

Date: 14-01-2019

To Trustee

Oxfam  
2700 John Smith Drive  
Oxford Business Park South  
Oxford  
Ox4 2jy

Dear Mr/Ms Trustee,

**Re: Textile waste exported to EC Member States Poland – Oxfam (Charity No. 202918) And Sainsbury PLC**

We are conducting an industry wide investigation into the textile industry and we write with regards to the above. Our investigation runs parallel to enquiries to various regulators which includes The Environment Agency.

Your partnership with Sainsbury PLC encourages the specific activity of textile material being discarded into the Sainsbury PLC's recycling banks. Consequently any textiles deposited into the banks become waste matter. This waste only cease to be waste when 'recovered' i.e they are deemed, through physical and direct inspection, suitable for direct reuse. Regard has to be had by any exporter of textiles who purports that waste has been recovered to its eventual destination. We are concerned here with the EC member states and in particular Poland.

Your arrangement requires you by law under the Environmental Protection Act to be aware of the final destination of the textile waste. A quantity of the textile waste collected by Sainsbury PLC is exported to EC member states and in particular to Poland. Bearing in mind it is your obligation to know where waste collected by Sainsbury PLC ends up, we should be grateful if you would confirm whether or not that is the case.

You are probably not aware that it is Polish law that any textile waste imported in to their country has to be disinfected and thus be free of contaminants. Therefore unless the textiles have been disinfected (evidenced by a fumigation certificate) then they cannot possibly be suitable for direct reuse or resale in Poland. As such the textiles remain as waste.

Please note that if textile waste is exported to Poland, then that process is subject to the prior notification and consent procedure. As we have made enquiries of both the England & Wales Environment Agency and the Polish Environment Agency, have discovered that since the implementation of the Trans-frontier Shipment of Waste Regulations 2007, there have been no records of any prior notification and consent having been given.

This means that exporters, such as Sainsbury PLC, of textiles to Poland is breaking the law. A failure to comply with the prior notification and consent procedure is punishable in either the Magistrate's Court or the Crown Court. In the Crown Court, it could lead to an unlimited fine or two years imprisonment.

If textile waste is being exported to Poland in breach of the Regulations and the persons exporting receive payment then at least part of the monies they receive would be the proceeds of crime.

We believe that it would be in your interests to ensure that anybody who collects textiles for you and exports the same to Poland confirm to you that they do abide by the prior notification and consent procedure.

We would suggest, as a matter of due diligence, that you demand from Sainsbury PLC to provide a written assurance that it does not export to Poland and if they do, that they provide documentary evidence (which would be available) that they have complied with the prior notification and consent procedures. You may also wish to see sight of any fumigation certificates.

As stated earlier our investigation runs parallel to enquiries to various regulators, this includes The Charity Fundraising Regulator's (TCFR). The CFR's Standards office has confirmed, that a charity needs to hold a Charity Commercial Participation Agreement (CPPA) with any companies or commercial partners that fall within the definition of a commercial participator. [The Charitable Institutions \(Fund-Raising\) Regulations 1994](#), gives the right of access to charitable institutions involved in the contract to that agreement on request.

The CFR's Code of Fundraising Practice reflects the law in stating that an agreement is necessary where a fundraising relationship takes place between a charity and a commercial participator. The CFR has the power to investigate organisations where breaches of the Code of Fundraising Practice may have occurred. As the CFR has the powers to investigate the fundraising activities of charities we refer you to section 1.0 of the Code of Fundraising Practice which states;

*'The work of all fundraising organisations will be Legal, Open, Honest and Respectful', section 1.2 (i) 'Trustees of Charities (or for Charities without a Trustee Board, those who serve on its governing body) MUST have regard to national guidance in overseeing the fundraising activities of their Charity and any third parties fundraising on the charity's behalf'*

Charities and Commercial Participators do have a duty in law to deliver the *solicitation statement* that reflects the proportion of value that will be passed on to a charity as the result of a CCPA. **Members of The Public** are entitled to this at the point that a "donation" is being solicited from them by the commercial participator. As we have used the provision of recycling banks of Sainsbury PLC this give us the legal right to request this information from you.

Our enquiry, in this particular instance, raises the concerns over questionable environmental practices and that recycling is classed as waste activity and thus a controlled substance. Thus, the purpose of this letter places the onus of investigation of the respective regulator of waste, in this case, The Environment Agency. Therefore, we can confirm that we have in place a comprehensive plan of engagement with the appropriate authorities in relation to this matter. To this effect we shall send alert notifications of the same matter to the relevant Waste Collection Authorities in whose jurisdiction you operate, The Environment Agency in UK as well as in Poland so they may conduct their own investigations.

We look forward to hearing from you.

Yours sincerely,

JAROSLAV RIGO (MR)  
**Pre-Complaints Unit**

