

Introduction of mandatory digital waste tracking

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Closes 15 Apr 2022

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About You

1. Would you like your response to be confidential?

☐ Yes

☒ No

► [Confidentiality and data protection information](#)

If you answered 'Yes', please give your reasons

2. What is your full name?

Full Name

Simon Ellin

3. 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.

Email

simon.ellin@therecyclingassociation.com

4. 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 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).

5. Considering who you are responding on behalf of, in what nation of the UK would you say you are based or operate in? Tick all that apply

- ☒ England
- ☐ Wales
- ☐ Scotland
- ☐ Northern Ireland

6. 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

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. Would you be interested in joining this panel?

- ☒ Yes
- ☐ No
- ☐ Already signed up to the panel

► [Signing up to the waste tracking user panel & newsletter](#)

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

► The proposals

7. 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

Why would products that have achieved End-of-Waste need to be tracked as waste? One of the major reasons for achieving End of Waste status is to remove it from the bureaucratic and expensive regulatory framework. This proposal is therefore counter-intuitive.

8. 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

See answer to Question 7 re End-of Waste products.

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When waste tracking will not be required

► [Our proposals](#)

9. 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

10. 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 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) Do something else' please provide details

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What reporting regimes will be included in the service?

► [Our proposals](#)

11. 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

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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

12. Do you agree or disagree with the information recording proposals in Table 1?

A system-generated unique identifier

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Details of the person who classified the waste

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

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

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Standard Industrial Classification (SIC) code

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Details of rejected or quarantined loads

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Details of waste treatment

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Persistent Organic Pollutants (POPs) identification

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Details of end of waste products and materials produced

- ☐ Agree
- ☒ Disagree
- ☐ No Opinion

Information about onward destination of end of waste products or materials

- ☐ Agree
- ☒ Disagree
- ☐ No Opinion

Nation specific requirements for any existing or future requirements

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

If you answered 'Disagree' for any of the proposals please tell us why

Again, End-of-waste means it is no longer a waste and therefore falls out of the scope of "Waste" Tracking.

A significant proportion of End-of-Waste data will be captured through the new EPR regulations anyway.

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

- ☐ Basic level - Indication that waste contains POPs only
- ☐ Enhanced level – Additional details on the specific POPS contained in the waste and the content level of the POPs
- ☐ Other
- ☒ No opinion

If you answered 'Other', please provide details

14. 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

The tracking of exported commodities to the final overseas destination The assumption is that this will be included in the separate consultation on the export and tracking of "waste". This has to be a cradle to grave approach.

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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 legislation^[1].

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.

[1] 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

15. Are you familiar with the existing D & R codes?

- ☒ Yes
- ☐ No
- ☐ Not applicable to you

16. Do you find D & R codes easy to apply?

- ☒ Yes
- ☐ No
- ☐ Not applicable

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

17. 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

Using the current R and D codes

18. 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

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Dangerous Goods Regulations

In England and Wales hazardous waste consignment notes currently contain a section to record information required by the Dangerous Goods Regulations[1]. 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.

[1] The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

19. Do you transport hazardous waste?

☐ Yes

☒ No

20. How do you currently record dangerous goods information?

- ☐ On a paper record
- ☐ On a digital record
- ☐ Both
- ☒ Not applicable

21. Where do you think information demonstrating compliance with the Dangerous Good 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

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Waste hierarchy

Legislation across the UK[1] 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).

[1] 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

22. 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

23. 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 provide details of how you think this should be done.
If you answered 'No' please provide details of how else you think it should be demonstrated.

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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 (providing assistance 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.

24. 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?

- ☐ Manual entry
- ☐ Data upload from existing spreadsheet records onto a waste tracking service standard spreadsheet
- ☐ Data upload from existing waste tracking software onto a waste tracking service standard spreadsheet
- ☒ Direct data upload via an application programming interface (API)
- ☐ Something else
- ☐ No opinion

If you answered 'Something else', please provide details

25. 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

UN/CEFACT MMT (multi modal transport) and the EU DTLF eFTI which is based on the UN data models.

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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 conducting 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 then 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.

