



# NRF Client Briefing: Introduction of the new digital waste tracking service

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## Introduction of the new digital waste tracking service

In November 2023, the Department for Environment, Food & Rural Affairs (**Defra**) published the response (the **Response**) to its consultation on the introduction of mandatory digital waste tracking. The Response confirms the Government's intention to introduce a mandatory digital waste tracking service from April 2025 (the **Service**) to make it easier to track waste and resources produced from waste throughout the economy.

The Response forms part of the UK Government's wider plan to introduce 'smarter regulation' to grow the economy. Smarter regulation means only using regulation where necessary, implementing it well and ensuring its use is proportionate and future proof.

## What is the current position?

Currently in the UK, there is no single comprehensive way of tracking waste from production through to its end point. This makes it difficult to have a comprehensive understanding of whether waste has been recycled, recovered or disposed of. This also creates a financial incentive to exploit the system. Bad actor operators can cut costs by exporting contaminated or lower quality waste and organised criminals profit from illegally exporting poor quality waste that is misdescribed as being recyclable.

The introduction of the Service will make compliance with reporting requirements easier and less time consuming, as well as making it harder for companies to commit waste crime such as fly tipping, deliberately misclassifying waste, exporting illegal waste and illegally operating waste sites.

The Service forms part of a wider package of regulatory proposals aimed at improving waste regulation across the UK.

## What are the proposals?

The Service will require waste producers to record information about the movements of controlled waste and extractive waste from the place where the waste is produced, referred to as 'waste movements'. Information about waste received by a waste-receiving site will also need to be recorded on the Service as part of a waste movement. Although the term waste movement has not been defined, the Response sets out which waste movements that must be recorded on the Service, which are considered below.

Overall, where a record of a waste movement is required under existing legislation, a record on the Service will be required. Details on how the Service will work are yet to be confirmed, although it will likely involve submitting information about the waste type, quantity, and destination, amongst other information. The digital waste tracking requirements (the **Requirements**) will replace existing requirements to complete waste-transfer notes for non-hazardous waste and hazardous-waste consignment notes, as well as requirements for aggregated waste reporting.

The key proposals for the Service include the following.

## **Scope**

The Requirements will apply to hazardous and non-hazardous waste, green waste, and other types of household, commercial and industrial waste.

## **Waste tracking records**

Subject to certain exceptions, waste tracking records will be required when:

- waste is passed to a different organisation or person;
- waste is moved between sites operated by the same organisation, for example, moving waste between different permitted waste sites operated by the same entity;
- waste is passed from the control of one organisation to another organisation within the same site, for example, where different waste facilities are operated by different entities in one location; and
- a single entity is undertaking multiple activities on a single site which require different authorisations, and the waste is moved between these authorisations, for example, when waste is moved from the control of a permitted facility to be handled under a registered exemption operated by the same entity within the same locality.

In cases where waste does not leave the site where it was originally produced, waste tracking records will be required when:

- waste is deposited, recovered, or treated under an environmental waste permit or licence. This is necessary as when the Service is implemented, separate permitted or licensed site waste returns will no longer be required; and
- hazardous waste is being handled under a registered exemption. This is necessary because separate hazardous waste returns will no longer be required.

## Exceptions

The UK Government intends to create several exceptions from the overarching requirements for digital waste tracking records. Under the exceptions, information about the waste handled will still be captured in the Service but records will begin at a later point in the chain, rather than the point at which the waste is produced. The exceptions do not extend to movements of waste under a certain weight, suggesting that records will need to be made of all waste movements regardless of the amount of waste being moved.

The exceptions are as follows:

- household waste collected from domestic premises by local authorities;
- household waste recycling centres;
- extractive wastes, such as waste from mines or quarries, unless the waste is being removed off site;
- litter collected by a person or organisation that is moved to a collection point;
- incidental waste that is generated and moved by people not providing waste management services, such as tradespeople and mobile phone service operators; and
- samples of waste moved from a producer to a site conducting testing for the purposes of analysis and determining the waste classification or description.

## What information will be recorded

The information that will need to be recorded on the Service is as follows:

- unique identifiers must be generated for all waste movements prior to the waste being moved;
- the presence of persistent organic pollutants (**POPs**) in waste must be recorded. Details on what POPs are present as well as the content level may also be required;
- waste classification details;
- waste destination details for all waste movements;
- standard industrial classification codes used to indicate the type of process or industry that generated the waste for all waste types;
- rejected or quarantined load details and the subsequent transfer or movement of such waste;
- waste treatment details and the end fate of waste. Operators of waste receiving sites must record the intended waste hierarchy option and intended waste management method for all waste brought onto site;
- details of the country where the end of waste product and materials produced are sent;

- onward destination details for end of waste products or materials, such as address or contact details; and
- additional information for 'green list waste' shipments, including the receptable type and the point of entry to or point of exit from the UK. Information about green list waste shipments will not be required until the waste arrives at the first waste receiving site in the UK.

## **Responsibilities**

Businesses will need to work with their waste management partners and/or carriers to determine the types of waste being produced, how much waste is being produced and how often, and where the waste goes. The person arranging a waste movement will be responsible for generating the waste tracking record.

The following responsibilities apply only to specific waste tracking roles:

- waste producers will be responsible for entering waste classification details onto the Service or, alternatively, for giving carriers, brokers or dealers a suitable description of the waste to be classified or details of a waste classification if the waste has already been classified by someone else.
- waste carriers must ensure that all parties involved in the waste movement are registered on the Service before moving any waste and provide them with the unique identifier for the waste movement or transfer. Carriers must ensure that the waste receiving site is legally able to accept the waste or otherwise must refuse to transport the waste onto site.
- brokers and dealers must ensure that all parties involved in the waste movement have registered on the Service before any waste is moved and must only arrange for waste to be moved to sites legally able to accept it.

## **Record keeping**

The Government intends to include a requirement for businesses to retain documentation regarding waste classification.

## **Enforcement**

After an initial period of familiarisation and education, enforcement action will be taken against businesses that continue to breach the Requirements. Although enforcement options have not been confirmed, the Government has indicated that this may include interventions such as advice, guidance or warning letters, or criminal enforcement procedures such as formal cautions or prosecution. Civil sanctions will take the form of fixed and variable financial penalties with no maximum to the variable fines. When imposing a financial penalty, the relevant enforcement authority will consider the environmental impact of the breach, the culpability of the organisation or person involved, and whether there is a history of non-compliance.

## Timeline

The Service will be made available to use on a voluntary basis this year. It is likely that groups of users will be invited to use the Service in phases. The Service will become mandatory from 1 April 2025, once the necessary legislation comes into force, at which point the annual service charge will be payable. A soft launch of the Service commenced on 1 April 2024 on a voluntary basis.

## Next steps

Once the Service becomes live, businesses will be expected to record data in a much timelier way than they do now and at a more granular level. As such, businesses must ensure that they are registered on the Service before it goes live and that they have made the necessary arrangements to be able to comply with the Requirements when they come into force.

The NRF Environment team is on hand to advise and support businesses that will be required to use the Service, and to assist in navigating the waste regulatory framework in the UK as it develops. We will continue to monitor and provide further updates on UK waste regulation.

*With thanks to Katie Phipps (trainee solicitor) for her contributions*



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