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Food & Rural Affairs



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Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk



Llywodraeth Cymru
Welsh Government

Consultation on the introduction of mandatory digital waste tracking

January 2022



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Executive summary

The case for action

The UK is committed to moving towards a more circular economy, meaning we keep resources in use for as long as possible, extract maximum value from them, minimise waste and promote resource efficiency. We need to be able to ‘close the loop’ by turning the waste that does end up being produced, into a resource wherever possible. To do this we must ensure we have information about what waste is being produced and where it ends up.

Over 200 million tonnes of waste is produced in the UK each year¹ but there is currently no single or comprehensive way of tracking it, with legislation relating to the transport, management and description of waste being introduced separately over the last 30 or so years.

Large amounts of data are either not collected or not collated centrally. Multiple IT systems collect certain elements of waste tracking data. Some are paper-based, others digital, some are run by private contractors, others by the government, and where use of existing central digital systems is non-mandatory, take up is very low. As a result, it is very difficult to determine what happens to our waste and to have a comprehensive understanding of whether it has been recycled, recovered, or disposed of.

Joining these fragmented systems up and replacing paper-based record-keeping will make it much easier and less time consuming for legitimate waste companies to comply with reporting requirements whilst making it much harder for rogue operators to compete in the industry and commit waste crime including fly tipping, deliberate misclassification of waste, illegal waste exports and the operation of illegal waste sites.

Under the current system, export of waste under Green List waste controls is a self-regulatory system; exporters of these wastes are not required to obtain consent or pay any charges to cover compliance monitoring. Consequently, exports of non-hazardous waste for recycling can leave England and Wales without the waste shipment regulators being aware who is exporting the waste, what is being exported and where it is going.

There is a financial incentive to exploit the system by operators that cut costs by exporting contaminated or lower quality wastes, and by organised waste criminals that profit through illegally exporting poor quality wastes misdescribed as material suitable for recycling.

¹ [Defra's UK statistics on waste on GOV.UK](#)

Digital waste tracking will improve this, as this consultation proposes that exporters will need to enter information about the proposed export in advance of it leaving the UK and will need to provide details of where it is going. This information will enable regulators to target interventions on waste exports more effectively and stop exports they believe are illegal or will be dealt with illegally.

Background

The governments across the UK have committed to implementing and mandating the digital recording of waste movements, subject to consultation², and are committed to working with industry on the development of an electronic waste tracking system.

In 2020 as part of the GovTech Catalyst Challenge fund³, we developed prototypes of an electronic waste tracking service with two technology suppliers. This provided the groundwork for the development of the live service.

The IT service development is supported by a user panel of around 1,200 members representing waste producers, carriers, brokers, dealers, waste site operators, local authorities, and regulators from across the UK. Members of this panel help to develop the service by participating in user research and testing the system as it is developed.

We want to make it easy to track waste and resources in real time throughout the economy and we are aiming to deliver a waste tracking service that is simple to use and provides value for all users.

The waste tracking service will be developed in line with the UK government's guidance on using open standards⁴. We will use tools and infrastructure that is flexible, scalable, sustainable, and secure, designing the service based on user needs which have been developed and tested with the user panel.

² Commitments in: [HM Government 'Our Waste, Our Resources: A Strategy for England' \(2018\)](#), [Scottish Government – Securing a green recovery on a path to net zero: climate change plan 2018-2032 update \(2020\)](#) and [Making Things Last: a circular economy strategy for Scotland \(2016\)](#), and the [Llywodraeth Cymru/Welsh Government – Beyond Recycling: A strategy to make the circular economy in Wales a reality \(2021\)](#)

³ [Department for Environment, Food & Rural Affairs – Waste management: smart tracking of waste \(GovTech Catalyst\) \(2019\)](#)

⁴ [Cabinet Office Policy Paper 'Open Standard principles' \(2018\)](#)

Why we are consulting

The Environment Act 2021⁵ provides governments across the United Kingdom with the powers to introduce regulations to establish an electronic system for tracking waste.

The legislation allows for those regulations to require certain information relevant to waste tracking to be recorded onto the system and contain provisions on several areas including:

- accessing the data on the waste tracking system
- fees and charges
- exemptions and alternative requirements for digitally excluded persons
- offences and sanctions

The purpose of this consultation is to present and seek thoughts on our proposals for this. We will use the feedback to review and refine our proposals which will then be reflected in secondary legislation and shape the digital design of the waste tracking service. We therefore do not intend to run further public consultations on the secondary legislation.

Whilst waste policy is a devolved matter, the UK Government and devolved administrations have agreed to work together to develop a UK wide waste tracking service to provide a seamless system across the UK. Accordingly, this consultation is being undertaken jointly by the UK Government, the Scottish Government, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

Associated reforms

There are several other waste related policy areas undergoing reforms which have a link to the introduction of mandatory digital waste tracking including:

The introduction of Extended Producer Responsibility⁶ for packaging across the UK which will require information to be collected and reported about the amounts and composition of packaging that is recycled and disposed of.

Transfrontier shipments of waste - The UK Government has committed to introducing additional measures to tighten controls on waste exports including a commitment to ban the export of plastic waste to non-OECD countries⁷ and is intending to consult separately on these reforms.

⁵ [Environment Act 2021](#)

⁶ [Consultation on Extended Producer Responsibility for Packaging \(2021\)](#)

⁷ Note: this ban already applies in Northern Ireland

Improving consistency in recycling and separate collections of recycling waste streams across the UK.

In England, a consultation on carriers, brokers, and dealers reform is being published and a consultation on the introduction of mandatory reporting of food waste by food businesses of an appropriate size is planned for early 2022. In addition, there are planned hazardous waste reforms to improve technical competency in waste classification and to encourage producers and managers to implement the waste hierarchy in respect to hazardous waste.

Geographical extent and definitions

Unless otherwise stated, references to 'government' are references to the UK Government, the Scottish Government, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

This document and descriptions of existing law therefore relate to England, Scotland, Wales, and Northern Ireland.

References to ministers are references to ministers from each government. Reference to 'the regulator' or 'regulators' are references to the Environment Agency, the Northern Ireland Environment Agency (NIEA), Natural Resources Wales (NRW) and the Scottish Environment Protection Agency (SEPA) unless stated otherwise.

Reference to 'local authorities' includes councils in Northern Ireland.

Audience

Responses to this consultation are welcomed from:

- businesses and organisations involved in the management of waste including local authorities, waste management companies, waste carriers, brokers, dealers, and exporters
- other organisations such as professional and membership organisations, NGOs, consultants, and charitable organisations who have an interest in how waste is managed in the UK
- the producers of waste
- members of the public

Responding to this consultation

None of the questions in this consultation are mandatory. If you do not want to answer all sections, you do not need to.

Please respond to this consultation in one of the following ways:

Online using the [citizen space consultation](#) online tool

For ease of analysis, responses via the Citizen Space platform would be preferred, alternatively you can respond by:

Email to: wastetracking@defra.gov.uk

Or write to us at:

Consultation Coordinator, Defra
2nd Floor, Foss House, Kings Pool
1 to 2 Peasholme Green
York
YO1 7PX

Defra is managing the consultation process on behalf of the UK, Scottish and Welsh Governments and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

The Scottish and Welsh Governments will have access to the consultation responses provided via the Citizen Space consultation hub.

If you would like to send a copy of your consultation response to the Scottish and/or Welsh Governments, then please send to the following addresses:

Scotland

To respond if you are based in Scotland you can email eqce.cezw@gov.scot

Or write to:

Zero Waste team
Scottish Government
3H South, Victoria Quay
Edinburgh
EH6 6QQ

Wales/Cymru

To respond if you are based in Wales you can email ResourceEfficiencyAndCircularEconomy@gov.wales or to respond in Welsh email EffeithlonrwyddAdnoddauAcEconomiGylchol@llyw.cymru.

Northern Ireland

If you are responding from Northern Ireland, please ensure a copy of your response is sent by email to WastePolicyTeam@daera-ni.gov.uk.

Duration

This consultation will run for 12 weeks. This is in line with the Cabinet Office's 'Consultation Principles' which advises government departments to adopt proportionate consultation procedures. The consultation opens on 21 January 2022. The consultation closes on 15 April 2022.

After the consultation

A summary of the responses to this consultation and the government response will be published and placed on government websites at www.gov.uk/defra, www.daera-ni.gov.uk, www.gov.scot and www.gov.wales

The summary will include a list of respondents and organisations that responded but not personal names, addresses or other contact details. However, information provided in response to this consultation document, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes for example, Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018.

If you want information, including personal data that you provide, to be treated as confidential please say so clearly in writing when you submit your response to the consultation and explain why you need these details to be kept confidential.

If we receive a request for disclosure under the FOIA, we will take full account of your explanation, but due to the law we cannot provide an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

Defra is the data controller in respect of any personal data that you provide, and Defra's [Personal Information Charter](#) on GOV.UK gives details of your rights in respect of the handling of your personal data.

Compliance with the consultation principles

This consultation is being conducted in line with the consultation principles set out in the [Better Regulation Executive guidance](#).

