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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1417 (W. 141)**

**ENVIRONMENTAL PROTECTION, WALES**

**The Hazardous Waste (Miscellaneous  
Amendments) (Wales) Regulations 2015**

|  |         |                     |
|--|---------|---------------------|
| <i>Made</i>  | - - - - | <i>24 June 2015</i> |
| <i>Laid before the National<br/>Assembly for Wales</i> | - -     | <i>26 June 2015</i> |
| <i>Coming into force</i>                               | - -     | <i>20 July 2015</i> |

The Welsh Ministers have, in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 <sup>M1</sup> (“the PPCA 1999”) consulted—

- (a) the Natural Resources Body for Wales;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

The Welsh Ministers have also, in accordance with section 27(2) and (4) of the Waste and Emissions Trading Act 2003 <sup>M2</sup> (“the WETA 2003”) consulted—

- (a) such bodies or persons appearing to them to be representative of the interests of waste disposal authorities in their area as they consider appropriate;
- (b) such bodies or persons appearing to them to be representative of the interests of persons concerned in the operation of landfills in their area as they consider appropriate; and
- (c) such bodies or persons appearing to them to be representative of any other affected persons as they consider appropriate.

The Welsh Ministers are designated <sup>M3</sup> for the purposes of section 2(2) of the European Communities Act 1972 <sup>M4</sup> (“the ECA 1972”) in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste <sup>M5</sup> and the prevention, reduction and management of waste <sup>M6</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the ECA 1972, and it appears to the Welsh Ministers that it is expedient for references to Commission Decision [2000/532/EC](#) <sup>M7</sup>, referred to in regulations 2(2), 3(4), 4(4)(a), 5(2) and 6, to be construed as references to that instrument as amended from time to time.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the ECA 1972, section 75(8) of the Environmental Protection Act 1990 <sup>M8</sup>, section 2 of and Schedule 1 to the PPCA 1999 and sections 11, 12 and 13 of the WETA 2003.

### Marginal Citations

- M1** 1999 c. 24.
- M2** 2003 c. 33.
- M3** By virtue of section 59(2) of the [Government of Wales Act 2006 \(c.32\)](#) (“GOWA 2006”) the Welsh Ministers may exercise the power conferred by section 2(2) of the [European Communities Act 1972 \(c.68\)](#) (“the ECA 1972”) in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose. Paragraph 28(1) of Schedule 11 to GOWA 2006 provides that designations made under section 2(2) of the ECA 1972 by virtue of section 29 (1) of the [Government of Wales Act 1998 \(c.38\)](#) which are in force immediately before the commencement of the repeal of that subsection by GOWA 2006 continue to have effect after the commencement of that repeal as if made by virtue of section 59(1) of GOWA 2006.
- M4** 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and by Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c.7\)](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and by [S.I. 2007/1388](#).
- M5** [S.I. 2005/850](#).
- M6** [S.I. 2010/1552](#).
- M7** OJ No L 226, 6.9.2000, p. 3, as last amended by Commission Decision 2014/955/EU (OJ No L 370, 30.12.14, p. 44).
- M8** 1990 c. 43.

### Title, commencement and application

1.—(1) The title of these Regulations is the Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015.

(2) These Regulations come into force on 20 July 2015.

(3) These Regulations apply in relation to Wales.

### Amendment of the Landfill Allowances Scheme (Wales) Regulations 2004

2.—(1) The Landfill Allowances Scheme (Wales) Regulations 2004 <sup>M9</sup> are amended as follows.

(2) In regulation 2(1) (interpretation) in the appropriate place, insert—

““the List of Wastes” (“y Rhestr Wastraffoedd”) 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 regulation 6(2)(b) (obligation for waste disposal authorities to keep records and make returns), for “list of hazardous waste pursuant to List of Waste (Wales) Regulations 2005 for, the waste” substitute “ List of Wastes ”.

(4) In regulation 7(1)(b) (obligation for operators of landfills to keep records and make returns), for “List of Waste (Wales) Regulations 2005” substitute “ List of Wastes ”.

### Marginal Citations

- M9** [S.I. 2004/1490](#) (W. 155) as amended by [S.I. 2005/1820](#) (W. 148). There are other amendments not relevant to these Regulations.

