

Written evidence submitted by CIWM (REULB65)

Dear Committee Members,

CIWM is the leading professional body for the resource and waste management sector with a purpose to move the *world beyond waste*. Representing over 5,600 individuals in the UK, Ireland and overseas, CIWM has a mission to unite, equip and mobilise its professional community to lead, influence and deliver the science, strategies, businesses and policies for the sustainable management of resources and waste.

CIWM is recognised as the foremost professional body representing the complete spectrum of the waste and resources sector. This gives the Institution the widest possible view and, perhaps more pertinently, an objective rather than partial view, given that our goal is for improvement in the management of all wastes and resources.

CIWM welcomes the opportunity to provide comment to the Committee on this important matter and would welcome the opportunity to elaborate upon them further.

The UK is very capable of making its own laws with regards to the environment, and indeed has a history of doing so, a good example of this would be the Control of Pollution Act 1974, that predates the EU Waste Framework Directive. Hailed at the time as being the first holistic legislation on the environment anywhere in the world, many of the concepts contained in that Act were utilised by the EU when it drafted its first waste framework directive.

However, our current laws have been largely developed over the last fifty years from the EU and what is needed now is time to unpick what we have inherited and implement equivalent, and dare we say, better UK law, which will fulfil the governments promise to leave the environment in a better state. In our opinion any hastily conceived legislation such as this Bill could lead to a legislative hiatus that will lead to irreversible environmental damage to our resources and waste systems, create a pathway for increased illegal activity, and the stalling of our burgeoning circular economy.

We therefore urge the Public Bill Committee to consider the following points in their deliberations on the **Retained EU Law (Revocation and Reform) Bill**:

- We understand that Defra have approximately 570 separate pieces of Retained EU Law that will fall within the scope of the Bill and that this makes up a larger proportion of the totality of Retained EU law within the scope of the Bill, than any other government department.
- Many of those retained EU laws will pertain to agriculture and fishing, but we understand that at least 10% of the remaining laws will be directly relevant to the resources and waste sector.

- Having so many Retained EU laws potentially expiring at the same time is concerning, and is likely to knock investor confidence in the resources and waste sector, at a time when a lot of new or enhanced infrastructure will be needed to implement government policies such as Extended Producer Responsibility, Collection Consistency in England and Deposit Returns for beverage containers.
- Some Retained EU environmental laws simply cannot be allowed to lapse/ expire, without being replaced by equivalent UK laws. If they do, then the consequences for nature, water and the environment more generally could be catastrophic.
- The concern of our sector is that there is insufficient time – even if the sunset dates are extended to 2026 – for the environment department to consider, draft, consult and lay the replacement legislation; given the sheer number of laws they will be charged with reviewing, and the limited resources at its disposal. We would not wish to see a return of the situation we faced when large numbers of staff from the regulators were seconded to Defra to cope with Brexit, leaving a vacuum at those regulators that could potentially allow waste crime to flourish.
- Even if the whole suite of Retained EU law was assimilated into UK law that process will also need adequate resources to properly complete. This could take thousands of hours of Defra time, which still may not be enough, even if the sunset clause was extended to 2026.
- We are worried that new laws or assimilated laws, will be hurried through, without adequate consideration and consultation, thereby creating a regulatory regime full of holes and flaws that will (a) discourage investment, (b) harm the environment it is designed to protect and (c) require further departmental and parliamentary time to correct.
- We are concerned that if Retained EU laws are switched off and not switched back on with equivalent UK laws that the UK will face export restrictions, which could fundamentally affect the flow of waste and secondary resources to the EU. If this occurs Local Authorities may end up bearing the additional cost of transporting these valuable secondary materials further around the world, and to treatment facilities that may not be as good as those in the EU, both in environmental and quality terms. Failure in securing viable alternative export routes could leave the UK with little alternative, but to burn or bury these valuable secondary resources, and reducing the UK's already stalling recycling rate even further.

- We are concerned that most of the Retained EU law that is relevant to Defra, and the resources and waste sector is devolved. Allowing Retained EU law to expire or be assimilated differently in England will lower standards in England and create an unlevel playing field. This would be counterproductive to the environment as a whole, because pollution does not respect national boundaries and against the spirit, if not the law, as set out in the United Kingdom Internal Market Act 2020.

If the Committee would like to discuss any of the matters we have raised, then please contact me.

Yours faithfully,

Lee Marshall
Policy and External Affairs Director

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