

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT  
BY DEPUTY J.H. YOUNG OF ST. BRELADE  
ANSWER TO BE TABLED ON TUESDAY 6th NOVEMBER 2012**

**Question**

Will the Minister inform the assembly whether he is required to seek consent from the relevant authorities in the United Kingdom to determine whether Jersey's hazardous waste, including asbestos presently stored temporarily at La Collette, can be exported from Jersey to another OECD or EU member country for disposal or recovery or whether his own powers in the Waste Management ( Jersey ) Law 2005 are sufficient to enable him to approve such proposal, in either case , will he provide details of the criteria which apply and of the protocols and procedure which he as Minister is required to follow to enable that export to take place .

**Answer**

The Waste Management (Jersey) Law 2005 ('the Law') extends the UK ratification of the OECD decision the Basel Convention to cover Jersey. The Minister for Planning and Environment and the Department are the competent authority in Jersey and fulfil the functions of Basel. These functions include administering the requirements under the international conventions on waste shipments which the island is obliged to follow. The Department is therefore a regulatory authority.

Export of waste for recovery requires the procedures set out by the Law to be followed. This includes that the prior informed consent of the competent authority in the destination jurisdiction must be obtained before wastes can be exported.

These procedures also include the submission of prescribed forms (detailing the names and contacts for the waste generator, holder, broker, carrier and site of recovery, waste types) financial guarantees, contracts and submission of genuine recovery statements.

Exports of wastes for disposal require the same procedures and consents to be followed. However, prior to export the agreement of the competent authority of destination has to be obtained. This involves justification for the proposed export for disposal from Jersey, that includes an assessment against the following criteria;

- 1) whether the country of dispatch has facilities of a type appropriate to deal with the wastes in question in an environmentally sound manner.
- 2) whether the country of dispatch is likely to be in a position to acquire facilities to dispose of the waste(s) in question in an environmentally sound manner in the short to medium term.
- 3) whether the waste identified could be stored safely prior to the acquisition of these facilities.
- 4) whether, based on present and predicted arisings, such facilities would be economically viable.

If all these conditions are satisfied, then the Department would formally submit a Duly Reasoned Request (DRR) to the proposed receiving jurisdiction.

If the DRR is granted, then before any shipments for disposal can take place, the agreed waste type and disposal activity is subject to the notification and consent procedure under the Law and the Waste Shipment Regulation. Accordingly, the competent authority of destination must

approve the shipments of hazardous waste before export can take place. This includes provision of a financial guarantee to provide both the Department and the competent authority with guaranteed funds, for the waste need to be returned or otherwise suitable disposed of.

Defra (UK) has recently indicated to the Department that there is nothing to prevent Jersey from approaching another EU country in order to negotiate a DRR for the disposal of waste. The proviso here is so long as the Basel Convention (and provisions in the Waste Management (Jersey) Law 2005) are adhered to. However, under the Basel Convention, Defra have to report movements of hazardous waste to and from the UK, and correspondence with the UK authorities indicate that they would probably have to record such a movement under the UK banner. This information is made public on the Basel Convention website; so it would be problematic for the UK to report shipments for disposal to another EC member state which the UK would not itself accept for disposal in the UK through the DRR process.

If it is formally requested by a waste company or responsible States department that waste is exported from Jersey for recovery then a DRR would not be required. However, contact with the receiving competent authority would still be required, as this would still constitute a trans-boundary shipment of hazardous waste requiring prior informed consent from the competent authorities of both the exporting and importing jurisdictions. Prior consent of the UK would not be required.