 Regulatory Policy Committee	Opinion	
Impact Assessment (IA)	The Transfrontier Shipment of Waste (Amendment) Regulations 2012	
Lead Department/Agency	Department for Environment, Food and Rural Affairs	
Stage	Final	
IA number	Defra 1140	
Origin	Domestic	
Expected date of implementation (and SNR number)	Before April 2014 (SNR7)	
Date submitted to RPC	16/01/2013	
RPC Opinion date and reference	03/02/2013	RPC13-DEFRA-1648(2)
Overall Assessment	GREEN	
<p>RPC comments</p> <p>The IA is fit for purpose. Following our consultation stage opinion, the Department used the consultation process to test the extent to which the proposal could result in increased costs for compliant businesses. The evidence relating to this point is covered sufficiently in the IA. The proposal is out of scope of one-in, two-out as the majority of the elements relate to the regulation of public authorities, with the only impact on compliant businesses arising from an increase to fees and charges with no change to the scope of regulation.</p>		
<p>Background (extracts from IA)</p> <p>What is the problem under consideration? Why is government intervention necessary?</p> <p><i>Treatment and disposal of waste can have environmental and health impacts. These impacts are not taken into account in decision-making on movement of waste. The Transfrontier Shipment of Waste Regulations 2007 (TFS Regulations) were implemented to monitor and regulate this movement to ensure effective monitoring and enforcement. Some responsibilities now need to be transferred. At present it is impossible for Competent Authorities (CAs) to access key HMRC intelligence. In addition, current fees for shipment of waste into or from Northern Ireland (NI) have been identified as insufficient to cover costs. Government intervention is necessary to clarify CA responsibilities, provide the required legal gateway to allow access to HMRC export data and change existing fees in Northern Ireland (NI).</i></p> <p>What are the policy objectives and the intended effects?</p> <ul style="list-style-type: none"> • <i>To regularise current informal arrangements between Defra and enforcement bodies for dealing with the transit of shipments in the marine area.</i> • <i>To allow the new body, Natural Resources Wales, to carry out CA functions for transboundary movements of waste starting and finishing in Wales.</i> • <i>To enable HMRC to share export data with CAs so maximising use of</i> 		

existing data on monitoring exports.

These proposed changes are intended to result in more accurate detection of illegal shipments and more targeted enforcement of the WSR. This will lead to more efficient regulation and support legitimate business by creating a level playing field. We propose a change to the existing fees for shipments of waste into and from NI.

Comments on the robustness of the OITO assessment

The proposal includes a number of elements intended to improve the ability of public bodies to monitor and regulate effectively the movement of waste between states. The majority of these changes relate to the regulation of public bodies (competent authorities) and Border Force (part of the Home Office that is responsible for border control operations at air, sea and rail ports).

The IA says that the only elements of the proposal that will impact on compliant businesses are an increase in fees and charges with no change in the scope of regulation. On this basis, the proposal is assessed as being outside the scope of one-in, two-out. This appears to be a reasonable assessment and is consistent with current One-in, Two-out Methodology (paragraph 1.9.8 vii of the Better Regulation Framework Manual).

Comments on the robustness of the Small & Micro Business Assessment (SaMBA)

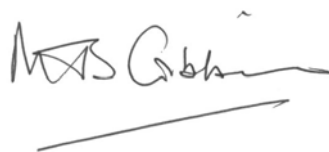
The proposals will regulate business but are intended to come into force before 1 April 2014. Therefore a SaMBA is not applicable.

Quality of the analysis and evidence presented in the IA

Our consultation stage opinion commented on the risk that, as a result of the proposed changes, there could be an increase in the number of legitimate shipments of waste being delayed. The final stage IA clarifies that any such risk would also be present in the 'do nothing' counterfactual, as Border Force already undertake such actions under existing regulation. The proposal will clarify its ability to do so within the legislative framework. It is even possible that, as a result of better targeted enforcement action through access to HMRC export data, fewer legitimate businesses may be delayed.

The changes to the Northern Ireland import and export fees will bring the level of fees charged into line with the costs of the regulatory activity that is undertaken currently.

Signed



Michael Gibbons, Chairman