If you have any comments or complaints about the consultation process email them to consultation.coordinator@defra.gov.uk

Or write to:

Consultation Coordinator, Defra
2nd Floor, Foss House, Kings Pool
1 to 2 Peasholme Green
York YO1 7PX

About you

Q1) Would you like your response to be confidential?

- yes
- no

If you answered 'Yes', please give your reason

Q2) What is your full name?

Q3) What is your email address?

This is optional, but if you enter your email address you will be able to return to edit your consultation response in Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you submit a completed response.

Q4) Which of the following best describes who you are responding on behalf of? Select one option only, if multiple categories apply, please choose the one which best describes the organisation you are representing in your response.

- business representative organisation or trade body
- waste site operator
- waste broker or dealer
- waste transportation company or waste carrier
- waste producer
- product manufacturer
- local authority
- community group
- non-governmental organisation
- charity or social enterprise
- consultancy
- academic or research organisation
- member of the public
- other

If you answered 'other', please provide details

If you are responding on behalf of an organisation or business, please provide the name of the organisation or business and an approximate number of staff (where applicable).

Q5) Considering who you are responding on behalf of, in what part of the UK would you say you are based or operate in? (tick all that apply)

- England
- Wales
- Scotland
- Northern Ireland

Q6) Would you be interested in joining our user panel? As part of the development of the digital waste tracking service we have formed a user panel of interested parties. Members of the panel are invited to participate in user research (for example, surveys, workshops, and interviews) or to test digital services as they are designed and built.

- yes
- no
- already signed up

You can sign up to the user panel [here](#). We also produce regular newsletters about the progress of the waste tracking service development. Join our mailing list and receive our monthly newsletters [here](#).

What will be tracked and what will it mean for you?

Current information recording requirements

Legislation⁸ across the UK requires that on the transfer of waste a written description is transferred to enable other people to appropriately manage the waste. This is commonly known as the 'duty of care' requirements. For non-hazardous waste this is completed using waste transfer notes and for hazardous waste the records are called hazardous waste consignment notes (or in Scotland, special waste consignment notes).

These requirements do not apply to the occupier of a domestic property when they are dealing with waste from their household. They have a lighter touch householders' duty of care to ensure their waste is only transferred to a person who is authorised to take it. This applies to black bin bag waste as well as other items such as old mattresses, furniture, and household appliances.

There are additional recording requirements for those managing hazardous waste including the need to keep records of any materials or products produced from the treatment of the waste. These additional requirements now also apply to waste which contains persistent organic pollutants (POPs).

These are substances that are toxic, bio-accumulative, long-ranging and do not break down in the environment. While not all POPs are classed as hazardous substances, all waste containing POPs is required to be tracked in the same way as hazardous waste

⁸ The Environmental Protection Act 1990 for England, Scotland, and Wales and the Waste and Contaminated Land (Northern Ireland) Order 1997 for Northern Ireland

(even if it is non-hazardous waste), but we do not currently have a consistent mechanism for doing this.

Some waste management sites have waste data reporting conditions as part of their permit, licence, or exemption registration. This can include details of waste which has entered or been removed from the site as well as limited details of waste treatment, but this information is usually only required on a quarterly basis at most and does not extend to all sites that receive and manage waste.

Waste exemptions allow waste operations considered lower risk to be carried out according to general rules without the need to apply for an environmental permit or licence. There are around 60 different types of waste exemption covering a variety of activities.

While the activities they cover are deemed low risk many have the ability under the general rules which apply to them to accept large volumes of waste and to submit that waste to a wide variety of activities⁹. In England alone there are around 500,000 registered exemptions. We know that exemptions are often abused¹⁰ and this undermines legitimate businesses in the sector¹¹.

Without information about what is happening to waste regulated under registered exemptions, we will continue to have a big gap in our knowledge around how much and what types of waste are being re-used, recovered, or being disposed of. This will hamper our drive to move to a more circular economy and will prevent us from having complete information about hazardous waste and waste containing POPs.

The proposals

Waste types

We propose that controlled waste (encompassing both hazardous and non-hazardous household, commercial and industrial waste) and extractive waste (such as, from mines and quarries) are covered by information recording requirements for a digital waste tracking service.

This will standardise requirements across waste types and across the United Kingdom and ensure we have a complete picture of waste being produced and how it is managed. It

⁹ For example, the limit for the U1 exemption in England and Wales is currently 5,000 tonnes and in Scotland the Paragraph 19 exemption allows up to 50,000 tonnes of waste to be stored and used for construction and other relevant works.

¹⁰ [Defra 'Consultation on proposals to tackle crime and poor performance in the waste sector and introduce a new fixed penalty for the waste duty of care' \(2018\)](#)

¹¹ A 2017 study by Eunomia and the Environmental Services Association estimated that if just 5% of registered exemptions were non-compliant the cost to the English economy would be £87 million a year in lost turnover to the legitimate waste management industry and lost tax revenue.

also allows for any controlled or extractive waste containing POPs to be identified in the new service and tracked accordingly.

Waste activities

We propose using the waste tracking service to capture the full journey of waste from the point it is produced and transferred to another person or site, to the point it reaches its end fate. We propose harmonising the activities that are recorded in this journey for all wastes, so there is a single, comprehensive, and consistent approach which is clear to all waste holders.

We propose using the current recording requirements for hazardous waste activities as the basis for this consistent approach. Under this approach the same activities would be recorded for both hazardous and non-hazardous waste with some exceptions for non-hazardous waste at the site where it is produced.

As part of this approach, we propose recording the next destination for end of waste products and materials to obtain the full picture of what happens to all waste, including where it is circling back into the economy as a resource.

Waste activities to be recorded in the waste tracking service

1. Waste transferred to another person or company (on same site or different site).
This will include transfers of waste from households to registered waste carriers, but not where household waste is collected by the local authority. Waste imported or exported under Article 18 Green List Waste controls¹² ('Green List Waste Controls') will also be included.
2. Waste moved between sites managed by the same person.
3. Waste treated on site by the waste holder.
4. Waste that has undergone treatment to ensure that it is subsequently suitable for reuse, recycling, recovery, or disposal.
5. Waste that has been discharged, disposed of, or recovered including through reuse or recycling.
6. End of waste products or materials¹³ that are produced from waste and subsequent transfer to next destination. Limited to first movement or sale of products after production.

¹² [Green List Waste Controls](#)

¹³ Products and materials produced from waste that are no longer deemed to be waste and have achieved end of waste status. This may be through compliance with; retained EU law versions of EU regulations (such

What will this mean for you?

Business waste

As a business disposing of waste instead of having paper-based records for the waste removed from your premises, there will be a digital record created on the waste tracking service. Your waste carrier will be able to enter this record for you, but as now, you will need to check the details are correct.

It will be easier than ever before to see exactly what happens to your waste, making your duty of care responsibilities much more straightforward. Where you have the same type of waste, regularly collected by the same carrier, the service will be designed in a way to save you even more time.

Household waste

As a household resident this will not change your council bin collections. When you get other waste collected, in a skip for example, either put there by you or by tradespeople working for you, the person or business collecting the waste will need to create a digital record.

They will give you a unique identifier, which if you want to, you can use to see what happens to your waste, giving you reassurance that the waste has been disposed of properly and helping to reduce the risk of fly tipping.

Local authorities

As a waste collection authority, you will not need to track waste from individual household collections. Waste will need to be recorded in the service when it arrives at a receiving site and then further tracked in the service as required from there.

If you provide paid for waste collections for commercial business or industrial premises, then you will need to record those waste movements from the producers' premises.

Much of the information you previously had to gather and report through WasteDataFlow will now be on the waste tracking service so there will no longer be a need for you to report this separately. You will have much more timely information as to what is happening to waste in your area.

as the EU end of waste regulations), Quality Protocols (or future Resource Frameworks) that apply within the relevant nation, case by case decisions from the relevant environmental regulator, or through business self-assessment in accordance with legislation.

Waste site operators

As a waste site operator such as any site accepting waste including registered exemptions, you will need to record details of the waste you receive on site and then subsequently what you do with it, digitally on the waste tracking service rather than using a paper-based system.

Through the digital service we intend to provide you with user friendly and customisable summaries and reports about the waste you're handling, helping you to make more informed decisions about your business operations and helping you comply with any waste permits, licences, or registrations you hold.

Waste importers and exporters

As a waste importer or exporter, you will need to record details of waste you intend to import or export under Green List Waste controls onto the waste tracking service. You will continue to use the existing International Waste Shipments online system to record any notifiable exports.

Those involved in transporting the waste for export within the UK will be adding their information to the waste tracking service so you will have a timely understanding of where any waste you are managing is at any point in the movement, allowing you to comply with your duty of care responsibilities.