26. 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

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

Hazardous waste

- ☐ Less than 1 year
- ☐ 1 to 3 years
- ☐ More than 3 years
- ☒ Not applicable

Non-hazardous waste

- ☐ Less than 1 year
- ☒ 1 to 3 years
- ☐ More than 3 years
- ☐ Not applicable

Green List Waste imports or exports

- ☒ Less than 1 year
- ☐ 1 to 3 years
- ☐ More than 3 years
- ☐ Not applicable

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

Please describe in the box below

We represent the professional established compliant sector and we generally have access to weighbridges that can transfer data via APIs (eg www.traqa.io). Via the use of Apps, all compliant operators that supply our members have the ability to enter the information required into Traqa too, so that via an API to a central database/portal that it is assumed will be used by the regulator in this waste tracking initiative, information can be fed into the system in real time.

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Processes for the recording of information about waste movements

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 Annexes A, B and C.

Please 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.

► [Annexes A, B and C](#)

29. Do you agree or disagree with the overall proposed processes as set out in Annexes A, B and C?

Annex A - Hazardous and non-hazardous waste movements

Agree



Annex B - Green List Waste exports

Disagree



Annex C - Green List waste imports

Agree



If you answered 'Disagree' for any of the processes, please tell us why

For Annex B - Green List Waste exports, you need into include the consignee.

If the first or second carrier (2 and 3) are taking material to a port for export, they will need to record the container/trailer number too.

It is critical to understand that for exports, the complete information can only be inputted in real time. The vehicle/trailer/container details along with the weight can only be inputted when the vehicle is on site. This is why it is critical to have weighbridges integrated via API's to the Gov.UK tracking system.

The Recycling Association are happy to assist the agencies with the knowledge and processes required.

30. 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

At least 3 days before



Annex B - Green List waste exports

Any time before the waste movement 

Annex C - Green List waste imports

Any time before the waste movement 

If you answered 'Other' for any of the options above, please provide further details

For B (and probably C), this must be in real time as outlined above.

31. 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 dealer
- ☒ Any of the above
- ☐ Other

If you answered 'Other', please provide details

It could be any of the above because the producer could also be the carrier and the carrier could also be the broker/dealer

32. 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

Other



Annex B - Green List waste exports

Other



If you answered 'Other' for either of the rows above, please provide further details

For Annex A, these details will not be known until the actual day of collection.

For Annex B - you cannot enter a date and time a carrier arrives at a site until they arrive! This can't be done 24 hours or another period before. It has to be in real time.

33. 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

Surely has to be risk based and some form of pre-notification for hazardous.

34. Waste receiving sites - Within what time frame should waste receiving sites be required to provide the information 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?

(a) Information about waste received at sites

- ☐ 24 hours
- ☐ 48 Hours
- ☐ 3 working days
- ☐ 1 week
- ☒ Other
- ☐ No opinion

(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' for either of the rows above, please provide further details

a) Should be real time

35. Season tickets - 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?

► The proposals - Season tickets

☐ Yes

☒ No

If you answered 'Yes', please provide details

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Roles and responsibilities

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

► Table 3 - waste tracking roles and responsibilities for waste holders

Requirements common to all

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Requirements common to waste producers, carrier, brokers and dealers

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Requirements applicable to waste producers only

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Requirements applicable to waste carriers only

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Requirements applicable to waste carriers or brokers only

- ☒ Agree
- ☐ Disagree
- ☐ No Opinion

Requirements applicable to operators of waste receiving sites only

- ☐ Agree
- ☒ Disagree
- ☐ No Opinion

If you answered 'Disagree' to any of the above statements please tell us why

If the receiving site is overseas, which could be anywhere across the globe, what is the likelihood that they would be only be able to accept "waste" from the UK with a unique identifier? Highly unlikely and we must be very very careful that we don't put the UK in a position that makes us less competitive in a global market place because of our administrative requirements..

37. How should waste producers be required to 'confirm' the information recorded for their waste movements?

► Options for waste producers to confirm waste tracking information

- ☒ Option 1- within the tracking service
- ☐ Option 2 - through an emailed summary
- ☐ Option 3 - by exception
- ☐ Another way
- ☐ No opinion

If you answered 'Another way', please provide details

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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 persons^[1] 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.

