

STATUTORY INSTRUMENTS

2015 No. 1360

The Hazardous Waste (Miscellaneous Amendments) Regulations 2015

Citation, commencement and application

1.—(1) These Regulations may be cited as the Hazardous Waste (Miscellaneous Amendments) Regulations 2015 and come into force on 1st July 2015.

(2) Regulations 7 to 9 and 11 apply to England only.

Amendment of the Environmental Protection Act 1990

2. In section 62A of the Environmental Protection Act 1990 ^{M1} (lists of waste displaying hazardous properties)—

- (a) in each of subsections (1)(b) and (2)(b), for “Directive 2008/98/EC”^{M2}, substitute “Directive 2008/98/EC”;
- (b) in subsection (3), for “Commission Decision 2000/532/EC”^{M3}, substitute “Commission Decision 2000/532/EC, as amended from time to time”.

Marginal Citations

M1 1990 c.43; section 62A was inserted by S.I. 2005/894 and amended by S.I. 2011/988.

M2 OJ No L 312, 22.11.2008, p.3, as last amended by Commission Regulation (EU) No 1357/2014 (OJ No L 365, 19.12.2014, p.89). The effect of section 20A of the Interpretation Act 1978 (c.30) is that the updated references to Directive 2008/98/EC are to the Directive as last amended by Commission Regulation (EU) No 1357/2014.

M3 OJ No L 226, 6.9.2000, p.3, as last amended by Commission Decision 2014/955/EU (OJ No L 370, 30.12.2014, p.44).

Amendment of the Hazardous Waste (England and Wales) Regulations 2005

3.—(1) The Hazardous Waste (England and Wales) Regulations 2005 ^{M4} are amended as follows.

(2) For paragraph (1)(a) of regulation 2 ^{M5} (the Waste Directive and the meaning of waste), substitute—

“(a) “the Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste;”.

(3) In paragraph (a) of regulation 3 ^{M6} (Annex III to the Waste Directive), omit “, as that Annex is set out in Schedule 3”.

(4) For paragraph (1) of regulation 4 ^{M7} (the List of Wastes), substitute—

“(1) In these Regulations, “the List of Wastes” means the list of wastes established by Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council

Decision [94/904/EC](#) establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive [91/689/EEC](#) on hazardous waste, as amended from time to time.”.

(5) In paragraph (2) of regulation 8 (specific waste to be treated as hazardous), for “Article 3 of the List of Wastes Decision”, substitute “ Article 7(2) of the Waste Directive ”.

(6) In paragraph (2) of regulation 9 (specific waste to be treated as non-hazardous), for “Article 3 of the List of Wastes Decision”, substitute “ Article 7(3) of the Waste Directive ”.

(7) Omit Schedule 3 ^{M8} (Annex III to the Waste Directive).

(8) For Schedule 8 (form of consignee's return to producer or holder), substitute the text at Schedule 1 (new Schedule 8).

Marginal Citations

- M4** [S.I. 2005/894](#), amended by [S.I. 2011/988](#); there are other amending instruments but none is relevant.
M5 [Regulation 2](#) was substituted by [S.I. 2011/988](#).
M6 [Regulation 3](#) was substituted by [S.I. 2011/988](#).
M7 Paragraph (1) of regulation 4 was amended by [S.I. 2011/988](#).
M8 [Schedule 3](#) was substituted by [S.I. 2011/988](#).

Amendment of the Batteries and Accumulators (Placing on the Market) Regulations 2008

4. For the definition of “appliance” in paragraph (1) of regulation 2 of the Batteries and Accumulators (Placing on the Market) Regulations 2008 ^{M9} (interpretation), substitute—

““appliance” means any electrical or electronic equipment, as defined by Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) ^{M10}, which is fully or partly powered by batteries or accumulators or is capable of being so;”.

Marginal Citations

- M9** [S.I. 2008/2164](#), to which there are amendments not relevant to these Regulations.
M10 OJ No L 197, 24.7.2012, p.38.

Amendment of the Cremation (England and Wales) Regulations 2008

5. In regulation 29 of the Cremation (England and Wales) Regulations 2008 ^{M11} (incineration of body parts)—

(a) in paragraph (1), for “listed in code 18 01 02 or 18 01 03 of Schedule 1 to the List of Wastes Regulations”, substitute “ falling within the description of code 18 01 02 or 18 01 03 in the List of Wastes ”;

(b) in paragraph (2), for the definition of “List of Wastes Regulations”, substitute—

““List of Wastes” means the list of wastes established by Commission Decision [2000/532/EC](#) replacing Decision [94/3/EC](#) establishing a list of wastes pursuant to Article 1(a) of Council Directive [75/442/EEC](#) on waste and Council Decision [94/904/EC](#) establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive [91/689/EEC](#) on hazardous waste, as amended from time to time;”.

Marginal Citations

M11 [S.I. 2008/2841](#), to which there are amendments not relevant to these Regulations.

Amendment of the Waste Batteries and Accumulators Regulations 2009

6. For the definition of “appliance” in paragraph (1) of regulation 2 of the Waste Batteries and Accumulators Regulations 2009 ^{M12} (interpretation), substitute—

““appliance” means any electrical or electronic equipment, as defined by Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE), which is fully or partly powered by batteries or is capable of being so;”.

Marginal Citations

M12 [S.I. 2009/890](#), to which there are amendments not relevant to these Regulations.

Amendment of the Environmental Permitting (England and Wales) Regulations 2010

7.—(1) The Environmental Permitting (England and Wales) Regulations 2010 ^{M13} are amended as follows.

