

Annex 1

Defra Consultation on Revising the Requirements Regarding Evidence of Broad Equivalence for Export Reprocessing Sites: FDF response

Question 1: Do you agree with our analysis of the context and the metals market, as set out in this Chapter and in Section 1 of the Impact Assessment?

Yes, FDF agrees with the analysis.

Question 2: Do you agree with our analysis of the impact of keeping the requirements as they are, as set out here and in Section 2 of the Impact Assessment? If not, please provide supporting evidence.

Yes, FDF agrees.

Question 3: Do you agree with the Government's preferred option? If not, please explain your answer, providing as much supporting evidence as possible.

Yes, FDF fully supports the Government's preferred option. We would also support that once amendments are implemented, exporters be permitted to apply these new rules to material exported since the beginning of the 2008.

Question 4: Do you have any comments on the proposed conditions in paragraph 2.13, which we intend to include in the regulations?

FDF supports the proposed conditions but suggests that the amendments to the Regulations be limited to only the principle of the proposed change leaving the detail of the specific conditions themselves to be covered in the Competent Authorities' guidance. This is particularly since the latter may be subject to more frequent review, for example in the light of the European discussions on the classification of 'end of waste'.

FDF would like to underline condition b) in that it is important that the Environment Agency is satisfied that the materials will actually be reprocessed and recycled.

Question 5: Do you have any comments on the analysis set out in Section 3 of the Impact Assessment?

FDF considers this to be reasonable and has no comments to add.

Question 6: Do you have any comments on the draft amending Regulation included at Annex A?

FDF supports the draft amending Regulation. In addition we note the exclusion of the specific conditions from regulation and suggest that they are detailed in guidance as per our response to Question 4.

The regulatory amendments are currently proposed for England, Wales and Scotland. We would request the amendments also apply to Northern Ireland from the same date.

Question 7: Do you have any comments on the draft guidance set out at Annex B?

FDF supports the guidance as presented in Annex B.

Question 8: Do you support the compilation of a list of “accredited sites”?

Yes, FDF supports the compilation of a list of “accredited sites” either through the Agencies or by the metal trade associations.

Question 9: How should the list be available?

FDF would propose that one option might be to make the list accessible online through the National Packaging Waste Database.

Question 10: Would you support the use of PRN/PERN revenue to fund overseas inspection? How could such pooled resources be most effectively used?

FDF considers that it is more appropriate that inspection activities are funded through the accreditation fee for reprocessors and as such it is not necessary to ‘divert’ PRN revenue to this. It is our view that any compiled list should allow savings in time and resource for the Environment Agencies, as mentioned in para 3.2 of Chapter Three and as such an additional fund would be unnecessary.