
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various enactments in order to transpose aspects of Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending [Directive 2008/98/EC](#) on waste (“the Waste Framework Directive”) and to update references to other relevant Directives. They also amend the date on which landfill operators must refuse to accept biodegradable municipal waste in the Landfill (Scotland) Regulations 2003.

Regulation 2 amends the Environmental Protection Act 1990 (“the 1990 Act”). Paragraph (2) updates a reference to [Directive 2006/66/EC](#) on batteries and accumulators and waste batteries and accumulators (“the Batteries Directive”). Paragraphs (3) and (4) update obligations relating to the co-mingling of waste to better align the language to that in the Waste Framework Directive.

Regulation 3 amends the Special Waste Regulations 1996. Paragraph (2) updates a reference to the Waste Framework Directive. Paragraph (3) removes the requirement that economic feasibility be a factor in deciding whether illegally mixed hazardous waste must be separated.

Regulation 4 amends the Landfill (Scotland) Regulations 2003 (“the 2003 Regulations”), updating references to [Directive 1999/31/EC](#) on the Landfill of Waste (“the Landfill Directive”) the Batteries Directive and the Waste Framework Directive, and aligning the definition of “municipal waste” with that in the Waste Framework Directive. Regulation 4(3) amends regulation 11(1)(fc) of the 2003 Regulations to change the date on which landfill operators must refuse to accept biodegradable municipal waste from 1 January 2021 to 31 December 2025.

Regulation 5 amends the National Waste Management Plan for Scotland Regulations 2007 (“the 2007 Regulations”). Paragraphs (2) and (3) update references to [Directive 94/62/EC](#) on packaging and packaging waste (“the Packaging Waste Directive”) and the Waste Framework Directive respectively. Paragraphs (4)(a), (5), (6) and (7) add to the list of what must be included in the National Waste Management Plan. Paragraph 4(b) adds a list of documents to which Scottish Ministers must have regard when preparing the National Waste Management Plan.

Regulation 6 amends the Waste Batteries (Scotland) Regulations 2009 to update a reference to the Batteries Directive.

Regulation 7 amends the Waste Management Licensing (Scotland) Regulations 2011 (“the 2011 Regulations”). Paragraph (2) inserts a definition of “back-filling” to align the definition of recycling in the 2011 Regulations with that in the Waste Framework Directive, and updates references to the Batteries Directive and the Waste Framework Directive. Paragraph (3) inserts a new requirement to take into account good practices when separately collecting waste oils alongside the existing requirement to collect waste oils separately and removes some redundant provisions. Paragraph (4) amends the interpretation provision to further align the language with that used in the Directive.

Regulation 8 amends the Pollution Prevention and Control (Scotland) Regulations 2012. Paragraphs (2) and (3) update references to the Landfill Directive, the Batteries Directive and the Waste Framework Directive. Paragraph (4) inserts a new requirement to take into account good practices when separately collecting waste oils alongside the existing requirement to collect waste oils separately.