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**FROM: PAUL MCGRANAGHAN
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DATE: 25 AUGUST 2026

**TO: DR. JANICE THOMPSON
AERA COMMITTEE CLERK**

The Digital Waste Tracking Regulations (Northern Ireland) 2026

Summary: The Digital Waste Tracking regulations are to be laid by the draft affirmative resolution procedure and debated at Assembly.

Business Area: Environmental Resources Policy Division (ERPD)

Issue: SR is required to be laid and made as part of Phase one of the 4 nation Digital Waste Tracking system, to come into operation in January 2027 in Northern Ireland

Restrictions: Not required

Action Required: To approve the SR

Officials Attending: Mr Colin Breen, Assistant Director, ERPD
Mr Keith Carlisle, Head of Branch, Waste Legislation

Background

The Department of Agriculture, Environment and Rural Affairs proposes to make the above named Statutory Rule under powers conferred on it by Articles 5G (1), (2), (3), (5), (6), (7), (8), (9) and (10) and 5H (1), (2), (3), (5), (6) and (7) of the Waste and Contaminated Land (Northern Ireland) Order 1997.

The Statutory Rule is subject to draft affirmative resolution procedure before the Assembly.

Purpose of legislation/policy background

The Statutory Rule will bring into operation the mandatory use of the Digital Waste Tracking (DWT) system to record waste data by any “legal entity” that is registered to receive waste in Northern Ireland. DWT is a 4 nations project led by Defra. However, as the lead department for DWT in Northern Ireland, DAERA is responsible for the development and introduction of DWT regulations to meet regulatory and legal requirements.

The purpose of DWT is to replace the existing set of fragmented systems used to report waste data. This would provide regulators with comprehensive and timely data enabling them to track waste from beginning to end and to more easily identify waste that may be illegally exported, stockpiled, dumped or fly-tipped. In addition, it would help regulators spot potential landfill tax avoidance or fraud schemes, thus making it harder for rogue operators to compete in the industry. Tackling waste crime will not only prevent harm but also ensure that resources are being properly recycled or recovered and fed back into the economy. To do this, the aim of DWT is to address the information gap that hinders the effective regulation and management of waste by introducing mandatory digital waste tracking which will transform existing outdated systems for recording waste movements.

DAERA has been working collaboratively with the other nations across the UK since 2017 on the development of a digital waste tracking (DWT) system. Defra appointed a digital build partner, Equal Experts (EE), which looked at the feasibility of delivering a full waste tracking service.

A phased approach was recommended by Defra, with agreement from the devolved nations. Phase one will focus on a smaller group of industry operators (waste receiving sites only) to input data. From October 2026 in England and Wales and January 2027 in Northern Ireland and Scotland, these operators will be required to submit data through existing software via an API (Automated Programme Interface). Where an operator does not have software for inputting data, they will use a spreadsheet from which a similar API will pull relevant data into the DWT system. The second phase will bring waste carriers, brokers and dealers into digital waste tracking.

Recording the receipt of waste at receiving sites digitally will provide early testing, learning and refinement of the system but otherwise this will provide little benefit to NI in terms of satisfying the aims of digital waste tracking. Phase two, which brings carriers / brokers and dealers into the system, should deliver a full digital waste tracking system. NIEA officials will continue to seek to ensure that data fields for consignment note information are included.

The proposed regulations introduce new offences and penalties. DAERA officials have engaged with officials in Department of Justice on the proposed offences and penalties which are necessary, consistent and proportionate.

Financial Implications

The running costs of the DWT system are to be borne by the users. This will be managed through an annual service charge which is currently £26 per annum which is being administered and collected by Defra. As phase one of the project is limited to receivers only, there may be under-recovery of the service charge. Minister Muir agreed to the phased approach in June 2025 subject to the condition that DAERA would not be liable for any under recovery of the service charge in phase one, with these to be borne by Defra.

The fee is to cover the running of the Digital Waste Tracking system only and does not detract from, or impact upon, existing fees and charges already being paid to NIEA for the regulation of waste in Northern Ireland. Defra will be running and maintaining the Digital Waste Tracking system on behalf of Northern Ireland, Scotland and Wales and the annual fee is for this purpose only. Other regulatory fees and charges regarding waste management in Northern Ireland will not be affected by this.