### Amendment of the Hazardous Waste (Wales) Regulations 2005

3.—(1) The Hazardous Waste (Wales) Regulations 2005<sup>M10</sup> are amended as follows.

<sup>F1</sup>(2) .....

(3) In regulation 3(a)<sup>M11</sup> (Annex III to the Waste Directive), omit “, as that Annex is set out in Schedule 3”.

(4) For regulation 4(1)<sup>M12</sup> (the List of Wastes), substitute—

“(1) In these Regulations, “the List of Wastes”(“*y Rhestr Wastraffoedd*”) 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 regulation 6(b), for “62A(1)” substitute “ 62A(2) ”.

(6) In regulation 8—

- (a) in paragraph (1)(b), for “62A(1)” substitute “ 62A(2) ”;
- (b) in paragraph (2) (specific waste to be treated as hazardous), for “Article 3 of the List of Wastes Decision” substitute “ Article 7(2) of the Waste Directive ”.

(7) In regulation 9—

- (a) in paragraph (1)(b), for “62A(1)” substitute “ 62A(2) ”;
- (b) in paragraph (2), for “Article 3 of the List of Wastes Decision” substitute “ Article 7(3) of the Waste Directive ”.

(8) Omit Schedule 3<sup>M13</sup> (Annex III to the Waste Directive).

(9) For Schedule 8 (form of consignee's return to producer or holder) substitute the text in the Schedule to these Regulations.

#### Textual Amendments

**F1** [Reg. 3\(2\)](#) revoked (5.7.2018) by [The Hazardous Waste \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/721\)](#), regs. 1(2), **7(a)**

#### Marginal Citations

**M10** [S.I. 2005/1806](#) (W. 138), relevant amending instruments are [S.I. 2011/971](#) (W 141) and [S.I. 2011/988](#).

**M11** Regulation 3 was substituted by [S.I. 2011/971](#) (W. 141).

**M12** As amended by [S.I. 2011/971](#) (W. 141).

**M13** Schedule 3 was Substituted by [S.I. 2011/971](#) (W 141).

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

4.—(1) The Environmental Permitting (England and Wales) Regulations 2010<sup>M14</sup> are amended as follows.

(2) In regulation 2(1) (interpretation: general) in the definition of “WEEE”, for “Article 3(b)” substitute “ Article 3(1)(e) ”.

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

- (a) for the definition of “the Waste Framework Directive” substitute—

- “the Waste Framework Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on Waste <sup>M15</sup>”;
- (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) <sup>M16</sup>”.
- (4) In paragraph 1 of chapter 1 of Part 1 of Schedule 3, (exempt facilities: descriptions and conditions)—
- (a) 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”;
- (b) 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”.
- (5) In section 2 of chapter 3 of part 1 of Schedule 3—
- (a) in paragraph 1—
- (i) in sub-paragraph (3)(e), for “dangerous substance” substitute “ hazardous substance ”;
- (ii) 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 1 to Regulation (EC) No [1272/2008](#) on classification, labelling and packaging of substances and mixtures <sup>M17</sup>”;
- (b) in paragraph 11 sub-paragraph (3)(c), for “Annex III” substitute “ Annex VIII ”; and
- (c) in the table at paragraph 15(2), in the second column of the row beginning “160504\*”, for “dangerous substances”, substitute “ hazardous substances ”.
- (6) In section 2 of chapter 5 of part 1 of Schedule 3, in the table at paragraph 1(2), in the second column of the row beginning “150202\*”, for “dangerous substances” substitute “ hazardous substances ”.
- (7) In Schedule 12 (waste electrical and electronic equipment)—
- (a) in paragraph 2, sub-paragraph (1), 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

- M14** S.I. 2010/675, of which there are amendments not relevant to these Regulations.  
**M15** OJ No L 312, 22.11.2008, p. 3.  
**M16** OJ No L 197, 24.7.2012, p.38.  
**M17** OJ No L 353, 31.12.2008, p.1, as last amended by Commission Regulation (EU) No 1297/2014 (OJ No L 350, 6.12.14, p.1).

### Amendment of the Waste (England and Wales) Regulations 2011

5.—(1) The Waste (England and Wales) Regulations 2011 <sup>M18</sup> are amended as follows.