(2) In regulation 3 (interpretation: Directives)—

(a) for the definition of “the Waste Framework Directive”^{M14}, substitute—

““the Waste Framework Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”;

(b) for the definition of “the WEEE Directive”, substitute—

““the WEEE Directive” means Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE).”.

(3) In Part 1 of Schedule 3 (exempt facilities: descriptions and conditions)—

(a) in paragraph 1 of chapter 1—

(i) in sub-paragraph (1), at the appropriate place insert—

““List of Wastes” means the list of wastes established by Commission Decision [2000/532/EC](#) replacing Decision [94/3/EC](#) establishing a list of wastes pursuant to Article 1(a) of Council Directive [75/442/EEC](#) on waste and Council Decision [94/904/EC](#) establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive [91/689/EEC](#) on hazardous waste, as amended from time to time;”;

(ii) for sub-paragraph (2), substitute—

“(2) In this Part, a six digit code used to refer to a waste is a reference to the waste specified by the six digit code in the List of Wastes except insofar as the waste in this Part in relation to such a code does not include some of the types of waste specified by the code in the List”;

(b) in section 2 of chapter 3—

(i) in paragraph 1—

(aa) in sub-paragraph (3)(e), for “dangerous substance”, substitute “ hazardous substance ”;

(bb) for sub-paragraph (5), substitute—

- “(5) In this paragraph, “hazardous substance” means a substance classified as hazardous as a consequence of fulfilling the criteria laid down in Parts 2 to 5 of Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures^{M15}.”;
- (ii) in the second column of the row beginning “160504*” in the table at sub-paragraph (2) of paragraph 15, for “dangerous substances”, substitute “hazardous substances”;
- (c) in section 2 of chapter 5, in the second column of the row beginning “150202*” in the table at sub-paragraph (2) of paragraph 1, for “dangerous substances”, substitute “hazardous substances”.
- (4) In Schedule 12 (waste electrical and electronic equipment)—
- (a) in sub-paragraph (1) of paragraph 2, for “Article 3(b)”, substitute “Article 3(1)(e)”;
- (b) in paragraph 3—
- (i) in sub-paragraph (1), for “Article 6(1) first paragraph and Article 6(3) and (4)”, substitute “Articles 8(1) to (3) and 9(3)”;
- (ii) for sub-paragraph (2), substitute—
- “(2) But when interpreting the WEEE Directive for the purposes of this paragraph, ignore the following words in Article 9(3)—
- (a) “or the registration referred to in paragraphs 1 and 2”; and
- (b) “and for the achievement of the recovery targets set out in Article 11”.”.

Marginal Citations

M13 S.I. 2010/675, amended by S.I. 2011/988; there are other amending instruments but none is relevant.

M14 The definition of “the Waste Framework Directive” in regulation 3 was substituted by S.I. 2011/988.

M15 OJ No L 353, 31.12.2008, p.1, as last amended by Commission Regulation (EU) No 1297/2014 (OJ No L 350, 6.12.2014, p.1).

Amendment of the Waste (England and Wales) Regulations 2011

8.—(1) The Waste (England and Wales) Regulations 2011^{M16} are amended as follows.

(2) In paragraph (1) of regulation 3^{M17} (interpretation), at the appropriate place insert—

““the List of Wastes” means the list of wastes established by Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, as amended from time to time;”.

(3) In paragraph (2)(a) of regulation 35^{M18} (waste information), omit “(England) Regulations 2005 or, as the case may be, the List of Wastes (Wales) Regulations 2005”.

(4) For sub-paragraph (3)(b) of paragraph 11 of Schedule 1 (waste prevention programmes and waste management plans), substitute—

“(b) naturally occurring material falling within the description of code 17 05 04 in the List of Wastes.”.

Marginal Citations

M16 [S.I. 2011/988](#); relevant amending instruments are [S.I. 2013/755](#) and 2014/656.

M17 [Regulation 3](#) was amended by [S.I. 2013/755](#).

M18 [Paragraph 2](#) of regulation 3 was amended by [S.I. 2014/656](#).

Amendment of the Controlled Waste (England and Wales) Regulations 2012

9. In paragraph 1 of Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012 ^{M19} (household, industrial and commercial waste), for paragraph (c) of the definition of “offensive waste”, substitute—

“(c) falls within the description of code 18 01 04, 18 02 03 or 20 01 99 in the list of wastes established by Commission Decision [2000/532/EC](#) replacing Decision [94/3/EC](#) establishing a list of wastes pursuant to Article 1(a) of Council Directive [75/442/EEC](#) on waste and Council Decision [94/904/EC](#) establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive [91/689/EEC](#) on hazardous waste, as amended from time to time;”.

Marginal Citations

M19 [S.I. 2012/811](#), to which there are amendments not relevant to these Regulations.

Revocations

10. The following Regulations are revoked—

- (a) the List of Wastes (England) Regulations 2005 ^{M20};
- (b) the List of Wastes (England) (Amendment) Regulations 2005 ^{M21}.

Marginal Citations

M20 [S.I. 2005/895](#), amended by [S.I. 2005/1673](#), 2011/988 and 2013/141.

M21 [S.I. 2005/1673](#).

Transitional provisions

11. Schedule 2 (modifications to permits etc.) has effect.

Department for Environment, Food and Rural
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Changes to legislation:

There are currently no known outstanding effects for the The Hazardous Waste (Miscellaneous Amendments) Regulations 2015.