Environmental regulatory officers

As an environmental regulatory officer, you will have access to comprehensive and timely information about all waste movements and activities within your area. This will help you to detect waste that disappears or does not reach the next stage of the chain (which could indicate that it's been illegally dumped) and to provide evidence as to who may be responsible for it, such as:

- waste being stockpiled at sites
- waste descriptions that change unexpectedly (possible landfill tax avoidance)
- unusual patterns of waste transfers (indicating potential fraud schemes)

Q7) Do you agree or disagree with the waste types we are proposing to be tracked?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q8) Do you agree or disagree with our proposals for which waste activities will be recorded in the waste tracking service?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

When waste tracking will not be required

We do not wish to deter waste producers from treating non-hazardous waste to enable it to be managed further up the waste hierarchy such as by re-using, recovering, or recycling it.

We are therefore proposing that for non-hazardous waste only, there will not be a need to record details of the following activities at the site of production:

- waste treated on site by the waste holder.
- waste that has undergone treatment to ensure that it is subsequently suitable for reuse, recycling, recovery, or disposal.
- waste that has been discharged, disposed of, or recovered including through reuse or recycling.

This also applies to a number of registered waste exemptions which do not involve the transfer of waste in or out of the place where they are registered for example, D2 - burning plant tissue and untreated wood from joinery activities (England and Wales) or the equivalent Paragraph 30 Burning plant tissue waste on land in the open in Northern Ireland and Scotland.

Requirements for waste managed in other scenarios

Aside from waste permits, licences or registered exemptions, waste can also be managed under several other types of authorisation, such as:

Non-Waste Framework Directive exemptions which allow the temporary storage of waste in certain circumstances for example, a shop which provides a container for customers to deposit waste batteries.

Low Risk Waste Positions (known as Regulatory Position Statements in Scotland and in Wales, Low Risk Waste Recovery Operations) which cover specific activities that an environmental regulator has decided it won't normally take enforcement action where a person has complied with all the relevant conditions. For example, LRWP 11 Storing and dismantling waste domestic gas meters.

Regulatory Position Statements (known as Regulatory Decisions in Wales) which tend to cover broader instances and usually for a temporary period where an environmental regulator has decided it won't normally take enforcement action against a person who has complied with all the conditions in that Regulatory Position Statement or Regulatory Decision. An example of this is RPS 224 which allows the collecting of non-hazardous, non-food waste from different premises at a single site.

Where these currently involve a need to record waste movements or transfers under Duty of Care, similar records will be required on the waste tracking service.

However, where these authorisations allow for further waste activities to take place for example, disposal, recovery or treatment, there are currently no specific requirements around recording details of this and there are options for requiring this under the new waste tracking service including:

- requiring full details (as in the 'Waste activities to be recorded in the waste tracking service' section)
- exempting them from the need to provide this further information, noting that this would present a gap in our overall waste picture
- a mixture, with some specified activities coming with a requirement to record these details and others that do not

Q9) Do you agree or disagree with our proposals for when waste tracking will not be required?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q10) Do you have any views about how we should incorporate waste activities conducted under Non-Waste Framework Directive exemptions, Low Risk Waste Positions and Regulatory Position Statements into the waste tracking service? Should we:

- a) require full details (as above in the 'Waste activities to be recorded in the waste tracking service' section),
- b) exempt them from the need to provide this further information, noting that this would present a gap in our overall waste picture,
- c) have a mixture of a) and b), with some specified activities coming with a requirement to record these details and others that do not
- d) do something else to incorporate them.

If you answered (d), please provide details.

What reporting regimes will be included in the service?

Once the new waste tracking service is live, information about waste transfers, movements and activities will be recorded in one place and therefore we will be able to remove many of the existing separate reporting requirements for businesses and local authorities including:

- quarterly permitted and licensed site returns
- hazardous waste returns (England and Wales)
- waste summary returns (Northern Ireland)
- complex exemption returns that may be required by SEPA (Scotland)
- local authority waste collection and treatment information
- in Northern Ireland - prenotification of hazardous waste consignment notes and submission of Annex VII forms to NIEA
- in Scotland - pre-shipment submission of Annex VII forms and submission of hazardous or special waste consignment note deposit copies to SEPA

Q11) Do you agree or disagree with our proposals to remove the requirement to submit information or waste data returns as listed, once the waste tracking service is live?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Information recorded on the waste tracking service

The ability to track waste effectively from production to end fate is currently hindered by the fact that for the majority of waste movements and transfers (non-hazardous and Green List Waste) there is no legal requirement for a unique identifier to be applied.

There is also no consistent process for tracking waste which is rejected by a site and this provides the opportunity for waste to be deliberately re-classified incorrectly in order to be accepted at another site, thereby posing a risk to the environment, undermining legitimate businesses, and potentially avoiding costs that might otherwise need to be paid for example, higher rates of landfill tax.

To address the issues with the current system of waste information reporting we are proposing the recording of some additional information in the waste tracking service as set out in Table 1 below.

Not all information requirements will be applicable to all users of the waste tracking service. Their relevance will depend on the type of waste being handled or the type of waste movement being undertaken and someone's role within that process.

Table 1 – information to be recorded in the waste tracking service

Information	Description
Unique identifier	All movements of waste between producer to receiving site will have a unique identifier generated by the service.
Waste classification	Inclusion of fields to record details of who classified the waste (in addition to the waste description information which is currently already required)
Waste destination details	Details about intended receiving site will need to be provided for all waste movements, including the type of authorisation held by the receiving site, for example, permit, exemption, or low risk waste position.
Standard Industrial Classification (SIC) Codes	<p>SIC codes are used to indicate the type of process or industry that generated the waste.</p> <p>This is useful information for identifying patterns and trends about waste generation that can be used to inform policy making.</p> <p>SIC codes are currently required for hazardous waste consignments but we are proposing extending this to all waste movements or transfers from commercial premises.</p>
Rejected or quarantined loads details	The service will incorporate a consistent process for identifying waste which has been rejected and its subsequent transfer or movement to ensure full auditability.
Waste treatment details including end fate of waste	<p>Details of the treatment of all types of waste (as per the ‘Waste activities to be recorded in the waste tracking service’ section) will need to be recorded.</p> <p>Details of waste treatment is already mandatory for hazardous waste and for waste shipped under Green List Waste controls. It is also required on site returns for many permitted waste sites.</p> <p>Expanding this requirement to cover all controlled and extractive waste would give us a much better understanding of the different treatments that are taking place and to what degree.</p> <p>This could help to inform policies around different treatment activities, waste infrastructure as well as providing information on the availability of treated waste for new and innovative products or industrial processes.</p>
Persistent Organic Pollutants (POPs) identification	The new waste tracking service will include a way to indicate that waste contains POPs (basic information) and potentially details on what those POPs are and level of content (enhanced information).

Information	Description
Details of end of waste products and materials produced	Information required here may include basic details such as description including weight and volumes, in addition to details of any applicable standards, quality protocols, resource frameworks or end of waste decisions (including self-assessment of end of waste status) that are associated with the product or material.
Onward destination of end of waste products or materials	Requirements here may include address and contact details for the onward destination of any end of waste products or materials (limited to the first movement), the description and weight or volume of products moved to each destination, and the details of when that movement took place.
Nation specific requirements	<p>We will use the waste tracking service to incorporate any existing or future nation specific waste information recording requirements.</p> <p>For example, in Scotland where from 2025 biodegradable municipal waste will be banned from landfill. Where the waste is classified as one of several specified codes the waste holder will need to record that the waste is either:</p> <ul style="list-style-type: none"> • not from a 'municipal' source or, • has been treated and complies with the relevant biodegradability test <p>There may be other information requirements due to other reforms such as those on extended producer responsibility and separate waste collections.</p>

Q12) Do you agree or disagree with the information recording proposals in Table 1?

a) A system-generated unique identifier

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

b) Details of the person who classified the waste

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

c) Details about the destination for all waste movements, including the type of authorisation held

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

d) Standard Industrial Classification (SIC) code

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

e) Details of rejected or quarantined loads

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

f) Details of waste treatment

- agree
- disagree
- no opinion

If you answered 'disagree', please give your reasons

g) Persistent Organic Pollutants (POPs) identification

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

h) Details of end of waste products and materials produced

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

i) Information about onward destination of end of waste products or materials

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

- j) Nation specific requirements for any existing or future requirements
- agree
 - disagree
 - no opinion

If you answered 'disagree', please tell us why

Q13) Persistent Organic Pollutants – how much information about POPs do you think should be recorded in the service?

- a) basic level - indication that waste contains POPs only
- b) enhanced level - additional details on the specific POPS contained in the waste and the content level of the POPs
- c) other
- d) no opinion

If you answered (c) please provide details

Q14) Is there any other information related to waste management that you think should be recorded in a new digital waste tracking service?

- yes
- no
- no opinion

If you answered 'yes', please provide details

Recording treatment and product details

Currently any recovery or disposal treatments or activities that waste holders submit waste to are recorded using the most appropriate D or R Code as set out in the relevant waste permitting or licensing legislation¹⁴.

We are considering how best to record waste recovery treatments and disposal methods in the new waste tracking service, and we would be interested to understand your views on this.

Q15) Are you familiar with the existing D and R codes?

