[IWS online](#) will enable you to:

- complete your notification application
- see an up to date status of your notification
- create a new notification based on a previous one
- create pre-notifications
- record shipment data
- upload your movement documents
- see a summary of your shipment data

When you use the system for the first time you will need to register for a user account.

You can phone the Environment Agency on 03708 506 506 ([call charges apply](#)) if you need help.

You cannot use this system for recording annex VII forms.

## 2. Interim operations

Pre-processing or storing waste at a site overseas before moving it to a place of final recovery is called an 'interim operation'. The Waste Shipment Regulation specifies 5 interim operations using these codes:

- R12 – exchange of wastes
- R13 – accumulation of wastes
- D13 – blending or mixing of wastes
- D14 – repackaging of wastes
- D15 – storage of wastes

R = recovery, D = disposal

If your waste is destined for an interim operation you must provide details of the waste treatment operation, and where it will take place, on the notification document. You will also need to complete the

[Movement form](#)

(PDF, 74.9KB, 2 pages)

before your waste moves.

## 3. Financial guarantee or insurance

This makes sure there's enough money available for the Environment Agency to deal with the waste if the shipment is not completed, including the cost of returning the exported waste. The approved guarantee or insurance must be sufficient to cover:

- transporting the waste

- waste recovery or disposal
- storage for up to 90 days

Any competent authority may ask for a copy of your financial guarantee or insurance arrangements. For exports from England and all non-EU imports, your financial guarantee or equivalent insurance must be approved by the Environment Agency. Use the [financial guarantee form](#) to apply. Your financial guarantee must be approved before shipments can commence.

#### **4. Contract**

Before you submit your notification application you must have a legally enforceable, written contract with the business that will be recovering or disposing of your notified waste.

This contract must include:

- a certificate from the business recovering or disposing of the waste, confirming they have legally recovered or disposed of the waste
- an obligation for the notifier to take the waste back if the shipment, recovery or disposal does not go ahead as intended, or if the shipment is illegal
- an obligation for the importer (consignee) to recover or dispose of the waste if it is found to be illegal as a result of the consignee's action

There are additional contractual obligations for exports to certain countries and also where an interim operation is to occur.

The Environment Agency, or any other competent authority with an interest in the notification, may ask for a copy of the contract.

#### **5. Third party insurance**

You need this in place before you send in your notification application. Any competent authority concerned may ask for a copy of the insurance arrangements.

#### **6. Pay the charge**

You need to pay a charge when notification is made. The Environment Agency will not process your notification without evidence that you have paid the correct amount. Other competent authorities may also impose a charge for considering your notification.

The charge depends on:

- whether the waste is being imported or exported
- the purpose of the shipment, whether it is for recovery or disposal
- the band the number of shipments included in the notification falls into

#### **Charges for notifications of International Waste Shipments**



<b>Activity</b>	<b>1</b>	<b>2 to 5</b>	<b>6 to 20</b>	<b>21 to 100</b>	<b>101 to 500</b>	<b>500+</b>
Export for recovery	£1,450	£1,450	£2,700	£4,070	£7,920	£14,380
Export for non interim disposal	£1,540	£1,540	£3,330	£5,500	£10,600	£19,500
Export for interim disposal	£1,700	£1,700	£3,330	£6,000	£12,900	£24,000
Import for non interim recovery	£1,250	£1,250	£2,700	£4,900	£10,600	£19,500
Import for interim recovery	£1,450	£1,450	£2,830	£5,500	£12,900	£24,000
Import for non interim disposal	£1,540	£1,540	£3,330	£5,500	£10,600	£19,500
Import for interim disposal	£1,700	£1,700	£3,330	£6,000	£12,900	£24,000

Charges are [payable to the Environment Agency](#).

## 7. Send the application

The originally signed notification package must be sent to the Environment Agency with the correct fee.

Send your notification package to:

International Waste Shipments Team

Environment Agency

Richard Fairclough House

Knutsford Road

Warrington

WA4 1HT

## 8. Application assessment

These timings and stages are for waste moving within the EU. For waste moving outside the EU, the Environment Agency will advise you if any of the stages will take longer.

If your notification package is complete, the Environment Agency will send it to all competent authorities involved within 3 working days of receiving it. They will ask you for further information if your notification package is incomplete.

If you do not hear from the Environment Agency within 30 days of submitting a complete notification, email [askshipments@environment-agency.gov.uk](mailto:askshipments@environment-agency.gov.uk).

## **9. Competent authority of destination reviews the notification package**

The competent authority must check they have all the information they need within 3 days of receiving the notification package. They may ask for more details, or ask to see copies of documents such as contracts.

Other competent authorities involved in your waste's journey will also receive a copy of your notification package and may ask for more information.

Once the competent authority of destination is satisfied that the notification package is complete, they have 3 working days to complete block 19 of the notification document. They will send a copy of this to you and all the competent authorities involved.

Please note that the time taken for a transmitted notification package to arrive by post will vary, depending on the country of destination.