[1] 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)

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

► Digitally excluded - general principles

- ☐ Agree
- ☐ Disagree
- ☒ No opinion

If you answered 'Disagree', please tell us why

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

► Alternative provisions for digitally excluded persons

- ☐ Agree
- ☐ Disagree
- ☒ No opinion

If you answered 'Disagree', please tell us why

40. 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

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Data retention, access and confidentiality

41. 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?

► Table 4 – proposed types of information access for waste tracking

Relevant Government officers and environmental regulators

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

Tax authorities

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

Waste scheme administrators

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

Local authorities

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

Businesses involved in waste movements

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

Producers and carriers

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

Waste receiving sites

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

Household waste producers

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

Wider public and interested parties

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

If you answered 'Disagree' to any of the above statements please tell us why

42. 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

43. Do you agree or disagree with our proposals on UK GDPR?

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

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

If you answered 'Disagree', please tell us why

44. Do you agree or disagree with our proposals on managing sensitive information?

► Proposals for managing sensitive information

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

If you answered 'Disagree', please tell us why

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

► Proposals for data retention

☒ Yes

☐ No

If you answered 'Yes', please provide details

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Payment Type
Domestic Payment

Debit Account Number
03780481

Delivery Method
UK Three Day Payment

Account Name
TRA TRAQA LTD FMQ

Bank Identifier
201071

Currency
GBP

Payment Details

Transaction Reference Number : BX22031731827864

Status : Bank Pending

Sub Status :

Creation Date : 17/03/2022

Creator Name : ARLENE BUTLER

Payment Amount, Date and Description

Payment Currency
GBP - Pound Sterling

Payment Amount
2,855.77

Value Date Execution Date
21/03/2022 17/03/2022

Head Room (As of 21/03/2022)
20,000.00

Customer Reference
TRAQA LTD

Priority Payment
No

Confidential Payment
No

Intra-Company Indicator
No

Beneficiary Details

Page 1 of 1

Running Total =GBP 2,855.77

S.No	Beneficiary Name	Beneficiary Sort Code	Beneficiary Account Number	Payment Details	Amount
1	LEE THICKETT	404760	74201132	EXPENSES.JAN/FEB	2,855.77

This page has been formatted for A4 Landscape size. Please check your printer settings before printing.

Beneficiaries with zero Payment Amount have not been printed.

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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.[1]

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.

[1] 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.

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

► Table 5 – Proposed waste tracking offences and the monetary civil sanctions which may be applied

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

If you answered 'Disagree', please tell us why

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

► Proposed approach to monetary penalties

- ☐ Yes
- ☒ No
- ☐ No opinion

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

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Regulatory functions

48. Do you agree or disagree with our proposed functions for environmental regulators?

► Proposed functions for environmental regulators

- ☒ Agree
- ☐ Disagree
- ☐ No opinion

If you answered 'Disagree', please tell us why

49. 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?

► Funding of enforcement action

- ☐ Yes
- ☒ No
- ☐ No opinion

Please provide more information to support your answer if you wish

It should come from subsequent fines from enforcement.

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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.

► Options for charging

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

- ☒ Option A - the persons 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 answered 'Other', please provide further details

51. 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 answered 'Other', please provide further details

52. 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 answered 'Other', please provide further details

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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 as set out below.

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

► Implementation options

- ☉ 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 come first and why?

If you answered 'Something else', please provide details

54. 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?

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'll 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 these)

Please provide a figure for each of the costs outlined above and details of any others you foresee incurring as part of the transition to digital waste tracking. 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 or infrastructure that would be incurred in the absence of the new waste tracking service.

This can't be answered until we know the system we will be using.

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

Reduction in **data storage costs**

Reduction in **time spent checking data quality**

Savings in not having to **complete/submit waste returns** to regulators

Reduction in time spent **obtaining/providing waste information** from or to customers

Other

Please provide a figure for each of the potential savings outlined above and details of any others you foresee as part of the transition to digital waste tracking. Provide savings in pounds for the first year only.

There should be significant savings made if we transition to the use of automated technology that feed into this system via API's.

56. 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

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Consultee Feedback on the Online Survey

Dear Consultee

Thank you for taking your time to participate in this online survey. It would be appreciated, if you can provide us with an insight into how you view the tool and the area(s) you feel is in need of improvement, by completing our feedback questionnaire.

57. 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.

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