- yes
- no
- not applicable to you

¹⁴ The Environmental Permitting (England and Wales) Regulations 2016 for England and Wales, the Waste Management Licensing (Scotland) Regulations 2011 for Scotland and for Northern Ireland the Waste Management Licensing Regulations (Northern Ireland) 2003

Q16) Do you find D and R codes easy to apply?

- yes
- no
- not applicable to you

If you answered 'no', please tell us why you find them hard to apply

Q17) Do you have any suggestions as to how recovery or disposal activities should be recorded in the waste tracking service?

- yes
- no

If you answered 'yes', please provide details

Q18) End of waste products or materials - do you use any existing standard codes or descriptions to record end of waste products produced from waste?

- yes
- no

If you answered 'yes', please provide details

Dangerous goods regulations

In England and Wales hazardous waste consignment notes currently contain a section to record information required by the Dangerous Goods regulations¹⁵. In Northern Ireland, a separate Dangerous Goods note is required. Legislation allows for the required information to be provided in a digital format, provided the information is presented and available during transport.

The waste tracking service could be used to record dangerous goods information, provided that the information was entered in advance of the movement taking place, but it may be that carriers would prefer to use other alternative methods or systems that they already have.

Q19) Do you transport hazardous waste?

- yes
- no

Q20) How do you currently record dangerous goods information?

- paper record
- digital record
- both
- not applicable

¹⁵ The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

Q21) Where do you think information demonstrating compliance with the Dangerous Goods Regulations with regards to the movement of waste should be recorded?

- in the new waste tracking service
- somewhere else
- no opinion

If you answered, 'somewhere else', please provide details

Waste hierarchy

Legislation across the UK¹⁶ places a duty on waste holders to take all measures reasonable in the circumstances to apply the waste hierarchy on the transfer of waste. The hierarchy involves 5 actions that can be taken with regards to waste in the following priority order:

- prevention
- preparation for re-use
- recycling
- other recovery, for example, for energy recovery
- disposal

Across the UK, waste transfer notes and hazardous waste consignment notes differ in their inclusion of waste hierarchy related requirements. It would be possible to include a field in the new digital waste tracking service for users to indicate compliance with the waste hierarchy elements of the applicable duty of care code of practice. This would harmonise the approach across the UK, but we would like to explore if there are more effective ways in which to promote and invigorate the application of the waste hierarchy across all waste holders (producers, carriers, brokers, importers, operators of waste sites).

Q22) If you produce, manage or handle waste in any way, were you aware of your duty to apply the waste hierarchy prior to reading this consultation?

- yes
- no
- not applicable

Q23) Do you think waste holders including producers should record their compliance with the application of the waste hierarchy in the Waste Tracking service?

- yes
- no
- no opinion

If you answered 'yes', please tell us how you think this should be done

If you answered 'no', please tell us how you think it should be demonstrated

¹⁶ In England and Wales this is the Waste (England and Wales) Regulations 2011, in Northern Ireland the Waste Regulations (Northern Ireland) 2011 and in Scotland Section 34(2A) of the Environmental Protection Act 1990

Ways to enter information

We want to make sure that all those required to input information onto the waste tracking service can do so easily and with minimum inconvenience to their current ways of working.

We therefore intend to develop a service (for both English and Welsh speakers) that will allow information about waste to be entered in a variety of ways, enabling operators to continue to use their own systems where possible.

Based on our user research we have identified the following as requirements for data entry options:

- a) Manually type in records - either using an online form or mobile app provided by the Waste Tracking Service.
- b) Upload data from existing spreadsheets - where waste records are held in existing spreadsheets this data could be copied or transferred into a standardised spreadsheet provided by the Waste Tracking Service which would then be uploaded onto the service website.
- c) Upload data from existing waste tracking software via a spreadsheet - data in existing waste tracking software* could be exported into a standardised spreadsheet provided by the Waste Tracking Service which would then be uploaded onto the service website.
- d) Directly transfer data from existing waste tracking software (or through use of barcodes and QR codes) to the Waste Tracking Service - data in existing waste tracking software* could be directly transferred to the Waste Tracking Service (without using a spreadsheet) via an Application Programming Interface (API) which enables two software programs to directly share data. An API would also allow for the entry of data through scanning of digital tags or codes such as QR codes.

*Existing software could be a COTS (commercial off the shelf) application or a bespoke application you have developed yourself or had developed for you.

A helpdesk facility (helping in English and Welsh) will be available to assist users experiencing any difficulty entering the necessary information into the service.

Appropriate and practical data standards, for example, standard address formats or waste descriptions are important for ensuring the quality and consistency of information, reporting and data analysis and where auto-population of certain information may be appropriate. We intend to work with members of the user panel to develop a consistent open data standard for entering the required information on the waste tracking service.

Q24) If you are likely to need to enter data into the waste tracking service, which of the options would you use for the majority of your data entries?

- a) manual entry
- b) data upload from existing spreadsheet records onto a waste tracking service standard spreadsheet
- c) data upload from existing waste tracking software onto a waste tracking service standard spreadsheet
- d) direct data upload via an application programming interface (API)
- e) something else
- f) no opinion

If you answered, 'something else', please provide details

Q25) When recording data in your current systems, do you use any form of data standard?

- yes
- no

If you answered 'yes', please tell us what these data standards are

When information must be recorded

Our ambition is for all waste movements and transfers (except in some cases where there are existing prenotification requirements) to be recorded on the waste tracking service in real time which means information is entered onto the service at the point waste is being moved from one place or person to another.

It is likely that within the waste industry there will be some businesses for whom real time recording suits their operation, but for others it may take longer to make the changes needed to incorporate real time tracking into their business processes.

It may also be easier to move to real time waste tracking for some types of waste, for example for hazardous waste, as current requirements for completing the documentation for a waste movement are more akin to 'real time' recording.

Real time recording would present many benefits in terms of improving the regulator's ability to conduct effective monitoring and enforcement of those carrying out illegal activities by; reducing opportunities for data to be deliberately manipulated, enabling them to monitor sites and operators under investigation and by providing them with the information to allow them to take action to prevent illegal activity occurring in the first place.

Engagement with industry however has told us that if we introduced mandatory real time tracking of waste movements too soon there could be a detrimental impact on the quality of data inputted due to the reduced ability to quality check the data before it is entered.

Q26) Do you agree or disagree with our ambition for real time recording of waste movements and transfers?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q27) For the following types of waste movements or transfers, how long do you think you would need to transition to real time recording?

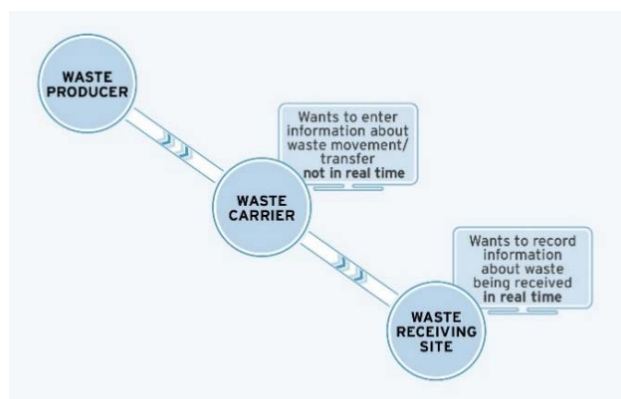
Table 2 – time needed to transition to real time recording

Movements or transfers of...	Less than 1 year	1 to 3 years	More than 3 years	Not applicable
Hazardous Waste				
Non-hazardous waste				
Green List Waste imports or exports				

Q28) What are the main barriers or motivators that will influence the time it takes you to transition to real time reporting?

Given the above, we are assuming that when the waste tracking service goes live there will be a mixture of users; some who will be able to and want to record information in real time and some that will require time to transition to recording information in real time.

We therefore intend to provide some flexibility for all users around when information will be required to be recorded on the service during a transitional period of a length to be determined and informed by responses to the previous question. Providing this flexibility however brings with it challenges around how we ensure the tracking service can work practically, as demonstrated in the scenario below:



In this scenario we are assuming that:

- each movement of waste from a waste producer to waste receiving site will have a unique identifier generated by the waste tracking service and,
- the waste carrier will record information on the waste tracking service on behalf of the waste producer.

If the waste carrier who is not operating using real time recording takes the waste collected from the producer to the waste receiving site, it will not yet have a unique identifier associated with it. This will hinder the waste receiving site who wants to operate and record information about the waste being received in real time.

Unless some form of paper record is still required to travel with the waste in all cases (for waste moved under Green List Waste controls there will remain a need for a paper copy of the record to travel with the waste) then the receiving site will not be able to conduct sufficient checks on what the waste is or where it has come from, as this information will not be travelling with the waste.

This will also impact on the regulator's ability to conduct effective 'on the ground' compliance or cradle to grave checks. Opportunities for waste to be mismanaged or 'lost' will continue to exist.

As such we are proposing that a certain amount of information about all waste movements and transfers will be required in advance of a waste movement, with further details being confirmed or submitted as appropriate by different parties at a later stage.