(2) In regulation 3(1) (interpretation), in 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 regulation 35(2)(a) (waste information), omit “(England) Regulations 2005 or, as the case may be, the List of Wastes (Wales) Regulations 2005”.

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

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

#### Marginal Citations

- M18** S.I. 2011/988; relevant amending instruments are [S.I. 2013/755](#) and [2014/656](#).

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

6. In paragraph 1 of Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012 <sup>M19</sup>(household, industrial and commercial waste), for paragraph (c) of the definition of “offensive waste”, substitute—

“(c) falls within the description relating to 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

7. The following provisions are revoked—

- (a) The List of Wastes (Wales) Regulations 2005 <sup>M20</sup>;

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**Changes to legislation:** There are currently no known outstanding effects for the The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015. (See end of Document for details)

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- (b) regulation 4 (amendment of the List of Wastes (Wales) Regulations 2005) of the Waste (Miscellaneous Provisions) (Wales) Regulations 2011 <sup>M21</sup>.

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**Marginal Citations**

**M20** [S.I. 2005/1820](#) (W. 148) as amended by [S.I. 2011/971](#) (W. 141).

**M21** [S.I. 2011/971](#) (W. 141).

*Carl Sargeant*  
Minister for Natural Resources, one of the Welsh  
Ministers

SCHEDULE/ATODLEN

Regulation/Rheoliad 3(9)

“SCHEDULE 8/ATODLEN 8

Regulation/Rheoliad 54

Form of consignee's return to producer or holder/  
Ffurflen ateb y traddodai i'r cynhyrchydd neu'r deiliad

Hazardous waste producer returns form  
Ffurflen atebion cynhyrchydd gwastraff peryglus

1. Consignee details/Manylion y traddodai

| Name of consignee/<br>Enw'r traddodi | Postcode/<br>Cod Post | Consignee hazardous<br>waste i.d. code<br>Cod adnabod<br>gwastraff peryglus y<br>traddodi | Date/Dyddiad <sup>(1)</sup> |
|--------------------------------------|-----------------------|---|-----------------------------|
|                                      |                       |   |                             |

2. Waste return/ Atebion ynglŷn â gwastraff

| Consignment<br>note number<br>Rhif nodyn<br>traddodi | Date<br>received<br>Dyddiad<br>dod i law | Mode of<br>transport<br>Cyfrwng<br>clido | Frequency<br>of collection<br>Amlder<br>casglu(2) | Six<br>digit<br>code(s)<br>Cod(a<br>u)<br>chwe<br>digid(3) | Hazard<br>code(s)<br>Cod(au)<br>peryl(4) | Physical<br>form<br>Ffurflen<br>ffisegol(5) | Quantity<br>(kg)<br>Maint<br>(kg) | Mode of disposal/<br>recovery<br>Dull gwaredu/adfer(6) |
|--|--|--|---|--|--|---|-----------------------------------|--|
|  |  |  |   |  |  |   |                                   |  |

<sup>(1)</sup>Date of submission of the return by the consignee/ Dyddiad cyflwyno'r ateb gan y traddodai.

<sup>(2)</sup>Where relevant/ Pan fo'n berthnasol.

<sup>(3)</sup>The six digit code(s) must correspond to the relevant code in the list of wastes. There may be more than one waste stream for each consignment note. All relevant six digit codes must be recorded/ Rhaid i'r cod(au) chwe digid gyfateb i'r cod perthnasol yn y rhestr o wastraffoedd. Gall fod mwy nag un ffrwd wastraff ar gyfer pob nodyn traddodi. Rhaid cofnodi pob cod chwe digid perthnasol.

<sup>(4)</sup>Hazard code: the hazard code must correspond to the list below. Each individual six digit code may have more than one hazard code. Each appropriate hazard code for a particular six digit code must be entered. Choose all of the appropriate hazard codes for the particular waste. If a waste contains a substance listed in Annex IV to Regulation (EC) No 850/2004 on persistent organic pollutants, and the concentration limit in that Annex is exceeded, the code "POP" must be recorded/ Cod perygl: rhaid i'r cod perygl gyfateb i'r rhestr isod. Gall pob cod chwe digid unigol gwmpasu mwy nag un cod perygl. Rhaid cofnodi pob cod perygl priodol ar gyfer unrhyw god chwe digid. Dewiswch bob un o'r codau perygl priodol ar gyfer gwastraff penodol. Os yw gwastraff yn cynnwys sylwedd a restrir yn Atodiad IV i Reoliad (EC) Rhif 850/2004 ar lygryddion organig parhaus, a'r crynodiad yn uwch na'r terfyn uchaf yn yr Atodiad hwnnw, rhaid cofnodi'r cod "POP".

