

SCHEDULE 1

Regulations 5, 8 and 11

Waste prevention programmes and waste management plans

PART 1

Objectives

Overall objective

1. To protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

Application of the waste hierarchy

2.—(1) To apply the following waste hierarchy as a priority order in waste prevention and management policy—

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery (for example energy recovery);
- (e) disposal.

(2) When applying the waste hierarchy in sub-paragraph (1), the appropriate authority must ensure that it—

- (a) encourages the options that deliver the best overall environmental outcome, which may require specific waste streams to depart from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste;
- (b) takes into account—
 - (i) the general environmental protection principles of precaution and sustainability,
 - (ii) technical feasibility and economic viability,
 - (iii) protection of resources, and
 - (iv) the overall environmental, human health, economic and social impacts.

Protection of human health and the environment

3. To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

- (a) without risk to water, air, soil, plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.

Principles of self-sufficiency and proximity

4.—(1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including,

where such collection also covers such waste from other producers, taking into account best available techniques.

(2) The network must be designed to enable the European Union as a whole to become self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim taking into account geographical circumstances or the need for specialised installations for certain types of waste.

(3) The network must enable waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies, in order to ensure a high level of protection for the environment and human health.

(4) This paragraph does not require that the full range of final recovery facilities be located in England or in Wales or in England and Wales together.

PART 2

Matters which must be included in waste management plans

Analysis of the current waste management situation etc.

5. An analysis of the current waste management situation in England or Wales, as the case may be, the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of the Waste Framework Directive.

General policies in relation to waste

6. As appropriate and taking into account the geographical level and geographical area to which the plan relates, provisions relating to—

- (a) the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the United Kingdom, and an evaluation of the development of waste streams in the future;
- (b) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific European Union legislation;
- (c) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure (in accordance with the objective in paragraph 4), and, if necessary the related investments;
- (d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
- (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

Policies in relation to packaging waste

7. In pursuance of the objectives and measures in Directive [94/62/EC](#) of the European Parliament and of the Council on packaging and packaging waste⁽¹⁾, a chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 4 and 5 of that Directive.

(1) OJ No L 365, 31.12.1994, p10, as last amended by Regulation [\(EC\) No 219/2009](#), OJ No L 87, 31.3.2009, p109.

Policies in relation to separate collection of waste

8. Measures to promote high quality recycling including the setting up of separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors.

Policies in relation to bio-waste

9. As appropriate, measures to encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste.

Policies in relation to re-use

10. As appropriate, measures to be taken to promote the re-use of products and preparing for re-use activities, in particular—

- (a) measures to encourage the establishment and support of re-use and repair networks;
- (b) the use of economic instruments;
- (c) the use of procurement criteria;
- (d) the setting of quantitative objectives.

Preparing for re-use, recovery and recycling targets

11.—(1) Measures to be taken to ensure that, by 2020, at least 50% by weight of waste from households is prepared for re-use or recycled.

(2) Measures to be taken to ensure that, by 2020, at least 70% by weight of the waste mentioned in paragraph (3) is subjected to material recovery.

(3) That waste is construction and demolition waste excluding—

- (a) hazardous waste;
- (b) naturally occurring material falling within code 17 05 04 in Schedule 1 to—
 - (i) the List of Wastes (England) Regulations 2005(2), or
 - (ii) the List of Wastes (Wales) Regulations 2005(3).

PART 3

Matters which may be included in waste management plans

Matters which may be included in a waste management plan

12. Taking into account the geographical level and geographical area to which the plan relates—

- (a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private actors carrying out waste management;
- (b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;

(2) [S.I. 2005/895](#), to which there are amendments not relevant to these Regulations.

(3) [S.I. 2005/1820 \(W. 148\)](#).

- (c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;
- (d) historical contaminated waste disposal sites and measures for their rehabilitation.