Details of the proposed processes for the recording of information about specific types of waste movement can be found in:

- [Annex A](#) for hazardous and non-hazardous waste movements
- [Annex B](#) for Green List Waste exports
- [Annex C](#) for Green List Waste imports

Note that requirements under regulations made for the introduction of mandatory digital waste tracking will only apply to those operating within the UK and therefore those parties outside of the UK involved in Green List Waste imports or exports, will not be subject to the requirements.

Q29) Do you agree or disagree with the overall proposed process set out in:

Annex A for hazardous and non-hazardous waste movements?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Annex B for Green List Waste exports?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Annex C for Green List Waste imports?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q30) How far in advance of a waste movement should the information listed under Step 1 in each of the processes be entered onto the waste tracking service?

Annex A hazardous and non-hazardous waste movements

- any time before the waste movement
- at least 1 day before
- at least 3 days before
- other (please provide details)

Annex B Green List Waste exports

- any time before the waste movement
- at least 1 day before
- at least 3 days before
- other (please provide details)

Annex C Green List Waste imports

- any time before the waste movement
- at least 1 day before
- at least 3 days before
- other (please provide details)

Q31) Who should be responsible for entering the information listed under Step 1 in Annex A in advance of the movement of hazardous or non-hazardous waste?

- waste producer
- waste carrier
- waste broker or dealers
- any of the above
- other

If you answered 'other', please provide details

Q32) Within what time frame should waste carriers enter the information as required in Step 2 Annex A and Step 4 for Annex B?

Annex A hazardous and non-hazardous waste movements

- 24 hours
- 48 hours
- 3 working days
- 1 week
- other

If you answered 'other', please provide details

Annex B Green List Waste exports

- 24 hours
- 48 hours
- 3 working days
- 1 week
- other

If you answered 'other', please provide details

Q33) Do you think there should be any difference in the requirements depending on whether hazardous or non-hazardous waste is being handled?

- yes
- no
- no opinion

If you answered 'yes', please provide details

Waste receiving sites

Where non-hazardous or hazardous waste is taken to a receiving site under the processes set out in Annex A (step 3) or Annex C (step 4), operators of these sites will be required to enter information on the waste tracking service about:

- a) the waste received at their sites
- b) the disposal, recovery, preparation for re-use or treatment of waste, including information about any end of waste products or materials produced from it (see ['Information recorded on the waste tracking service'](#) section)

Q34) Within what time frame should waste receiving sites be required to provide this information?

- a) information about the waste received at their sites:
 - 24 hours
 - 48 hours
 - 3 working days
 - 1 week
 - other
 - no opinion

If you answered 'other', please provide details

- b) information about the disposal, recovery, preparation for re-use or treatment of waste, including information about any end of waste products or materials:
 - 24 hours
 - 48 hours
 - 3 working days
 - 1 week
 - other
 - no opinion

If you answered 'other', please provide details

Season tickets

Where non-hazardous waste movements and transfers would currently be recorded using a season ticket, we are considering how best these can be incorporated within the new waste tracking service.

Options for this could include:

- a requirement to upload or log an agreement signed and agreed by both parties involved in the series of movements which is updated on an annual basis if still required and/or
- the ability to clone a previous waste tracking service record and update the date and time details for individual movements or transfers

Q35) Do you have any comments to make about this proposal or how you would like to see these movements incorporated in the waste tracking service?

- yes
- no

If you answered 'Yes', please provide details

Roles and responsibilities

Current roles and responsibilities for those who handle waste are set out in the relevant waste legislation¹⁷ and duty of care codes of practice across the United Kingdom. These set out the roles and responsibilities of the different types of people involved in waste production and management including waste producers, carriers, managers, brokers, dealers, and householders.

The current systems for recording waste transfers or movements however present challenges for some parties in the waste chain, particularly producers, from being able to demonstrate compliance with their duty of care.

Once the waste has been removed from their premises it is very difficult for waste producers to get any further evidence about how the waste has been handled or treated after that point. In most cases they will not even be assured that the waste has been received by the intended facility.

We propose that following the introduction of mandatory digital waste tracking the main changes to roles and responsibilities for waste holders are set out in Table 3 below. These do not apply to householders.

¹⁷ Environmental Protection Act 1990 for England, Wales, and Scotland and the Waste and Contaminated Land (Northern Ireland) Order 1997 for Northern Ireland.

Table 3 – waste tracking roles and responsibilities for waste holders

Role	Responsibilities
All	<p>Must register on the waste tracking service (either themselves or via another registered user)</p> <p>Must follow the required processes (where applicable) for recording any rejected waste in the waste tracking service</p> <p>Must follow any required processes for recording compliance with the waste hierarchy</p> <p>Must make any necessary updates to the waste tracking service record to ensure there is a complete and accurate record of all relevant waste removed, transported, or received</p>
Waste producers, carriers, brokers, or dealers (including those arranging shipments for Green List waste movements)	<p>Must ensure that an initial record for the waste movement is created on the waste tracking service (either by themselves or a third party) and a unique identifier is generated (via the service) before waste is removed</p>
Waste producers only	<p>Unless entering information onto the waste tracking service themselves, producers must provide the waste carrier, broker, or dealer with either:</p> <ul style="list-style-type: none"> • a suitable description of the waste to enable them to adequately classify the waste or • details of the waste classification(s) and of who classified it for entry onto the waste tracking service <p>Producers must also provide any other information the waste carrier, broker or dealer needs to ensure an initial record can be created on the waste tracking service prior to waste being moved</p> <p>Must ensure required entries about waste activities at site of production are made on the waste tracking service as per the requirement under the 'Information to be recorded' section</p>
Waste carriers only	<p>Must ensure that all parties involved in the waste movement are registered on the waste tracking service prior to any waste being moved (unless they are a householder or non-UK operator)</p> <p>Must provide the unique identifier for a waste movement or transfer to all parties involved (including householders). Note, this does not apply to local authorities collecting household waste from domestic properties</p> <p>Must only transfer waste to a site legally able to accept it</p>
Brokers and dealers only	<p>Must ensure that all parties involved in the waste movement are registered on the waste tracking service prior to any waste being moved (unless they are a householder or non-UK operator)</p> <p>Must only arrange for waste to be taken to a site legally able to accept it</p>

Role	Responsibilities
Operators of waste receiving sites only	<p>Must only accept waste with a unique identifier (generated via the waste tracking service)</p> <p>Must check waste is as described and that they are permitted or have capacity to accept it</p> <p>Must ensure required entries are made on the waste tracking service as per the requirements under the 'information to be recorded' section</p> <p>Note that if an operator of a waste receiving site sends waste to another site for further treatment, recovery, or disposal, then the role of producer will be assumed and the requirements for a producer must be followed.</p>

Householders

Householders will not be required to use the waste tracking service, they will still be required to take all reasonable measures available to them to ensure their waste is only transferred to an authorised person, as they do now.

Any waste to be removed from a householder's property by a waste carrier (excluding local authorities) should not be moved until a record has been created in the waste tracking service by the waste carrier and a unique identifier has been applied to the movement by the service.

Waste producers

Waste producers will continue to have responsibility over how their waste is subsequently handled and therefore we are proposing that when a record is updated or created on their behalf by the waste carrier, the producer should confirm the information that has been recorded.

This is akin to current requirements for producers or consignors to sign a waste transfer note or hazardous waste consignment note when waste is collected.

There are different ways that this confirmation could be given through the waste tracking service, including:

1. Within the service - the producer is notified of the unique identifier for a record and must access the waste tracking service to view and confirm the information by pressing a button.
2. Via an emailed summary of each record - the producer is sent a summary of the recorded information and a digital signature is requested and obtained outside of the waste tracking service. In the background, this links to and updates the waste tracking record to note the producer's confirmation.
3. By exception - the producer could be emailed (or for the digitally excluded, posted) a periodic summary of the waste movements from their premises.

If a producer believed any information on a waste tracking service record was inaccurate then documenting their efforts to resolve the issue with the waste carrier or raising a query within the waste tracking service would indicate fulfilment of this aspect of their duty of care.

Q36) Do you agree or disagree with the proposed requirements for each of the roles in Table 3?

a) Requirements common to all

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

b) Requirements common to waste producers, carriers, brokers, or dealers

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

c) Requirements applicable to waste producers only

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

d) Requirements applicable to waste carriers only

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

e) Requirements applicable to brokers or dealers only

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

f) Requirements applicable to operators of waste receiving sites only

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q37) How should waste producers be required to confirm the information recorded for their waste movements?

- option 1 within the waste tracking service
- option 2 through an emailed summary
- option 3 by exception
- another way
- no opinion

If you answered, 'another way', please provide details

Digitally excluded requirements

Within the UK there are a proportion of individuals who are deemed to be 'digitally excluded' and powers in the Environment Act 2021 enabling the introduction of digital waste tracking require that the regulations include an exemption for digitally excluded persons¹⁸ from any requirement that would involve the use of electronic communications or the keeping of electronic records. The regulations can however impose alternative requirements on those persons.

