

legislation update



Summer 2017

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In this update, we look at a number of key pieces of legislation, upcoming legislative changes, new government appointments and what this industry news means for you. **Click on the links below** to take you straight to the items that interest you.

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Replacement of Data Protection Act 1998

From 25 May 2018, the UK Data Protection Act 1998 will be replaced by the [EU General Data Protection Regulation \(GDPR\)](#), framing new rules around the storage and handling of personal data. Companies must keep a record of how and when an individual gives consent to store and use their personal data. Companies that control how and why data is processed must show a clear audit trail of consent. In the event of a data breach, [GDPR](#) requires companies to inform the relevant authorities, as well as customers within 72 hours. [GDPR](#) requires controllers and processors of personal information to designate a data protection officer. Companies breaching the regulation could be subject to a fine of up to 4 per cent of their global turnover, or €20 million, whichever is greater.

New ministerial responsibilities at Defra and BEIS

Following the recent elections, [Dr Therese Coffey](#) retains the post of Waste and Resources Minister at Defra, under the new Secretary of State - [Michael Gove](#).

At the Department for Business, Enterprise and Industrial Strategy (BEIS) [Nick Hurd](#) MP moved to the Home Office as Minister for Policing and the Fire Service. [Richard Harrington](#) MP takes up the ministerial brief for energy and industry, including responsibility for industrial strategy, while [Claire Perry](#) MP assumes ministerial responsibilities for climate change and industry, also with responsibility for industrial strategy. [Jessie Norman](#) MP moves from BEIS to the Department for Transport.

WEEE – new targets confirmed

Targets for the collection of waste electrical and electronic equipment (WEEE) have been confirmed for 2017. Defra set a target of 622,033 tonnes for 2017, brought down from the initial proposals. However, the revised target will still represent an anticipated growth in collected WEEE tonnages of around 14 per cent compared to the 2016 target. This means that compliance schemes will have to collect around 40,000 tonnes more WEEE than in 2016.

EU environmental laws will apply post-Brexit

The government has confirmed that the 'whole body' of existing environmental laws derived from EU legislation will be safeguarded in UK law prior to Brexit. [The Department for Exiting the European Union \(DEXEU\)](#) set out the terms of the [Great Repeal Bill](#), which is expected to be put in place before the UK withdraws from the European Union in 2019. Environmental laws will be among those brought into UK statute under the bill.



This is expected to include regulations on waste, packaging, waste electrical and electronic equipment (WEEE) and landfill. This will mean that existing targets and commitments established in EU legislation will continue to apply at least until the government has put in place alternative legislation to pursue a different course. Regarding the [EU Circular Economy Package](#), it is reported that Defra continues its involvement in negotiations over the Circular Economy Package ‘in good faith’ with some civil servants anticipating that the UK will opt to adhere to the proposals outlined in the package after Brexit.

New anti-littering strategy

The government is consulting on new enforcement measures published in a [Litter Strategy for England](#), to curb littering with proposals for new enforcement, education and community engagement to reduce the £800 million burden to the taxpayer of clean-up costs. The new measures propose £150 fines, while vehicle owners could receive penalty notices when it can be proved litter was thrown from their car – even if discarded by somebody else. The new motoring rules are already in force in London.

Further new measures include (a) issuing new guidance for councils to be able to update the nation’s bin infrastructure, (b) stopping councils from charging householders for disposal of DIY household waste at civic amenity sites, (c) recommending that offenders on community sentences help councils clear up litter and fly-tipped waste, and (d) creating an expert group to look at further ways of cutting the worst kinds of litter, including looking at different voluntary or regulatory options to improve recycling and reuse of packaging – such as deposit return schemes. Following the consultation, guidance will be issued to councils to accompany any new enforcement powers, to prevent over-zealous enforcement or fines being used to raise revenue.

Green Investment Bank sold to Macquarie

The government’s [Green Investment Bank \(GIB\)](#) has been sold to the global banking firm [Macquarie Group](#) for £2.3 billion. GIB, which is wholly-owned by government was set up in 2012 to provide matched funding for renewable energy projects. Since its inception the GIB has helped to mobilise more than £10 billion of investment into over 70 projects. Claiming that the GIB had been “constrained by rules governing how public bodies can raise capital”, the sale of the bank to the private sector had been described as crucial in order to “maximise investment into green energy projects by attracting greater private sector investment.” [Macquarie](#) has intimated that waste and bioenergy will remain a core investment area for the GIB following the takeover.



Industrial Strategy Challenge Fund

Over £1 billion has been allocated over four years in "cutting-edge technologies to create jobs and raise living standards" to a range of sectors, as part of the Government's forthcoming Industrial Strategy. The [Industrial Strategy Challenge Fund](#) aims to bring together the UK's world leading research with business to meet the major industrial and societal challenges of our time. The six sectors initially targeted include healthcare and medicines, robotics and artificial intelligence, clean and flexible energy, driverless vehicles, manufacturing and materials of the future, and satellites and space technology. £246 million of this fund will go towards clean and flexible energy, and the manufacture of batteries in vehicles – the 'Faraday Challenge' – to help UK businesses seize the opportunities presented by the transition to a low carbon economy.