PART 4

Public participation in the preparation or modification of a waste prevention programme or national waste management plan

Interpretation

13. In this Part—

“consultation bodies” means—

- (a) in relation to a waste prevention programme or national waste management plan relating to England—
 - (i) Natural England, and
 - (ii) the Historic Buildings and Monuments Commission for England (English Heritage);
- (b) in relation to a waste prevention programme or national waste management plan relating to Wales, the Countryside Council for Wales;

“public consultees” means the persons to whose attention proposals for a programme or plan are brought by the appropriate authority pursuant to paragraph 14(1)(b).

Public participation procedures

14.—(1) As soon as reasonably practicable after preparing proposals for a waste prevention programme or national waste management plan or for the modification of such a programme or plan, the appropriate authority must—

- (a) send a copy of the proposals to the consultation bodies;
- (b) take such steps as it considers appropriate to bring the proposals to the attention of the persons who in the authority’s opinion—
 - (i) are, or are likely to be, affected by the programme or plan, or
 - (ii) have an interest in the programme or plan;
- (c) inform the public consultees of the address (which may include a website)—
 - (i) at which a copy of the proposals may be viewed, and
 - (ii) from which a copy of the proposals may be obtained;
- (d) invite the consultation bodies and public consultees to express their opinion on the proposals, specifying the address to which, and the period within which, opinions must be sent.

(2) The period referred to in paragraph (1)(d) must be of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the proposals.

(3) The appropriate authority must keep a copy of the proposals at its principal office for inspection by the public at all reasonable times free of charge.

(4) Nothing in paragraph (1)(c) requires the appropriate authority to provide copies free of charge, but where a charge is made it must be reasonable.

Procedures following public participation

15.—(1) Before decisions on a waste prevention programme or national waste management plan are made, the appropriate authority must take account of any opinion expressed by a consultation body or public consultee.

(2) As soon as reasonably practicable after making decisions on a waste prevention programme or national waste management plan, the appropriate authority must—

- (a) inform the consultation bodies and the public consultees of the matters in paragraph (3);
- (b) take such steps as it considers appropriate to bring those matters to the attention of the public; and
- (c) if it has adopted the programme or plan, make a copy available at its principal office for inspection by the public at all reasonable times free of charge.

(3) The matters are—

- (a) the decisions made by the appropriate authority on the programme or plan;
- (b) the reasons and considerations on which those decisions are based; and
- (c) information about the public participation procedure.

(4) Nothing in paragraph (2)(c) requires the appropriate authority to provide copies free of charge, but where a charge is made it must be reasonable.

SCHEDULE 2

Regulation 48

Amendments to the Hazardous Waste (England and Wales) Regulations 2005

PART 1

Amendments

1. The Hazardous Waste (England and Wales) Regulations 2005(4) are amended as follows.
2. For regulation 2, substitute—

“The Waste Directive and the meaning of waste

2.—(1) For the purposes of these Regulations—

- (a) “the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;
- (b) “waste” means anything that—
 - (i) is waste within the meaning of Article 3(1) of the Waste Directive; and
 - (ii) subject to regulation 15, is not excluded from the scope of that Directive by Article 2(1), (2) or (3).

(2) In these Regulations, a reference to the Waste Directive conditions is a reference to the conditions set out in Article 13 of that Directive, that is to say, to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

(4) [S.I. 2005/894](#) amended by [S.I. 2006/937](#), [2007/3476](#), [2007/3538](#), [2009/507](#), [2010/675](#), [2010/1159](#).

- (a) without risk to water, air, soil, plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.”.

3. For regulation 3, substitute—

“Annex III to the Waste Directive

3. A reference in these Regulations to—

- (a) Annex III is a reference to Annex III (properties of waste which render it hazardous) to the Waste Directive, as that Annex is set out in Schedule 3;
- (b) hazardous properties is a reference to the properties in Annex III.”.