| Hazard code/ Cod<br>peryl | Description/ Disgrifiad   |
|---------------------------|---|
| HP 1                      | Explosive/ Ffrwydrol  |
| HP 2                      | Oxidising/ Ocsideiddiol   |
| HP 3                      | Flammable/ Fflamadwy  |
| HP 4                      | Irritant – skin irritation and eye damage/ Llidiog – yn achosi llid ar y croen a difrod i'r llygad                    |
| HP 5                      | Specific Target Organ Toxicity (STOT)/ Aspiration Toxicity/ Gwenwyndra sy'n targedu organ benodol/ Gwenwyndra anadlol |
| HP 6                      | Acute Toxicity/ Gwenwyndra aciwt/   |
| HP 7                      | Carcinogenic/ Carsinogenig  |
| HP 8                      | Corrosive/ Cryrdol  |
| HP 9                      | Infectious/ Heintus   |
| HP 10                     | Toxic for reproduction/ Gwenwynig ar gyfer atgennedlu   |
| HP 11                     | Mutagenic/ Mwtagenig  |
| HP 12                     | Release of an acute toxic gas/ Rhyddhau nwy gwenwynig aciwt   |
| HP 13                     | Sensitising/ Sensiteiddiol  |
| HP 14                     | Ecotoxic/ Ecowenwynig   |

**Changes to legislation:** There are currently no known outstanding effects for the The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015. (See end of Document for details)

|       |  |
|-------|--|
| HP 15 | Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste/ Gwastraff a allai amlygu priodwedd beryglus a restrir uchod, nas amlygwyd yn uniongyrchol gan y gwastraff gwreiddiol |
| POP   | Persistent Organic Pollutant/ Llygrydd organig parhaus   |

<sup>(5)</sup>Physical form: Choose one option from the following list as appropriate.

Ffurff ffisegol: Dewiswch un opsiwn fel y bo'n briodol o'r rhestr ganlynol

Gas/ Nwy  
Liquid/ Hylif  
Mixed/ Cymysgedd  
Powder/ Powdr  
Sludge/ Sltsh  
Solid/ Solid



**Changes to legislation:** There are currently no known outstanding effects for the The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015. (See end of Document for details)

<sup>(6)</sup> Mode of disposal/recovery or rejected: use the appropriate Dxx/Rxx code for the operation performed on the waste or insert REJ if the waste has been rejected.

Dull gwaredu/ adfer, neu gwrthodwyd: defnyddier y cod Dxx/Rxx priodol ar gyfer y gweithrediad a gyflawnwyd ar y gwastraff, neu mewnosoder REJ os gwrthodwyd y gwastraff.