We are proposing an alternative process for digitally excluded people to enable them to provide their information in a non-digital way, and for this information to then be entered onto the waste tracking service (by the regulator for example) to ensure we have a full record of waste movements and activities. These alternative provisions would be two-fold:

- 1) A telephone service would be provided to enable digitally excluded people to register for the waste tracking service and to provide the required information in advance of a waste movement (as detailed in ['When information must be recorded'](#)) to obtain a unique identifier for that movement. .
- 2) A postal service would be provided to enable any remaining information about a transfer to be submitted and for waste receiving sites to provide the detailed information about how waste has been treated (as per the ['Information recorded on the waste tracking service'](#) section).

Any subsequent transfers of waste or end of waste products or materials out of a receiving site operated by a digitally excluded individual would need to be reported through the telephone service as above.

¹⁸ Defined in the Environment Act 2021 as a person a) who is a practising member of a religious society or order whose beliefs are incompatible with using electronic communications or keeping electronic records b) for whom it is not reasonably practicable to use electronic communications or to keep electronic records for any reason (including age, disability, or location)

This model enables the more time critical information regarding a waste movement to be captured quickly through the telephone service but allows for other information to be submitted in slower time.

There will also need to be some controls around the registration of digitally excluded individuals to ensure only those who are legitimately digitally excluded use the alternative provisions. Abuse of these alternative provisions could lead to inaccurate or incomplete data in the waste tracking service.

Therefore, the general principles we will adopt are that:

- digitally excluded individuals will be required to provide the same information as other users of the waste tracking service
- digitally excluded individuals will need to register as a digitally excluded user via the alternative mechanism provided, and give details of any relevant waste site permissions held - this information will then be loaded into the waste tracking service (by the regulator for example) so that the details are available for other waste tracking service users to select in the service when necessary
- those registering as a digitally excluded user will need to provide specified information and evidence as to why they consider themselves to be digitally excluded

There will be a way to identify digitally excluded users in the service, for example by some form of marker, so that regulators can expect information to be provided by that user via the alternative method and to allow others in the chain to continue to add their information about a waste movement or transfer

Q38) Do you agree or disagree with the general principles as set out above regarding digitally excluded individuals subject to waste tracking requirements?

- agree
- disagree
- no opinion

If you answered, 'Disagree', please tell us why

Q39) Do you agree or disagree with the proposed alternative methods for digitally excluded individuals to provide the required information?

- agree
- disagree
- no opinion

If you answered, 'Disagree', please tell us why

Q40) How long should digitally excluded users be given to provide the information required via the postal service element of these provisions? For example, updated waste movement information or details of waste treatment or production of materials from waste.

- 7 Days
- 14 days
- 1 month
- other
- no opinion

If you answered 'other', please provide details

Data retention, access, and confidentiality

A new waste tracking service will include details of:

- names and addresses of waste producers - both household and commercial
- business names and addresses (or personal details in the case of sole traders) of waste industry operators including waste carriers, brokers, dealers, and businesses operating waste receiving and processing sites
- names of waste company staff for example, site managers and drivers
- information regarding what waste permits or licences or waste authorisations are held by waste industry operatives for example, waste exemptions, permits or licences, and carrier's registrations
- movements of waste between specified holders, including date, time, waste description and the parties that have been involved in a waste movement or transfer
- how waste is being treated on a site, for example when and how it is disposed of, recovered, or what treatment processes it is subjected to
- any products or materials being produced from waste and where these go to - limited to the next destination only

The following groups will have different levels of access to the waste tracking service, and the limits of what they will be able to see will be dependent on their access level as set out in Table 4.

Table 4 – proposed types of information access for the waste tracking service

Service user	Level of information access
Relevant government officers and environmental regulators	Relevant information on the waste tracking service about waste movements within the country in question and where any movements have gone in or out of that country.
Tax authorities	Relevant information about the disposal of waste at landfill sites. Consideration will be given to providing direct access to this information in the service or through the environmental regulators.
Waste scheme administrators	Information relevant to the scheme in question, for example for Extended Producer Responsibility, relevant information is likely to include information about tonnages and types of certain waste handled by local authorities and waste receiving sites.
Local authorities	Information on local authority managed waste being produced, transported, or disposed or recovered within their local authority area. Where waste produced in a particular authority is transferred to a location outside of that local authority's area, the original local authority will be able to view the end fate of that waste.

Service user	Level of information access
<p>Businesses involved in waste movements – commercial waste producers, carriers, brokers, dealers, waste receiving sites.</p>	<p>Will be able to see and edit records that they are a party to.</p> <p><u>Producers and carriers</u> will be able to see details of the waste movements or transfers up to the point the waste has been accepted at the first receiving site.</p> <p>We will be investigating ways in which the ‘end fate’ of a particular load of waste is recorded or determined, and we would seek to be able to provide waste producers with more insight of this to improve their understanding and decision making regarding their waste.</p> <p><u>Waste receiving sites</u> will have additional access to record and view data relating to the treatment, recovery, disposal of waste on their site or relating to the production of products and materials from waste.</p>
<p>Household waste producers</p>	<p>Will have access (view only) to records they are a party to via a unique identifier provided by their waste carrier. They will be able to see details of who the carrier was and where the waste was taken.</p> <p>Note, this is for privately organised waste collections only, not household waste collections by the local authority.</p>
<p>Wider public and interested parties</p>	<p>We propose that the waste tracking service will have a public facing interface and through that interface users would be able to create, and view summary reports including information on:</p> <ul style="list-style-type: none"> • types and amounts of waste generated • types and amounts of waste handled or treated by particular types of sites • end fate of waste • origin of waste in terms of general area <p>This is similar to the information that is already publicly available.¹⁹</p> <p>Through the new service we would also seek to provide access to information on:</p> <ul style="list-style-type: none"> • types and amounts of products and materials being produced from waste

¹⁹ Available via: [Data.gov.uk 2019 Waste Data Interrogator](https://data.gov.uk), Llywodraeth Cymru/Welsh Government – [StatsWales](https://stats.wales) and Scotland’s environment – [environment web](https://www.gov.uk/government/organisations/scotland-environment)

Q41) Do you agree or disagree with the proposed level of access to information for each of the different types of users as set out in Table 4?

a) Relevant Government officers & environmental regulators

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

b) Tax authorities

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

c) Waste scheme administrators

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

d) Local Authorities

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

e) Businesses involved in waste movements

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

f) Producers and carriers

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

g) Waste receiving sites

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

h) Household waste producers

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

- i) Wider public and interested parties
 - agree
 - disagree
 - no opinion

If you answered 'disagree', please tell us why

Q42) Do you agree or disagree that waste producers should be able to see information about the end fate of their waste?

- agree
- disagree
- no opinion

If you answered 'agree', please provide details of what you think this should include

If you answered 'disagree', please tell us why

The Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR)

The Data Protection Act 2018 controls how personal information is used by organisations, businesses, or the government. It is the UK's implementation of UK GDPR, which requires a lawful basis for collecting and processing personal data. In the case of the overall operation of the waste tracking service, this lawful basis will be that the processing of personal data is 'necessary for the performance of a task carried out in the public interest'. The data will be stored and processed primarily for the purpose of ensuring that there is an accurate record of waste movements and treatment.

For those entering personal data onto the service the lawful basis will be that the processing is 'necessary for compliance with a legal obligation to which the controller (the person entering the personal data onto the service) is subject', it will be necessary to process the personal data because there will be waste tracking regulations that require it.

Regulators may process the personal data in relation to compliance monitoring or for the enforcement of relevant legislation. The data may also be processed by the UK Government or regulators for the purpose of creating reports for statistical analysis. These reports will not include information that would identify people.

With regard to the data controller as defined by the UK GDPR²⁰ we would view all those with a high level of access to the data as data controllers. This will include the relevant

²⁰ GDPR defines a 'controller' as meaning: 'the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data, where the purposes and means of such processing are determined by ... law, the controller or the specific criteria for its nomination may be provided for by ... law'

government departments across the United Kingdom, the environmental regulators, and local authorities.

The data processor as defined by the UK GDPR²¹ will be the primary supplier of the live IT service who will be acting on behalf of the relevant government departments across the United Kingdom.

Managing sensitive information

There may be instances where the inclusion of information relating to movements of waste may be deemed sensitive, for example where the information may identify the address of a particularly sensitive location or information about activities at a location which if disclosed could be contrary to the interests of national security.

There will be a mechanism in the waste tracking service to enable the exclusion of such information on this basis from the required records. This could include the need to contact the regulator to notify them of a record that should be managed sensitively and provide the reasons why.

The regulator would then be able to raise a unique identifier in the service with limited information, restricted if necessary, to just waste types and volumes to enable others further down the chain to record their information.

We will test options for this with members of the user panel as part of the development of the service.

Data retention

The new waste tracking service will not only act as a record keeping facility for those involved in waste movements but it will be a central record enabling users and interested parties to obtain data on waste activities to allow them to conduct analyses and identify patterns and trends.

