

British Metals Recycling Association

Response to Defra Consultation – ‘Packaging Waste Regulations 2005’ published August 2006.

The British Metals Recycling Association (BMRA) is the trade association for ferrous and non-ferrous metal recycling companies throughout the UK. We represent some 300 businesses, from multi-national companies to small family-owned enterprises. BMRA members are a £3.5 billion industry, processing over 13 million tonnes of metal every year; and exporting worldwide.

In 2006, our industry will be responsible for the recovery and subsequent recycling of nearly 600,000 tonnes of steel and over 128,000 tonnes of aluminium derived from packaging. Recycling of metals offers considerable economic and environmental benefits. Using secondary raw materials saves natural resources – for example, 42% steel and 39% aluminium is made from recycled metal, saving substantial primary sources such as iron ore and bauxite. Producing metals from secondary raw materials also results in substantial energy savings and reduces CO₂ emissions.

This response contains the industry’s response to the Defra consultation document on the new packaging waste database and other technical changes, published in August 2006. It is based on consultation with a range of companies across our industry, which included meetings of the BMRA Legislative Policy Group and METRE. BMRA’s response has been organised to follow the consultation questionnaire.

Part 1 – Corrections and Technical Changes

Do consultees agree with the proposed technical changes set out in paragraphs 1.1 to 1.34 above? – for reprocessors and exporters particular points (viii), (x), (xii) to (xiv) and (xvii)?

(viii) We support the proposed amendment to allow suitably-qualified independent environmental auditors to produce company audits.

(x) We would welcome clearer guidance for auditors and those companies being audited that establishes report content and the level of detail required, that may help reduce the number of instances where re-submission of a report would be necessary. Without this, it is difficult for companies to do more than ensure that auditors have appropriate professional accreditation.

(xii) to (xiv) The proposal to allow Agencies the power to refuse accreditation on the grounds listed introduces consistency with the new Transfrontier Shipment of Waste Regulations due to be introduced in 2007 and is therefore supported.

However, the requirement for exporters to identify accredited overseas reprocessors creates considerable difficulties for companies.

1. There is no clear definition of “broadly equivalent standards” which makes it difficult to obtain proof of recycling and recovery at overseas reprocessors will be enforced given the difficulties in assessing equivalence.

It is also very time-consuming and difficult to ensure the details an overseas reprocessor supplies are valid due to language barriers and lack of familiarity with foreign documentation.

Given the established nature of the metals recycling industry, the value of metals, the proven reality that all recovered metal is recycled into new material, and that metals recycling is an accepted low-risk activity, we believe that there is a strong case to support a special case for metals whereby if a facility is approved by its local licensing agency for imports of waste for recycling/reprocessing, this should be sufficient. For example, CCIC for Chinese reprocessors operating to AQSIC. This approach would be consistent with the requirements of the Better Regulation initiative and because information could be maintained by the Agency on a central database, reduced administrative burdens on exporters should be achievable.

2. The proposals to require exporters to only be accredited for export for reprocessing at specified accredited reprocessing sites is restrictive to the trade of metals since (1) metals are traded globally via a series of brokers and intermediaries, many of whom are unidentifiable until the time trading occurs (this is especially true for non-ferrous metals); (2) exporters will not want to disclose broker/customer information to anyone other than the competent authorities.

The proposal to include the carry forward period to which the independent audit applies will have little effect on companies and is therefore supported.

(xvii) We welcome the amendment to clarify the producers' obligations under the Regulations.

Part 2 – Electronic signatures, electronic submission of data on packaging and packaging waste and electronic submission of evidence of recovery and recycling

Do you think the on-line data system should be developed to include functions not covered in the present work being undertaken? Would you be prepared to pay the addition to your fee set out in order to do this?

We support the proposals regarding electronic data and evidence submission. We note that paragraph 2.7 expects that electronic submissions will simplify the annual registration process for companies renewing applications. It also states that data accuracy verification will be improved, removing first-stage monitoring from the Agencies. We seek confirmation that as a result lower costs will be realised.

We also support the National Packaging Waste Database and its future development. However, given that the Packaging Regulations implement a producer responsibility Directive, it is difficult to justify why reprocessors and exporters of packaging wastes would be expected to part-fund, through increased fees and charging, the upgrade of the Agencies' IT system.