| Code/ Cod | Disposal operation/ Gweithrediad gwaredu   |
|-----------|--|
| D01       | Deposit into or onto land/ Dyddodi yn y tir neu arno   |
| D02       | Land treatment/ Trin tir   |
| D03       | Deep injection/Chwistrellu'n ddwfn   |
| D04       | Surface impoundment/ Cronni ar yr wyneb  |
| D05       | Specially engineered landfill/ Tirlenwi a beiriannwyd yn benodol   |
| D06       | Release into a water body except seas/oceans/ Rhyddhau mewn corff dŵr ac eithrio moroedd/cefnforoedd   |
| D07       | Release into seas/oceans including seabed insertion/ Rhyddhau mewn moroedd/cefnforoedd gan gynnwys mewnosod yng ngwely'r môr   |
| D08       | Biological treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12<br>Triniaeth fiolegol, nas pennir yn unman arall, sy'n creu cyfansoddion neu gymysgeddau terfynol a waredir drwy ddefnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12            |
| D09       | Physic-chemical treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbers D01 to D12<br>Triniaeth ffisegol-gemegol, nas pennir yn unman arall, sy'n creu cyfansoddion neu gymysgeddau terfynol a waredir gan ddefnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12 |
| D10       | Incineration on land/ Hylosgi ar y tir   |
| D11       | Incineration at sea/ Hylosgi ar y môr  |
| D12       | Permanent storage/ Storio'n barhaol  |
| D13       | Blending or mixing prior to submission to any of the operations numbered D01 to D12<br>Blendio neu gymysgu cyn defnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12  |
| D14       | Repackaging prior to submission to any of the operations numbered D01 to D12/ Ailbecynnu cyn defnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12  |
| D15       | Storage pending any of the operations numbered D01 to D14 (excluding temporary storage, pending collection, on the site where it is produced).<br>Storio tra'n aros i gyflawni unrhyw rai o'r gweithrediadau a rifwyd D01 to D14 (ac eithrio storio dros dro, tra'n aros am ei gasglu o'r safle lle'i cynhyrchir).                                   |
|           | Recovery operation/ Gweithrediad adfer   |
| R01       | Use principally as a fuel or other means to generate energy/<br>Defnyddio'n bennaf fel tanwydd neu ar gyfer dull arall o gynhyrchu ynni  |
| R02       | Solvent reclamation/regeneration/<br>Adennill/atgynhyrchu toddyddion   |
| R03       | Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)/<br>Ailgylchu/adennill sylweddau anorganig nas defnyddir fel toddyddion (gan gynnwys compostio a phrosesau trawsnewid biolegol eraill)   |
| R04       | Recycling/reclamation of metals and metal compounds/<br>Ailgylchu/adennill metelau a chyfansoddion metelau   |
| R05       | Recycling/reclamation of other inorganic materials/<br>Ailgylchu/adennill deunyddiau anorganig eraill  |
| R06       | Regeneration of acids or bases/ Atgynhyrchu asidau neu fasau   |
| R07       | Recovery of components used for pollution abatement/<br>Adfer cydrannau a ddefnyddir ar gyfer atal llygredd  |
| R08       | Recovery of components from catalysts/ Adfer cydrannau o gatalyddion   |
| R09       | Oil refining or other re-uses of oil/ Puro olew, neu ddulliau eraill o aildefnyddio olew   |
| R10       | Land treatment resulting in benefit to agriculture or ecological treatment/<br>Trin tir mewn ffordd sy'n llesol i amaethyddiaeth, neu driniaeth ecolegol   |
| R11       | Use of wastes obtained from any of the operations numbered R01 to R11/<br>Defnyddio gwastraffoedd a geir o unrhyw rai o'r gweithrediadau a rifwyd R01 to R10   |

**Changes to legislation:** There are currently no known outstanding effects for the The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015. (See end of Document for details)

|     |   |
|-----|---|
| R12 | Exchange of wastes for submission to any of the operations numbered R01 to R11/<br>Cyfnewid gwastraffoedd er mwyn cyflawni amynt unrhyw rai o'r gweithrediadau a rifwyd R01 to R10  |
| R13 | Storage of wastes pending any of the operations numbered R01 to R12 (excluding temporary storage, pending collection, on the site where it is produced)/<br>Storio gwastraffoedd tra'n aros i gyflawni unrhyw rai o'r gweithrediadau a rifwyd R01 to R12 (ac eithrio storio dros dro, tra'n aros am eu casglu o'r safle lle'u cynhyrchir) |

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend certain statutory instruments concerned with hazardous waste, which refer to the List of Wastes (Wales) Regulations 2005 (S.I. 2005/1820 (W. 148)) (“the List of Wastes Regulations”), or to European Union enactments concerning hazardous waste.

The amendments made by these Regulations are necessary in order to—

implement Commission Regulation (EU) No 1357/2014 (OJ No L 365, 19.12.14, p. 89), which amends Directive 2008/98/EC (OJ No L 312, 22.11.2008, p. 3) (“the Waste Directive”);  
implement Commission Decision 2014/955/EU (OJ No L 370, 30.12.2014, p. 44), which amends Commission Decision 2000/532/EC (OJ No L 226, 6.9.00, p. 3) (“the List of Wastes Decision”);  
recognise the recasting of Directive 2002/96/EC (OJ L 37, 13.2.2003, p.24) on Waste Electrical and Electronic Equipment (“the WEEE Directive”), as Directive 2012/19/EU (OJ No L 197, 24.7.2012, p 38);

recognise changes in terminology made by Regulation (EC) No 1272/2008 of the European Parliament and of the Council, on classification, labelling and packaging of substances and mixtures (OJ No L 353, 31.12.2008, p.1) (“the CLP Regulation”).

