

Explanatory Memorandum to The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011.

This Explanatory Memorandum has been prepared by the Department for Environment, Sustainability and Housing and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 29 (ii).

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Recycling, Preparation for Re-use and Composting Targets (Definitions) (Wales) Order 2011.

Jane Davidson

Minister for Environment, Sustainability and Housing

25 February 2011

1. Description

- 1.1 This instrument sets out when local authority municipal waste is recycled, prepared for re-use and composted for the purposes of complying with the statutory waste targets set for local authorities by section 3(3) of the Waste (Wales) Measure 2010 (“the Measure”).

2. Matters of special interest to the Constitutional Affairs Committee

- 2.1 None.

3. Legislative background

- 3.1 The instrument is made under section 3(6) and 19(1) of the Measure.
- 3.2 Further to section 20(1) and (4) of the Measure, the instrument is subject to annulment, i.e. it is subject to the negative procedure.

4. Purpose & intended effect of the legislation

- 4.1 *Towards Zero Waste*, the overarching waste strategy document for Wales, sets the strategic direction of waste and resource management in Wales up until 2050. Achieving high recycling across all waste streams and economic sectors is an important objective of the waste strategy and its sector plans, including the Municipal Sector Plan.
- 4.2 In order to support the objectives of the overarching waste strategy, the Measure sets statutory targets for the percentage of a local authority’s municipal waste that is to be recycled, prepared for re-use and composted in a target financial year and in intervening financial years.
- 4.3 The Order provides more detail on what is meant by recycling, preparation for re-use and composting for the purpose of complying with those targets.
- 4.4 The definitions contained in the Order are consistent with the definitions for recycling and preparation for re-use contained in the revised Waste Framework Directive (Directive 2008/98/EC)¹.
- 4.5 It is the intention to provide further clarification of the terms defined in the Order in guidance to be made under section 7 of the Measure..

5. Consultation

- 5.1 Further to section 8(1) of the Measure, a consultation on the draft Order was undertaken between 1 December 2010 and 26 January 2011 i.e. for 8 weeks.

¹ OJ No L 312,22.11.2008,p3

- 5.2 In accordance with section 8(1), the Environment Agency and each local authority were consulted. In order to ensure all other persons with an interest in the Order were consulted, the consultation was open .
- 5.3 Twenty-eight responses were received in total, from local government, the waste industry, the third sector, government agencies, non-governmental organisations (NGOs) and individuals.
- 5.4 Following the consultation it was decided to remove Article 4 (1) (c) from the Order because of the practical consequences for local authorities of trying to accurately monitor and report on the transactions (sales or donations) of items prepared for re-use.
- 5.5 A full response to the consultation responses is currently being prepared and will be available from the Waste Strategy branch of the Welsh Assembly Government from 1st March 2011.

6. Regulatory Impact Assessment (RIA)

- 6.1 This Order has no direct impact on the private or voluntary sectors. Any effects consequential upon the statutory targets set in the Waste (Wales) Measure 2010 have been assessed in the RIA completed for the Measure.