

**Transfrontier Shipment of Waste
Regulations 2007**
TFS GUIDANCE DOCUMENT



Northern Ireland
Environment
Agency
www.ni-environment.gov.uk

Requirements for charities and other organisations involved in the collection of used clothes.

Introduction

Movement of waste across international boundaries is subject to the requirements of Regulation (EC) No 1013/2006 on Shipment of Wastes. This was transposed into Northern Ireland legislation by The Transfrontier Shipment of Waste Regulations 2007. Imports and exports of waste to and from the UK are subject to a range of regulatory controls. The controls are generally referred to as “green list” and “notification” controls. If you do not follow the proper procedures, you could risk being prosecuted.

This document is aimed at providing guidance to charities and other organisations involved in the collection of used clothes. In **some** circumstances (described here) we would not treat used clothes as a waste and waste regulations would not apply. In cases where used clothes are deemed as waste they may fall under the “green list” controls. Please refer to our website for further guidance on movement of green list waste under the Transfrontier Shipment of Waste.

Textile Banks

Textile banks are situated in supermarket and council car parks etc. If you own a textile bank and sell the contents to a contractor the textiles will be deemed as waste. Anyone handing waste onto another person must ensure they comply with their obligations under the Duty of Care provisions. Please refer to NIEA website under the waste link for further information on Duty of Care.

Household door to door collections by charities

If you are a charity and operate a household door to door collection system to collect clothing and bric-a-brac donations, we would not treat such items as waste. This is because the householder has donated rather than “discarded” them. The donated items may subsequently become waste if they are later assessed as being unsuitable for re use as its original purpose or surplus to requirements.

Charity surplus stock

Charities may sell unwanted surplus stock - Clothes, toys and bric-a-brac from their shops and collections, to merchants for recycling, disposal or sorting for re-use. Charities may also transfer surplus stock and broken items on to a contractor who exports the items on to developing countries. If you are transferring materials on for recycling/disposal then the items you are transferring will be waste. Anyone handing waste on to another person must ensure they comply with their obligations under the Duty of Care provisions.

Where items are deemed as waste and are being exported, the level of control that applies to their export will vary depending upon the type of waste being exported. You will need to determine the waste code that most accurately describes the waste items you are exporting and then identify the proposed destination country and comply with their controls. Please refer to our website for further guidance on these controls under the Transfrontier Shipment of Waste.

Waste Management Contractors

Contractors who carry out the sorting of waste textiles from textile banks and other sources such as surplus stock from charity shop donations are deemed as handling waste. The contractor must therefore ensure that all necessary permissions are in place to carry out the operations they are performing on the waste types being handled.

Some waste activities are exempt from the more onerous waste management licence requirements. More information on exemptions from waste management licence requirements can be found on NIEA website under waste management licensing.

Different fractions derived from the sorting operation will attract different levels of control, depending on whether they are waste or not. For example if you sort out used clothes assessed as suitable for continued use as clothes then those items would not be considered as waste if transferred on for continued use as clothes.

In contrast any fractions comprising clothes assessed as being unsuitable for reuse as clothes and transferred on for further processing will remain waste and their transfer or export will be subject to waste controls.

Organisations who collect and ship sorted textiles overseas

If you are sending sorted used clothes destined for continued use as clothes then the export won't be subject to the Waste Shipment Regulations as you will be exporting non-waste "second hand" goods.

If, instead, you are exporting clothes for further processing – for example to be turned into rags or for recovery of the textiles to make new clothes – you will be exporting waste and must comply with the controls set out under the Waste Shipment Regulations. Please refer to our website for further guidance on these controls under the Transfrontier Shipment of Waste.

For further information contact:

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Hazardous Waste/TFS Section
Land & Resource Management
1st Floor, Klondyke Building
Ormeau Road, Belfast
BT7 2JA
Telephone: 02890 569742
Fax: 02890 569310

Or visit www.ni-environment.gov.uk and click onto the **Waste** link to obtain information on relevant waste legislation, a full list of downloadable TFS Guidance Documents and other useful publications.

IMPORTANT NOTES PLEASE READ

This guidance document has been produced by the Northern Ireland Environment Agency based on information contained in Regulation (EC) No 1013/2006 and in The Transfrontier Shipment of Wastes Regulations 2007 and on current understanding. This document may be subject to change in the light of regulatory changes, future Government guidance or experience of regulating this type of waste. Whether or not something is waste is a legal question and ultimately only a matter the courts can determine where there is a dispute. In any case where you are involved in moving materials across international boundaries you must ensure you obtain the views of the regulators in other countries through and to which the materials are moving.