Northern Ireland Environment Agency (NIEA) recovers its regulatory fees from the purchase of consignment notes by producers / dealers in waste, not from charges to receivers of waste. As phase one brings receivers only into digital waste tracking, regulators and producers/dealers in NI will continue to use the current paper-based process until phase two, when it is intended that carriers, dealers and brokers will be brought on board. This may have resource implications for NIEA as it maintains its current system of waste regulation while taking on additional digital regulation of waste receiving sites, however NIEA has confirmed that their current financial model can absorb these costs, if they arise.

There is potential to incur enforcement costs associated with the use of the Digital Waste Tracking System. The Department does not envisage these costs being significant and NIEA has confirmed that they will be affordable within the NIEA Resource DEL Baseline.

Consultation

There was a UK-wide consultation from 21st January 2022 to 15th April 2022 on digital waste tracking as a policy and the responses from the waste industry were taken into account when developing the Regulations. The Regulations once made will be published in the Belfast Gazette.

Digital Waste Tracking remains a standing agenda item at meetings of the Government Waste Working Group (GWWG). The GWWG brings together policy leads and representatives from the 11 local councils. Local councils raised concerns on additional resources needed to provide data through DWT. In response, it was agreed they would not be required to register or submit data until phase 2. In the longer term, DWT aims to reduce the burden and resource requirements on local councils.

The Department of Justice has also been consulted on offences and penalties and confirmed it is content with the laying and making of the DWT regulations for Northern Ireland.

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Compliance with Section 24 of the Northern Ireland Act 1998

The proposed legislation is in compliance with the requirements with Section 24 of the Northern Ireland Act 1998. All proposals have been screened. No equality, human rights or good relations issues have been identified, and no convention rights are engaged. This will be kept under review once the legislation is laid before the Assembly.

Consideration by the Executive

The proposed regulations is neither significant nor controversial, however as the regulations introduce new offences and penalties, under Paragraph 2.4 (i) of the Ministerial Code these are deemed to be cross cutting and therefore must be referred to the Executive Committee. After consideration, the Executive approved the laying and making of the Digital Waste Tracking Regulations (Northern Ireland) 2026 on 8 July.

Equality Impact

Equality implications have been screened out. These will be kept under review as the policy progresses.

Regulatory Impact

A UK-wide impact assessment was completed in respect of implementing a complete Digital Waste Tracking System, as was initially planned. No significant impact on Northern Ireland business was identified. A further UK-wide impact assessment has been completed in respect of the new, phased approach with no significant impact to Northern Ireland businesses or charities highlighted.

Rural Needs Impact

Rural Needs implications have been screened out. These will be kept under review as the policy progresses.

Data Protection Impact

A joint data controller agreement and data sharing arrangements are in place. This is underpinned by a relevant data protection impact assessment and privacy notice for the digital waste tracking service.

Child Rights Impact

Not applicable.

Position in Great Britain (if appropriate).

DWT is a 4 nations project, however each nation has their own DWT regulations to meet their own specific regulatory and legal requirements.

Proposed timing of consideration of the SL1

The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. The proposed date on which the Department proposes that the Committee consider the SL1 is 10 September 2026, with the proposed date for an oral briefing before the Committee on 22 October 2026.

Proposed Operational Date

It is proposed that the rule will come into operation in January 2027.

The draft of the proposed Statutory Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for Agriculture, Environment and Rural Affairs.

This SL1 is being copied to the Human Rights Commission, Equality Commission and Assembly & Legislation Section of The Executive Office.

Yours sincerely,



Paul McGranaghan
Departmental Assembly Liaison Officer

Annex A: Draft Digital Waste Tracking (Northern Ireland) Regulations 2026

Annex B: Explanatory Memorandum - Digital Waste Tracking Regulations (Northern Ireland) 2026

Cc: Assembly & Legislation Section (Executive Office)
Human Rights Commission
Equality Commission