We are therefore proposing that some records on the waste tracking service will be retained for longer than the current requirements; for a period of 20 years or until a permit or licence is surrendered, except for landfills where records will be kept for a further 20 years following surrender.

We propose that after a period of 6 years, certain information on individual records, such as personal data and electronic signatures will be anonymised and other non-personal data, which may be of use for statistical purposes, will be retained.

²¹ The GDPR defines a 'processor' as meaning: 'a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller'.

Where records relate to an ongoing investigation or enforcement by a regulator, personal data may be retained for a longer period until the relevant case is closed.

Q43) Do you agree or disagree with our proposals on UK GDPR?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q44) Do you agree or disagree with our proposals on managing sensitive information?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q45) Do you have any comments about our proposals (or your needs) for data retention?

- yes
- no

If you answered 'yes', please provide details

Enforcement

The Environment Act 2021 provides powers to allow for waste tracking regulations to include provisions creating criminal offences punishable with a fine, in respect of failures to comply with the regulations. The regulations can also include provisions about the imposition of civil sanctions by an enforcement authority.²²

We are proposing that waste tracking regulations would create the offences as set out in Table 5 below.

A regulator could pursue a range of responses for these offences including interventions such as advice and guidance or warning letters or criminal enforcement procedures including the issuing of a formal caution, or proceedings to prosecute. Prosecution would usually be the last resort and generally reserved for the most serious breaches of the legislation. Powers in the Environment Act 2021 dictate that the punishment that could be given following successful conviction, is restricted to a fine. The amount of this fine would be determined by the court in line with relevant sentencing guidelines.

²² The Environment Agency, the Natural Resources Body for Wales (NRW), or a waste collection authority for an area in England or Wales, and in Northern Ireland, the Department. Scottish Ministers already have powers in relation to Fixed Monetary Penalties and Variable Monetary Penalties under the Regulatory Reform (Scotland) Act 2014.

Table 5 also sets out which offences we intend to enable the regulators to apply monetary civil sanctions for should a business or individual breach a specified requirement in the waste tracking regulations. We also intend that compliance notices will be available for enforcement authorities to issue for all these offences.

Table 5 - proposed waste tracking offences and the monetary civil sanctions which may be applied

Criminal offence	Fixed monetary penalty	Variable monetary penalty
Failure to register on the waste tracking service where required	Yes	No
Intentionally or recklessly providing incomplete or false information in a digital record	No	Yes
Move or receive waste without a unique identifier (generated via the waste tracking service)	No	Yes
Failure to update or confirm information in a digital waste record in the required timeframe	Yes	No
Failure to provide information required by the waste tracking regulations to other persons	No	Yes

Legislation²³ which sets out the overarching duty of care for waste will also be amended to specify the requirement for those beholden to the duty of care to:

- transfer waste only to someone who is authorised and registered on the waste tracking service
- ensure there is an accurate waste description available digitally upon transfer (to another party or place)
- take all such measures as are reasonable in the circumstances, to prevent any contravention by the party to whom waste is transferred to or from

²³ For Great Britain this is: [Section 34 of the Environmental Protection Act 1990](#) and for Northern Ireland this is [Section 5 of The Waste and Contaminated Land \(Northern Ireland\) Order 1997](#)

Determining variable monetary penalties

We intend to enable enforcement authorities to determine appropriate levels for variable monetary penalties based on factors to be set in the regulations. This would allow the regulator to set a penalty amount in any particular case that reflects the seriousness of that case.

The factors to be set out in the regulations are likely to include:

- the level of harm and nature of the breach
- culpability of the organisation and or person involved
- size of the organisation
- history of non-compliance

Q46) Do you agree or disagree with the proposed offences and associated enforcement options as set out in Table 5?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q47) Do you think there should be a maximum limit for variable monetary penalties set out in legislation?

- yes
- no
- no opinion

If you answered 'yes', please provide details of what you think this limit should be

Regulatory functions

The Environment Act 2021 provides the powers for the environmental regulators across the UK to recover costs incurred in performing the functions to be conferred on them by the waste tracking regulations. We are proposing conferring the following indicative functions on the relevant environmental regulators.

- responsibility for the ongoing operation and maintenance of the waste tracking service
- to conduct audits of information on the waste tracking service to check accuracy and compliance with data entry requirements
- to identify those not complying with the requirements to use the waste tracking service and bring them into compliance
- to provide and manage alternative provisions for the digitally excluded
- to maintain other digital systems which support the operation of the waste tracking service for example, public registers for waste carriers, brokers, and dealers
- collection of regulatory fees or charges payable
- analysis and retrieval of data from the waste tracking service, for example for compliance monitoring or charging purposes

Funding of direct enforcement work relating to those committing offences such as investigating with a view to prosecution, taking enforcement action for non-compliance with a compliance notice or issuing penalties, is not normally recoverable through fees or charges unless specifically provided for through legislation.

Q48) Do you agree or disagree with our proposed functions for environmental regulators?

- agree
- disagree
- no opinion

If you answered 'disagree', please tell us why

Q49) Do you think costs relating to the investigation of, and enforcement action taken against, those not complying with the requirements of waste tracking should be recoverable through the fees and charges for users of the waste tracking service? (please provide more information to support your answer if you wish)

- yes
- no
- no opinion

Charging

In line with the polluter pays principle it is intended that once the electronic waste tracking service goes live the costs for the ongoing operation and maintenance of the service and associated regulatory work will be met by the service users. The Environment Act 2021 includes powers to recover these costs.

The environmental regulators will be considering necessary amendments to their existing charging frameworks, for example for hazardous waste, and will consult on any proposed changes to charges separately.

The questions in this consultation focus on how the future costs of operating and maintaining the waste tracking live service should be recovered. Responses to these questions will be used by the regulators to inform the development of their charging frameworks.

Who should pay the IT service operation and maintenance costs?

Option A - the person or business who enters the preliminary waste tracking information (completes Step 1 in Annexes A to C)

This is likely to be either a waste producer, a waste carrier, or a waste dealer or broker (note further down the chain a receiving site may also become a 'waste producer').

The charges would be directly linked to the level of service use, but it could discourage use of the system by waste producers who may be more likely to delegate initial entries to waste carriers.

Option B - a user group, for example either:

- all registered users of the waste tracking service,
- a single type of service user for example waste carriers

The system charges would be shared equally between those in the selected group.

This would present a simple model that is easy to understand but charging all registered users could be a significant administrative burden.

Option C - existing waste related fee payers

The waste tracking service will support compliance monitoring of existing waste regimes across the UK – such as hazardous waste, waste licensing and permitting, and the registration of waste carriers, brokers, and dealers. It could also support the operation of Extended Producer Responsibility for packaging.

Existing fee payers will account for most of the waste movements recorded on the waste tracking service, however this option would mean that any users of the waste tracking service who are not already subject to any existing charges, for example some holders of waste exemptions and waste producers, will not directly share the costs of the service charges.

What type of cost should it be?

Option 1 - a 'per record' fee

Those subject to the charge would pay a given fee for each waste transfer or movement record created.

This would enable charges to be directly linked to level of service use but given the high number of predicted waste transfer records, the individual per record fee is likely to be very small and impractical to administer for small numbers. This could be counteracted by using a credit system from which individual record fees would be deducted.

Option 2 - a flat annual fee

System charges are divided amongst those liable for the charge, to create a flat annual fee. We would seek to build into this model proportionality based on business size.

This would be a simple model that is easy for people and businesses to understand and incorporate into their costs, but it doesn't link to level of system usage so is potentially unfair to low level users.

Option 3 - increase to existing fees

Where there are already waste regimes that impose charges, for example for hazardous waste movements, these charges could be increased to incorporate the waste tracking service charges.

Some of the existing charging powers such as that for hazardous waste are broad enough to incorporate these charges without legislative amendment. However, others are more limited in scope, for example environmental licence or permit charges must relate to specific activities, such as the granting of a licence or the subsistence of that licence. Legal charging powers may therefore need to be amended.

How should the costs be collected?

Option X – on-submission payment facility

Payment for a waste movement is taken at the time a waste movement is initiated on the service or a direct debit agreement is created to take payment soon afterwards.

Users will pay accurately for the level of service received but the service cost is likely to be very small per transaction and individual payments may require a manual payment authorisation step that is not feasible for use with Application Programming Interfaces (APIs).

Option Y – credit system

Service users would have an account to which they can add purchased ‘credits’ or top up with funds. Payments or credits for waste movements would be taken from a user’s account.

Provided users do not overestimate the number of credits they need then they will pay accurately for their level of service use and it avoids the need for regulators to pursue debts.

Option Z - regulators recover service costs through existing fees and charges mechanisms

Service costs would be charged through whatever mechanisms are currently used to charge relevant regulatory fee payers, for example through invoicing.

This option would be simple to administer but is only compatible with a charging model where existing regulatory fee payers share the service charges.

Q50) What is your preferred option for who should pay the IT service operation and maintenance costs?

