

Regulatory Position Statement – Transfrontier Shipment of Wastes

Requirements for charities and other organisations involved in the collection of used clothes.

Introduction

Movement of waste across international boundaries is subject to the requirements of Regulation (EC) No 1013/2006 on Shipment of Wastes. This was transposed into Northern Ireland legislation by The Transfrontier Shipment of Waste Regulations 2007 (as amended). Imports and exports of waste to and from the UK are subject to a range of regulatory controls. The controls are generally referred to as “green list” and “notification” controls. Please note that if the correct procedures are not adhered to, there is a risk of prosecution. This document is aimed at providing guidance to organisations, including charities, involved in the collection of used clothes. In **some** circumstances, used clothes will not be deemed to be waste and waste regulations will not apply. However, if used clothes are deemed to be waste, they may fall under the “green list” controls. Further information on the Transfrontier Shipment of Waste is available at the following link: <https://www.daera-ni.gov.uk/articles/transfrontier-shipment-waste>

Textile banks

The contents of a textile bank are deemed to be waste because, the material has been discarded and not checked prior to being accepted into the bank. Anyone handling waste must ensure they comply with the obligations of Duty of Care. Further information on Duty of Care is available at the following link:

<https://www.daera-ni.gov.uk/articles/duty-care>

Clothing donated will not be deemed to be waste, if the requirements of reuse are complied with. Guidance on reuse of material is available at the following link:

<https://www.daera-ni.gov.uk/publications/reuse-material>

Household door to door collections by charities

If you are a charity and operate a household door to door collection system, to collect clothing and bric-a-brac donations, these items will not be deemed to be waste if the requirements of reuse are complied with. The items will also not normally be considered to be waste because, the householder has donated rather than “discarded” the items. The donated items may subsequently become waste, if they are later assessed as being unsuitable for reuse for their original purpose, or surplus to requirements. Guidance on reuse of material is available at the following link:

<https://www.daera-ni.gov.uk/publications/reuse-material>

Charity surplus stock

Charities may sell unwanted surplus stock (clothes, toys and bric-a-brac) from their shops and collections to merchants for sorting for reuse, recycling or disposal. Charities may also transfer surplus stock and broken items on to contractors, who export the items on to developing countries. If you are transferring materials on for recycling or disposal, rather than reuse, then the items you are transferring will be waste. Anyone handing waste on to another person must ensure they comply with

their obligations under the Duty of Care provisions. Where items are deemed to be waste and are being exported, the level of control that applies to their export will vary depending upon the type of waste being exported. You will need to determine the waste code that most accurately describes the waste items you are exporting and identify the proposed destination country and comply with their controls. Further information on the Transfrontier Shipment of Waste is available at the following link:

<https://www.daera-ni.gov.uk/articles/transfrontier-shipment-waste>

Waste management contractors

Contractors who carry out the sorting of waste textiles from textile banks and other sources, such as surplus stock from charity shop donations, are deemed as handling waste. Contractors must ensure they hold the necessary waste authorisations, to carry out the operations they are performing on the particular waste types. The operation may require a waste management licence however, some waste activities are regulated with an exemption. Information on waste management licenses and exemptions is available at the following links:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/paragraph-12-short-guidance-september-2016.pdf>

Different fractions derived from the sorting operation will attract different levels of control, depending on whether they are waste or not. For example, if you sort out used clothes assessed as suitable for continued use as clothes, those items would not be considered as waste if transferred on for continued use as clothes. In contrast any fractions comprising clothes assessed as being unsuitable for reuse as clothes and transferred on for further processing, will remain waste and their transfer or export will be subject to waste controls.

Organisations that collect and ship sorted textiles overseas

If you are sending sorted used clothes destined for continued use as clothes, then the export won't be subject to the Waste Shipment Regulations, as you will be exporting non-waste "second hand" goods. However, if you are exporting clothes for further processing, for example, to be turned into rags or for recovery of the textiles to make new clothes, you will be exporting waste and must comply with the controls set out under the Waste Shipment Regulations.

<https://www.daera-ni.gov.uk/articles/transfrontier-shipment-waste>

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IMPORTANT NOTES PLEASE READ

This guidance document has been produced by the Northern Ireland Environment Agency based on information contained in Regulation (EC) No 1013/2006 and in The Transfrontier Shipment of Wastes Regulations 2007 (as amended) and on current understanding. This document may be subject to change in the light of regulatory changes, future Government guidance or experience of regulating this type of waste. Whether or not something is waste is a legal question and ultimately only a matter the courts can determine where there is a dispute. In any case where you are involved in moving materials across international boundaries, you must ensure you obtain the views of the regulators in other countries through and to which the materials are moving.