



The Recycling Association

Guidance for accredited plastic waste exporters on the requirements to be able to issue PERNs

1. Introduction
 - a. This Guidance has been produced by The Recycling Association following extensive discussions with the Environment Agency to clarify concerns related to the cancellation of PERN tonnage in 2021.
2. Conditions of Accreditation
 - a. All exporters, on the approval of their accreditation application, receive Conditions of Accreditation (CoA). The EA stresses that the grant of accreditation is NOT carte blanche approval for an exporter to issue PERNs on waste that has been exported to a Part C approved site. It is solely authorisation to issue PERNs on the exported waste packaging that has met ALL regulatory requirements and that their application and CoA are adhered to.
 - b. Of particular relevance to this Guidance are conditions 2, 3, 14 and 20 in the CoA which refer to compliance with waste shipment regulations and the need for the exported packaging waste to have been recycled at an approved site **into a 'non-waste product'**.
3. What activity can PERNs be issued on?
 - a. PERNs can be issued by an exporter when the material approved under their Notification of Accreditation (listed in section 1 of their S&I Plan) has been exported - generally defined as when the waste has left the UK – to a site approved under the Part C process and which carries out remelt or has confirmation of end of waste by the local Competent Authority.
 - b. Part C approval does NOT mean that any waste sent to the site is automatically approved for the issue of PERNs OR that the export is compliant with Transfrontier of Waste Regulations (TFS) OR that the site is compliant with their own local regulatory regimes, only that the Agency believes that the site MAY be able to meet the requirements.
 - c. **It is the exporter's responsibility to ensure that the waste is recycled in accordance with the definition below.**
 - d. The Basel Convention implemented [an amendment](#) that from 1 January 2021, which requires B3011 plastic waste to be recycled in a R3 process¹. [GOV.UK](#) defines R3 for plastic as 'manufacture of pellets' or 'flake or shredded packaging plastic that meets all the standards set out in the Quality Protocol for non-packaging plastic'. At present, the latter – known as NPPP – is a UK protocol that is only recognised in England, Wales and Northern Ireland. Other countries may recognise flaking as a R3 activity, but separate evidence from the local Competent Authority would be needed to support this if PERNs were to be claimed on this activity.
 - e. Exporters must therefore be aware that regardless of previous year's activities, **FLAKING IS NOT** accepted as a R3 activity **unless** the exporter has written evidence from the local Competent Authority that the flake is classed as R3 end-of-waste.
 - f. The Agency is aware that PERNs have been issued on B3011 waste plastics exported under green list controls to EU/OECD sites that appear to the EA not to be operating an authorised R3 process or that plastic packaging wastes have been exported to a

¹ B3011 may be exported as green list to EU/OECD countries and to non-OECD countries that have confirmed it will accept B3011 as green waste (listed in regulation [here](#)). The [Waste Export Control Tool](#) (WECT) may also be used for guidance. Questions on TFS should be directed to Askshipments@environment-agency.gov.uk.

- flake/regrind process that does not have confirmation from the overseas Competent Authority of end-of-waste status, therefore, a breach of the Conditions of Accreditation.
- g. [Detailed Guidance](#) on end-of-waste status was issued by the EA on 23 June 2021. Following investigations by local Competent Authorities, this has led to a number of exporters being required to cancel tonnage on which they had issued PERNs in 2021.
 - h. It is evident that Competent Authorities in different countries are applying varying Interpretations as to what activities meet R3 classification and also, what requirements must be met for a waste to reach end-of-waste status. Exporters are therefore often struggling to obtain an official explanation of what is approved as a R3 activity from a destination country Competent Authority.
 - i. Conditions of Accreditation state that the exporter must obtain evidence that the material has been recycled. Traditionally, the EA has accepted returned Annex VIIIs with boxes 13 and 14 completed but more recently, has been requesting additional evidence.
 - j. The Recycling Association has been working with the EA to identify opportunities to avoid similar issues arising in 2022 and has developed the following advice for accredited plastic packaging waste exporters.
4. Summary requirements
- a. PERNs should only be issued on plastic waste that has been exported in a compliance year no earlier than the date of accreditation approval:
 - i. to a site that is the final recycling site and
 - ii. has Part C approval or is awaiting EA approval following submission of the Part C application AND fee. (The exporter must recognise that if they export to the site prior to approval, they risk any PERNs issued prior to approval having to be cancelled if the EA subsequently refuses to approve the Part C) and
 - iii. is performing a R3 activity on the actual waste exported by the accredited exporter - remelt or an end of waste treatment approved by the local Competent Authority and
 - iv. PRIOR to export, the exporter has a copy of the original and an English language translation of the appropriate documents showing this.
 - b. The exporter must also ensure they have satisfied all their Conditions of Accreditation.**
 - c. If an interim site is used, the exporter must have evidence that the waste was subsequently received and processed by a Part C site.
 - d. Copies of Annex VIIIs should be returned to the exporter by the Part C site with boxes 13 and 14 completed and signed which the Agency MAY accept as evidence of the material arriving and being recycled at the site.
 - e. As added evidence, it is recommended that the exporter should obtain date/time/geo position-stamped photos of the trailer/container on the Part C site showing the trailer/container number and showing the waste being unloaded on site.
 - f. Irrespective of any evidence or Part C approvals referred to above, if an overseas Competent Authority has classified a site activity as R12 or R13 (**ie not R3**) then PERNs cannot be issued on B3011 plastic packaging waste exported to that site in line with the Basel requirements for B3011 to be recycled under R3.
 - g. If a site has both R3 and R12/13 approval, then more robust evidence will be expected by the Agency to demonstrate that the R3 process has been applied. This may include extra documentation such as invoices and statements from a Director of the Part C facility.
 - h. In some countries, the relevant Competent Authority may not have classified a site or activity as either R3 or R12/R13. It is the exporter's responsibility to check this and provide evidence of a R3 process being applied to the exported B3011 waste.

- i. It is recommended that if a site states that its R-code status has not been classified by its authority, then this is clearly declared in writing by the overseas site and that due diligence is applied by the exporter to confirm the site carries out a R3 activity.
5. Additional considerations
- a. Regardless of the issues relating to evidencing that material will be recycled in line with the GOV.UK guidance, exporters must also ensure:
 - i. That they own the waste at the point of export or have transferred ownership to the Part C approved destination site.
 - ii. That their details are in Box 1 of the Annex VII.
 - iii. That where the waste is being initially sent to an interim site:
 - 1. That site is listed on their Sampling & Inspection Plan.
 - 2. The Annex VII shows details of the interim site in box 7 and the Part C approved site on an attachment
 - 3. In line with the Basel Convention requirements, there is only one interim site prior to reaching the Part C site.
 - 4. That the exporter has evidence that the actual waste sent to the interim site reaches the Part C (final reprocessor) site and not just the equivalent weight.
 - 5. That any mixed polymer waste is separately recycled at the Part C site or after sorting at the interim first Part C site, is recycled at a subsequent Part C site. Again, evidence is required that the actual waste is reprocessed at each individual Part C site.
 - b. Exporters must be aware that whilst the European Commission recently agreed a 2% contamination allowance for plastic waste into and out of the EU under [Correspondents Guidelines No 12](#), this DOES NOT APPLY to exporters from England, Wales or Scotland where the Basel requirements of 'almost free from contamination' are applied that only allow for 'minimal' levels of contamination.