

BRIEF CaSE

NEW RECYCLING REGULATIONS

Starting 1 January 2015, the government began enforcing new, stricter policies on the collection of recyclable material in order to achieve higher quality recyclates* across the United Kingdom.

Under the new regulations, waste collection authorities and any businesses that produce waste must separate recyclable waste, including paper, plastic, metal and glass, from non-recyclable waste, such as food. These regulations may also force businesses to revisit their insurance policies with regard to how they sort and store waste, in order to avoid invalidating their cover.

The Regulations

The new regulations are an amendment to the EU Waste Framework Directive (WFD), which provides the legislative framework for the collection, transport, recovery and disposal of waste in the European Union. The WFD requires all member states to take the necessary measures to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment, in addition to providing registration, inspection and permit requirements. The amendment, Regulation 13, enforces the collection of waste as follows:

- Collection of waste is separate from recyclates and 'technically, environmentally and economically practicable'; and
- Method of collection is 'appropriate to meet the necessary quality standards for the relevant recycling sectors'.
- In order to comply with the new regulations, paper, metal, plastic and glass must be collected separately from all other waste materials. This applies to both waste collection authorities and businesses—waste collection authorities must collect recyclates separately, and businesses must store and sort recyclates separately.

For convenience, the regulations allow mixing paper, plastic, metal and glass so as not to require separate containers for each type of recyclable material.

If organisations can safely and effectively recycle without separating recyclates from each other, then co-mingled

collection (storing all recyclates in one container) is acceptable.

What does this mean for businesses?

Industry experts recommend that businesses use a mixed recycling service, which will collect dry recyclates, as well as a general waste service, which will collect all other waste materials.

Since businesses must follow these regulations by ensuring their waste materials are handled accordingly, it is important to consider whether your existing insurance policies may be affected by these changes. For example, in light of the new regulations, local waste collection authorities may replace businesses' metal waste collection bins with new plastic ones for recyclates.

This could interfere with existing conditions in a business' insurance policy regarding the use of plastic (combustible) rather than metal (non-combustible) bins, if, for example, the policy prohibits a plastic, but not a metal bin, from being placed closer than a specified distance to a building or other equipment on the premises for fire safety reasons.

Finally

Review your insurance policy—especially if your bins are replaced—to ensure your organisation is not unwittingly invalidating its cover.

Further Information

For help with you insurance and risk management, please contact CaSE Insurance on 0333 800 9838 or email us Elaine (elainedenny@caseinsurance.co.uk)

For clarity about the legal and compliance issues associated with the new recycling regulations, please contact our partners Bates Wells Braithwaite on 020 7511 7777 or enquiries@bwbllp.com

*Recyclates; "Raw material sent to, and processed in, a waste recycling plant or materials recovery facility".