## **10. Notification decision**

Within 30 days of the notification decision, the competent authorities must decide if they:

- consent to the notification without conditions
- consent to the notification with conditions
- object

Any of the competent authorities involved may object, but only using [reasons set out in the Waste Shipment Regulation](#).

The competent authorities will send you copies of their decisions. If competent authorities of transit countries make no response within 30 days, it's assumed that they agree to the waste shipment.

## **Notification controls: how to comply**

### **Exporting waste from England**

Your consent allows you up to 12 months from the date of consent to ship your waste. You can only ship the type and quantity of waste described in the notification, using the destination and route described in your notification.

If the destination site has pre-consent status, your consent may allow you up to 3 years to ship your waste.

### **Before the waste moves**

1. Check you have all the consents you need from the competent authorities involved and your financial guarantee is approved and valid.
2. Create a pre-notification on [IWS online](#) – print and sign it then upload

it to IWS online.

3. Send copies to the other competent authorities and the destination waste facility, but not more than 30 days before you intend to ship and no later than 3 working days before shipping.
4. Check the carriers you intend to use are registered and permitted to carry your waste shipment in each country.

You do not need to send the Environment Agency a copy of your pre-notification if you have uploaded it to IWS online, but you will need to ensure the pre-notification document is completed before the start of the shipment (blocks 2, 5 to 8).

You must complete a movement document and keep a copy for every shipment made under the consented notification. A shipment (which may consist of more than one vehicle or container) starts at the place of loading and continues until the waste is fully recovered at the destination facility.

### **When the waste moves**

A copy of the completed movement document and the consented notification document, including annexes, must go with the waste and stay with it throughout the journey.

Shipment data must be added to [IWS online](#) upon receipt and then upon the recovery or disposal of the waste.

### **Rejected waste**

If the waste has left England but is then rejected by another competent authority, it may need to be brought back or transported to a different site for recovery or disposal. You must comply with the requirements of the competent authority concerned. It may be necessary to use your financial guarantee to ensure the waste is recovered in an environmentally sound manner.

### **If the notified waste shipment does not go ahead**

If the shipment cannot proceed within 10 working days of the actual date of shipment specified in block 6 of the movement document, the Environment Agency will consider that shipment 'cancelled'. Other competent authorities may have different rules on when a shipment is cancelled. You must tell all the competent authorities involved.

Once cancelled you cannot change the shipment date or reuse the shipment number.

## **Increase the number of waste shipments**

Before you can request an increase in the shipments permitted on a notification, you must:

- send the written request to the Environment Agency before any extra shipments take place
- get written consent for your extra shipments from all the competent authorities involved
- not exceed the maximum tonnage detailed in block 5 of your notification document

You may need to pay extra – check the [charges table](#).

## **Get a refund on a notification charge**

You may get a refund from the Environment Agency if:

- your notification is objected to
- you withdraw your notification before it is consented to
- none of the waste under your notification is shipped

You must apply for a refund within 12 months of the notification's date of consent. If consent has not yet expired it will be withdrawn.

## **Apply for a new notification**

You may do this before your existing consent expires.

## **Importing waste**

Before you arrange to import any waste you should contact the competent authority of the country of export to find out what their procedures and requirements are.

## **Receive notified waste: actions**

For each shipment of waste that arrives, the recovery/disposal facility must complete block 18 of the

[Movement form](#)

(PDF, 74.9KB, 2 pages)

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They must state:

- if the shipment is for disposal or recovery
- the date of receipt
- whether they accept or reject the shipment
- the quantity of waste in the shipment
- the approximate date of recovery or disposal
- the name and signature of someone at the destination facility with

authority to confirm receipt of the waste

You must:

- keep a copy of the completed movement document for at least 3 years from the date the shipment starts
- send copies to the notifier and all competent authorities involved within 3 working days of receipt of the waste
- pay the appropriate charge (the Environment Agency will contact you about this)

### **Reject the waste**

If a shipment of waste arrives at your site in England without the notification and movement documents, or it cannot be completed in accordance with the documents, you must:

- immediately quarantine the waste
- [contact the Environment Agency](#)

### **Recover or dispose of the waste: actions to take**

You must treat the waste as specified in the notification document. You have one year from the date of receiving the waste to do this unless your environmental permit requires it to be done sooner. Within 30 days of completing the treatment, the recovery/disposal facility must fill in block 19 of the

[Movement form](#)

(PDF, 74.9KB, 2 pages)

with the:

- date of the waste's recovery or disposal
- name and signature of a person with authority to confirm the recovery or disposal
- company stamp

You must:

- keep a copy of the completed movement document for at least 3 years from the date the shipment starts
- send copies to the notifier and all competent authorities involved

You will need to follow different actions where an [interim operation](#) occurs.

### **The notification expires**

The notification expires when:

- the competent authority receives signed copies of the movement documents for all shipments of waste made under the notification, confirming that all the waste has been recovered or disposed of
- or, if earlier, the consent given by the competent authority reaches its

expiry date

When all the waste has been correctly recovered or disposed of, you can ask the competent authority to release the financial guarantee.

You must keep all documents about the waste shipment and treatment for at least 3 years from the date the shipment starts.