- option A – the person or business who enters the preliminary waste tracking information
- option B – a specific user group
- option C – existing waste related fee payers
- other
- no opinion

If you selected 'Option B- a specific user group', please tell us what user group(s) this should be. If you selected 'Other', please provide further details

Q51) What is your preferred option for what type of cost it should be?

- option 1 – a per record fee
- option 2 – a flat annual fee
- option 3 – an increase to existing fees
- other
- no opinion

If you selected 'Other', please provide further details

Q52) What is your preferred option for how the costs should be collected?

- option X – on-submission payment facility
- option Y – credit system
- option Z – environmental regulators recover service costs through existing fees and charges
- other
- no opinion

If you selected 'Other', please provide further details

Implementation

We are working towards a target date for go live of a central digital waste tracking service from 2023 to 2024 dependent on the IT development and the transition needs of businesses.

Once live there are various options for the transition of recording waste movements onto the service, including:

1. Mandating that all required users use the service from the point it goes live
2. Allowing the voluntary use of the service for a specified period, during which time existing requirements will continue to apply (the waste tracking service could be used to demonstrate compliance with those requirements)
3. Initially only mandating the use of the service by a specified type of user or type of waste movement, for example for waste moved under Green List Waste controls, and further waste movement and activities are made mandatory overtime.

Q53) Which approach to getting all users onto the waste tracking service do you think we should adopt?

- option 1 – everyone must use the service from the day it goes live
- option 2 – voluntary use for a specified length of time, then mandatory for all
- option 3 – mandating some waste holders use the service or certain types of waste movement must be recorded on the service first then on-boarding others over time
- something else
- no opinion

If you answered, 'Option 3, which users or waste types do you think should be mandated first and why?

If you answered, 'Something else', please provide details

Existing systems and legislative changes

The introduction of a central mandatory service for digital waste tracking will mean that some existing IT systems which form part of the current processes for recording waste movements will be made redundant.

This includes the Electronic Duty of Care system (EDOC) which was an IT system that allowed users to create and store some types of waste movement records, and much of the functionality of WasteDataFlow which is an electronic system through which local authorities report data to government on their municipal waste collections.

A range of legislative amendments will also be required to legislation across the United Kingdom, including (but not exhaustively limited to) legislation relating to the waste duty of care, hazardous waste, shipments of waste, waste permitting and licensing and in Wales the statutory use of WasteDataFlow by local authorities.

The waste duty of care codes of practice will also need to be revised, including to remove any references to EDOC now it has been decommissioned.

Costs and benefits of transitioning to digital waste tracking

In the impact assessment published alongside this consultation, we have estimated the potential costs involved for businesses to transition to a central waste tracking service based on a survey conducted with members of our user panel, but we would like to use this opportunity to gather this information from a wider audience.

Q54) Considering your answer to question 24 in the [‘Ways to enter information’](#) section, how much do you think it will cost your organisation to transition to this way of working?

Please provide costs in pounds for the first year only and only include new additional costs associated specifically with the waste tracking service, not costs for staff and infrastructure that would be incurred in the absence of the new waste tracking service.

- staff training (cost for the total number of hours across all necessary staff)
- familiarisation time (cost for the initial time spent getting to understand the system - cost of the total number of hours across all necessary staff)
- requirements familiarisation (time to understand new legal requirements - cost of the total number of hours across all necessary staff)
- customer engagement (for example, communications to customers around any new processes you will be adopting to comply with the new system, or what they need to do to comply)
- changes to current IT systems (this could include, for example, the cost of the total hours spent updating your current spreadsheet to align with a standardised template, or decommissioning any current IT you have)
- provision of any on-site technology (such as the cost of tablets or smartphones for waste collection operatives to record waste transactions on-site in real-time)
- other (please describe)

Q55) Do you think your organisation would make any savings by transitioning to this way of working? Such as from:

- a reduction in data storage costs
- a reduction in time spent checking data quality
- savings in not having to complete and submit waste returns to regulators
- a reduction in time spent obtaining and providing waste information from or to customers
- other (please describe)

Please provide a savings figure for each of the following potential savings’ items, if relevant, and any other potential savings you think you would make. Provide savings for the first year only.

Q56) Alongside this consultation we have published an impact assessment setting out the costs and benefits we foresee from the introduction of a mandatory digital waste tracking service, based on assumptions made from the evidence currently available. Have we made any assumptions that you disagree with?

- yes
- no
- no opinion

If you answered 'yes', please tell us why you disagree and if possible, provide details of better information we could use to inform our assumptions.

Consultee Feedback on the Online Survey

Q57) Overall, how satisfied are you with our online consultation tool?

- Very satisfied
- Satisfied
- Neither satisfied nor dissatisfied
- Dis-satisfied
- Very dissatisfied
- Don't know

Please give us any comments you have on the tool, including suggestions on how we could improve it.

Annex A: future mandatory digital waste tracking processes for non-hazardous and hazardous waste movements

Step	What	When	Who
1	<p>Information regarding the movement of waste is entered onto the waste tracking service and a unique identifier is generated.</p> <p>Information to be entered:</p> <ul style="list-style-type: none"> ▪ producer or holder details ▪ waste description and details (including SIC code of process giving rise to the waste) ▪ carriers' details and vehicle details if known ▪ broker or dealer details (if applicable) ▪ planned date of movement ▪ details of destination site (including details of waste authorisation permission in force) ▪ for hazardous waste movements only: consignor agreement that they will advise carrier of any special handling requirements 	See Q30	See Q31
2	<p>Carrier collects waste. Digital waste transfer record is updated to:</p> <ul style="list-style-type: none"> ▪ add vehicle registration details ▪ add driver name ▪ confirm date and time of collection ▪ add mode of transport (if not road) ▪ update and/or confirm waste types and volumes ▪ confirm waste taken to the proposed destination site <p>If waste is passed to subsequent carriers then they would also need to complete this step</p>	See Q32	Waste carrier
3	<p>Waste is taken to a receiving site. Digital waste transfer record is updated to:</p> <ul style="list-style-type: none"> ▪ confirm date and time waste was received ▪ confirm and/or update the waste types and volumes ▪ provide details for rejected loads (if applicable) 	See Q34	Waste receiving site

Annex B: future mandatory digital waste tracking processes for Green List Waste exports

Step	What	When	Who
1	<p>Information regarding shipment is entered onto the waste tracking service and unique identifier is generated.</p> <p>Information to be entered:</p> <ul style="list-style-type: none"> ▪ proposed or actual date of exporting shipment (updated as necessary) ▪ carrier details ▪ waste generator details - where waste is being collected from including business and/or person details ▪ where waste is going ▪ waste ID codes ▪ waste description ▪ countries involved ▪ waste quantities 	See Q30	Person arranging shipment
2	<p>First carrier collects waste. Updates digital waste transfer record to:</p> <ul style="list-style-type: none"> ▪ add vehicle registration details ▪ add driver name ▪ confirm date and time of collection ▪ add mode of transport (if not road) ▪ update and/or confirm waste types and volumes 	See Q32	Waste carrier
3	If waste is passed onto another UK carriers then those carriers should complete Step 2	Not applicable	Waste carriers
4	Carrier takes waste to final UK destination for export. Carrier enters date and time arrived at site	See Q32	Waste carrier
5	<p>Waste travels to and arrives at intended non-UK receiving site or a receiving site in Northern Ireland (when shipping from Great Britain to Northern Ireland).</p> <p>Note: proposals around what information should be required from non-UK receiving sites to confirm receipt is to be considered as part of a separate consultation on wider reforms around transfrontier shipments of waste</p>	To be confirmed (TBC)	TBC

A paper copy of the electronic record will still be required to accompany the waste. It will be the responsibility of the person arranging the shipment or the waste carrier to ensure a paper record is produced. The waste tracking service will include the ability to print a copy of a record.

Annex C: future mandatory digital waste tracking processes for Green List Waste imports

Step	What	When	Who
1	<p>Information regarding shipment is entered onto the waste tracking service and a unique identifier is generated.</p> <p>Information to be entered:</p> <ul style="list-style-type: none"> ▪ proposed or actual date of importing shipment (updated as necessary) ▪ UK carrier details ▪ waste generator details - where waste is being collected from including business and/or person details ▪ proposed destination for the waste ▪ waste ID codes ▪ waste description ▪ countries involved ▪ waste quantities 	See Q30	Importer (UK based only)
2	<p>First carrier collects waste within the UK, updates digital waste transfer record to:</p> <ul style="list-style-type: none"> ▪ add vehicle registration details ▪ add driver name ▪ confirm date and time of collection ▪ add mode of transport (if not road) ▪ update and/or confirm waste types and volumes 	See Q32	Waste carrier
3	If waste is passed onto another UK carriers then those carriers should complete Step 2	Not applicable	Waste carriers
4	<p>Waste is taken to UK receiving site. Digital waste transfer record is updated to:</p> <ul style="list-style-type: none"> • confirm date and time waste was received • confirm or update the waste types and volumes • provide details for rejected loads (if applicable) 	See Q34	Waste receiving site

Where waste is imported from outside the UK a paper copy of the movement will still be required to accompany the waste to satisfy the requirements of the exporting country.