For the purpose of implementing the amended List of Wastes Decision, the List of Wastes Regulations are revoked. References to those Regulations, where they occur in the instruments amended by these Regulations, are substituted with a reference to the List of Wastes Decision itself, as amended from time to time.

Regulation 2 of these Regulations amends the Landfill Allowances Scheme (Wales) Regulations 2004 (S.I. 2004/1490 (W. 155)) by substituting, for references to the List of Wastes Regulations, a reference to the List of Wastes Decision.

Regulation 3 and the Schedule make amendments to the Hazardous Waste (Wales) Regulations 2005 (S.I.2005/1806 (W. 138)) (“the Hazardous Waste Regulations”).

Regulation 3(2) substitutes the definition of the Waste Directive in regulation 2 of the Hazardous Waste Regulations.

Regulation 3(3) amends the definition of Annex III to the Waste Directive in regulation 3(a) by omitting the reference to Schedule 3 to those Regulations, and Schedule 3 to those Regulations is itself omitted by virtue of regulation 3(8).

Regulation 3(4) substitutes the definition of the List of Wastes in regulation 4(1). The new definition refers directly to the List of Wastes Decision as amended from time to time.

Paragraphs (5), (6)(a) and (7)(a) of regulation 3 correct a reference to section 62A of the Environmental Protection Act 1990 (c.43).

Regulation 3(6)(b) substitutes for a reference to Article 3 of the List of Wastes Decision, a reference to Article 7(2) of the Waste Directive.

**Changes to legislation:** There are currently no known outstanding effects for the The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015. (See end of Document for details)

Regulation 3(7)(b) substitutes for a reference to Article 3 of the List of Wastes Decision, a reference to Article 7(3) of the Waste Directive.

Regulation 3(9) and the Schedule substitute a new Schedule 8.

Regulation 4 amends the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) (“the EPR 2010”).

Paragraphs (2), (5)(b) and (7) of regulation 4, update references to certain Articles in the WEEE Directive in order to align those references to the equivalent provisions in the recast Directive.

Regulation 4(3)(a) substitutes a reference to the Waste Directive. For the purpose of consistency with other relevant provisions, the substituted provision does not refer expressly to the amending Regulation EU No 1357/2014. But the effect of section 20A of the Interpretation Act 1978 (c.30) (“the 1978 Act”), is that where an Act passed after the commencement of that section refers to a European Union instrument, unless a contrary intention appears, the reference is to the instrument as amended at the date the Act comes into force. Section 23(1) of the 1978 Act applies that principle also in relation to secondary legislation. Accordingly, the substitution made by regulation 4(3)(a) has the effect that references to the Waste Directive in the EPR 2010 become references to that Directive as amended at the date on which these Regulations come into force. Regulation 4(3)(b) substitutes, for the reference to the WEEE Directive, a reference to that Directive as recast.

Regulation 4(4) inserts a reference to the List of Wastes Decision as amended from time to time, in Schedule 3 of the EPR 2010, substituting references to the List of Wastes Regulations, with a reference to that Decision.

Paragraphs (5) and (6) of Regulation 4, substitute for various references to “dangerous substances”, references to “hazardous substances”, in order to align the provisions with the terminology used in the CLP Regulation.

Regulation 5 amends the Waste (England and Wales) Regulations 2011 (S.I. 2011/988) by inserting a reference to the List of Wastes Decision as amended from time to time, and substituting, for references to the List of Wastes Regulations, references to that Decision.

Regulation 6 amends the Controlled Waste (England and Wales) Regulations 2012 (S.I. 2012/811), by substituting, for the reference to the List of Wastes Regulations in the definition of “offensive waste”, a reference to the List of Wastes Decision.

Regulation 7 revokes the List of Wastes (Wales) Regulations 2005 (S.I. 2005/1820 (W. 148)) and regulation 4 of the Waste (Miscellaneous Provisions) (Wales) Regulations 2011 (S.I. 2011/971 (W. 141)).

No impact assessment has been undertaken for this instrument because no impact on business is foreseen.

**Changes to legislation:**

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