## **Apply for site pre-consent**

If you operate a waste recovery site with a permit and regularly receive shipments of the same waste, you may benefit from having a pre-consent. The advantages are that:

- there's no cost to apply
- the notification process is quicker
- consents may last up to 3 years, rather than the standard 12 months

Recovery facilities in England can apply using the [pre-consent form](#).

Overseas recovery facilities must apply to the competent authority of the country in which they are located.

## **Import or export: Article 18 controls**

Check your 'green list' waste for contamination.

A waste which you may think is 'green list' may need prior notification and consent, or may be prohibited if it is:

- not properly sorted
- mixed with a hazardous substance, for example if a batch of waste plastic contains residues of pesticide
- mixed with another waste material which is more than a de minimis level of contamination and to an extent which prevents the recovery of the wastes in an 'environmentally sound manner', for example if glass, metals, plastic or wood are in a consignment of waste paper
- contaminated by household or mixed municipal waste

## **Ship 'green list' waste under Article 18 controls**

You can export 'green list' waste without permission from, or payment of fees to, the competent authorities of the countries involved in the shipment, unless more stringent controls are required by the importing country. It is your responsibility to check all the requirements that apply.

## **Before shipping the waste: checklist**

1. Confirm the waste will be handled in an environmentally sound way at all times – you must be able to show that the recovery facility operates to human health and environmental protection standards that are broadly equivalent to the standards within the EU.

2. Make sure that the [annex VII document](#) is fully completed and sign it – it must travel with the waste at all times.
3. Draw up a written contract between the person who arranges the shipment (exporter) and the importer/consignee – the contract must ensure that if the shipment cannot be completed as planned, or is found to be illegal, the exporter will take the waste back or recover it in another way, and provide for its storage in the meantime.

### **Complete the annex VII document: checklist**

Contact details must be in full – include the contact name, company registered number if applicable, address, email and telephone number. Business confidentiality is not a reason for omitting these details.

The exporter in block 1 is the person who arranges the shipment and signs the declaration in block 12 to say that you have a contract in place. If you are a [broker/dealer](#) based in the European Union (EU), you must be registered with the Environment Agency, the Scottish Environmental Protection Agency (SEPA) or Natural Resources Wales if you arrange waste shipments from Great Britain. If you are a broker or dealer based outside the EU, you must be registered and also have a personal or business address in the UK.

The importer or consignee in block 2 may be the recovery facility or a broker/dealer who is under the jurisdiction of the country of destination and has legal control over the waste when it arrives there.

The recovery facility in block 7 must be the facility where the waste will be recovered. If the recovery operation is R12 or R13, you must also provide information about the facilities where further operations will take place.

The appropriate codes for block 8 can be found in annex II of the EU Waste Framework Directive. If the recovery operation is R12 or R13, you must also provide information on further operations.

### **After the waste arrives: checklist**

1. The importer or consignee and (if different) the recovery facility must sign and complete the annex VII form at blocks 13 and 14.
2. Exporters, importers and consignees must keep copies of the forms for 3 years – competent authorities can ask to see them.

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## **[Guidance: In-service testing handbook for gas and electricity meters](#)**

*Updated:* The In-service testing handbook has been updated to version 3.3

The in-service testing (IST) handbook is a culmination of the [IST group 1 and 2 report](#) and the [IST group 3 report](#). It is designed to provide stakeholders who are undertaking sample testing with an understanding of the sampling methodology, test processes, assessment methods and final assessment criteria. The handbook includes details of IST test stations that have been approved by the Office for Product Safety and Standards for the in-service testing of gas and electricity meters.

The handbook is a working document and amendments will be made when necessary as the implementation of IST develops over time.

## Contact

If you wish to speak to a member of staff please contact:

### **Gas and electricity metering team: In-service testing**

#### **Utilities Team**

Office for Product Safety and Standards

Stanton Avenue  
Teddington  
Middlesex  
TW11 0JZ

Email

[philip.martin@beis.gov.uk](mailto:philip.martin@beis.gov.uk)

Reception

020 8943 7272

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## **[Policy paper: Exeter flood defence scheme](#)**

*Updated:* Update on scheme – phase 1 complete.

This document explains how the Environment Agency, Devon County Council and Exeter City Council are working together to design and build a scheme which will reduce flood risk to the city of Exeter.



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## [Transparency data: Enforcement undertakings accepted by the Environment Agency](#)

*Updated:* Updated list of civil sanctions enforcement undertakings accepted by the Environment Agency between 1 February 2018 to 31 May 2018.

The government has allowed the Environment Agency access to powers to apply civil penalties, known as 'Civil Sanctions' for certain offences. The majority of civil sanctions applied so far are enforcement undertakings, volunteered under the producer responsibility legislation. The primary purpose of the enforcement undertaking is to allow the offender to restore and remediate any environmental damage they have caused. This is a list of cases which the Environment Agency has accepted a civil sanctions enforcement undertaking (EU) for environmental offences.

For more information, see the guidance on the [Environment Agency enforcement, sanctions and offences](#) page.