Sustainable procurement guidelines

The world's first international sustainable procurement guidelines have been published by the [International Organization for Standardization \(ISO\)](#), offering advice for organisations on how to commit to more green and ethical procurement practices. ISO 20400 [Sustainable procurement – Guidance](#) provides advice and recommendations to help organisations develop sustainable purchasing practices and policies, in line with the [UN Sustainable Development Goals](#). The guidelines offer routes for integrating sustainability into organisations' procurement policy strategies and processes, helping them to make purchasing decisions that, they claim, will address social, economic and environmental issues such as sustainable communities and responsible consumption and production.

New standard for the Circular Economy

The British Standards Institute (BSI) has launched a new standard, [BS 8001: 2017: Framework for implementing the principles of the circular economy in organisations – guide](#). BS 8001 was developed to provide guiding principles for organisations and individuals to consider and implement more sustainable practices. It is the first standard of its kind in the UK and globally. BS 8001 outlines what the circular economy is and how an organisation can transition from a linear to a circular, and more sustainable, day-to-day operation. Practical implementation of the six principles of the circular economy - innovation, stewardship, collaboration, value optimisation, transparency, and systems thinking – forms the framework of the standard, providing step-by-step guidance on how an organisation can navigate through the different stages of implementation.



EFRA Committee report on food waste

[The Environment Food and Rural Affairs Committee](#) has published a report on its inquiry into food waste. The report asks the government to establish a national food waste reduction target to drive efforts to reduce the food waste, and for supermarkets to publicly report data on the amount of food they bin. Other recommendations include the relaxation of rules that prevent the sale of so called 'wonky vegetables', providing charity [WRAP](#) with sufficient public funding to enable it to maintain its food waste reduction programmes. The report also recommends to continue the current review with WRAP and the Food Standards Agency on food date labelling, and for supermarkets to make improvements to their packaging, such as increasing the use of split and re-sealable packets.

PAS100 revision and land spreading

The UK's [compost certification standard \(PAS100\)](#) is to be revised in the face of policy changes and questions over factors such as physical contaminants which might be found in compost. The potential for E.coli in compost is also expected to be reviewed in the revision process. Use of the standard has been further complicated by the decision of the Scottish Environment Protection Agency to change its end of waste criteria for compost and digestate from anaerobic digestion processes. Whereas previously charity [WRAP](#) has led the way on revisions to the standard which is owned by BSI, the [Renewable Energy Association's assurance organisation \(REAL\)](#), which runs the certification scheme for PAS100, is to administer the revision process. The PAS100 specification was developed in 2005. The revision is scheduled for publication in March or April 2018.

The Environment Agency may not grant operators permission to spread high and low RAN (readily available nitrogen) liquid wastes to stubbles in the autumn, before cereals.

WISH releases revised waste fire guidance

The [Waste Industry Safety and Health \(WISH\) Forum](#) has released its guidance on reducing fire risk at waste sites. The updated guidance includes revised advice on waste stack sizes and separation distances for materials including, wood, plastic, paper, rubber and waste derived fuels. The new guidance takes into account the findings of waste burn trials carried out in 2015 and 2016 to test the properties of waste materials. The aim is to provide waste operators with the information and guidance they need to reduce the risk of fires on their sites, and where fires do occur to reduce their impacts. The guidance is separate from the [Environment Agency's Fire Prevention Plan](#), which operators must follow in order to obtain and retain their sites' environmental permits.



Non-domestic RHI regulations withdrawn

The [Department for Business, Energy & Industrial Strategy \(BEIS\)](#) has withdrawn the non-domestic renewable heat incentive (RHI) regulations from Parliament due to technical drafting issues. The revised regulations follow a consultation in March 2016 on reforms to the RHI schemes. The snap election has delayed the re-laying of regulations governing the non-domestic RHI (which opened in 2011). The revisions include providing investors with tariff guarantees, replacing the three current biomass tariff bands with a single tariff which will be subject to tiering. New biogas / biomethane plants will only receive support for all biomethane produced or heat generated from biogas if at least 50 per cent of the biogas or biomethane is derived from feedstocks that are wastes or residues. New participants will no longer be able to claim support for heat used to dry digestate. The domestic RHI regulations are not affected.

Producer Responsibility Obligations – packaging waste

To comply with recycling and recovery obligations under the [Producer Responsibility Obligations \(Packaging Waste\) Regulations](#), the UK operates the Packaging Recovery Note (PRN) system to provide evidence that waste packaging material has been recycled and that the national target has been met. The system has been under scrutiny owing to the likelihood of higher packaging waste recycling targets being imposed through the EU Circular Economy Package incorporated into the Great Repeal Bill (see page 2). In [PackFlow 2025](#) compliance scheme Valpak studied four options to meet future recycling targets, ranging from a 'status quo PRN system' to a 'full cost to industry' approach. The study concluded that the present system had the highest cost variability and the highest potential for non-achievement of higher recycling targets. No specific recommendations were made, other than to contemplate reforming the present PRN system.

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