4. In regulation 4(1), in the definition of “the List of Wastes”, omit from “, being the list” to the end.

5. In regulation 5—

(a) in paragraph (1)—

(i) for the definition of “consignment note”, substitute—

““consignment note”, in relation to a consignment of hazardous waste, means the identification document which is required to accompany the hazardous waste when it is transferred pursuant to Article 19(2) of the Waste Directive.”,

(ii) in the appropriate place, insert—

““domestic waste” means waste produced by a household;”,

(iii) for the definition of “multiple collection”, substitute—

““multiple collection” means a journey made by a single carrier which meets the following conditions—

- (a) the carrier collects more than one consignment of hazardous waste in the course of the journey;
- (b) each consignment is collected from different premises;
- (c) all the premises from which a collection is made are in England; and
- (d) all consignments collected are transported by that carrier in the course of a journey to the same consignee;”,

(iv) omit the definition of “multiple collection consignment note”;

(b) for paragraph (2), substitute—

“(2) In these Regulations—

“broker” means an undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

“collection” means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

“dealer” means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

“disposal” means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy (Annex I of the Waste Directive sets out a non-exhaustive list of disposal operations);

“holder” means the producer of the waste or the person who is in possession of it;

“management” means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as dealer or broker;

“producer” means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of the waste;

“recovery” means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy (Annex II of the Waste Directive sets out a non-exhaustive list of recovery operations);

“waste oil” means any mineral or synthetic lubrication or industrial oil which has become unfit for the use for which it was originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils,

and cognate expressions must be construed accordingly.”;

- (c) in paragraph (3)(c), for “, schedule of carriers or multiple collection consignment note”, substitute “or schedule of carriers”.
6. In regulation 8(1), for “Annexes I, II and III”, substitute “Annex III”.
7. In regulation 9—
- (a) in paragraph (1)—
- (i) for “Annexes I, II and III”, substitute “Annex III”,
- (ii) omit “to the Hazardous Waste Directive”;
- (b) after paragraph (1), insert—
- “(1A) The Secretary of State must not decide to treat waste as non-hazardous under paragraph (1) if it has been diluted or mixed with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.”.
8. In regulation 18—
- (a) after the words “it has been”, insert “diluted or has been”;
- (b) after paragraph (a), insert—
- “(aa) in the case of hazardous waste comprising waste oil, waste oil of different characteristics;”.
9. In regulation 19—
- (a) in paragraph (1), for “(2) and (3)”, substitute “(2), (3) and (4)”;
- (b) in paragraph (3), omit “or a registered exemption”;
- (c) after paragraph (3), insert—
- “(4) Paragraph (1) applies to the mixing of waste oil—
- (a) only to the extent that the prohibition in that paragraph is technically feasible and economically viable; and
- (b) only where such mixing would impede the treatment of the waste oil.”.
10. In regulation 20(1)(a), omit “or a registered exemption”.

11. In regulation 35—
 - (a) omit paragraphs (1)(c) and (4);
 - (b) in paragraph (5)—
 - (i) for “consignment note, schedule of carriers or multiple collection consignment note”, substitute “consignment note or schedule of carriers”,
 - (ii) for “Schedule 4, 5 or 6”, substitute “Schedule 4 or 5”;
 - (c) after paragraph (5), insert—

“(6) Until the end of the period of 6 months beginning with the day on which the Waste (England and Wales) Regulations 2011 are made—

 - (a) a carrier may elect to use the multiple collection procedure which applied immediately before the coming into force of those Regulations; and
 - (b) the forms set out in these Regulations as originally enacted, or forms requiring the same information in substantially the same format, may be used instead of those substituted by the Waste (England and Wales) Regulations 2011.”.
12. In regulation 36(1), for “38” substitute “39”.
13. Omit regulation 38.
14. In regulation 42—
 - (a) in paragraph (1), for “regulations 43 and 44” substitute “regulation 43”;
 - (b) in paragraph (2), omit “38(6)(b) and (c),”.
15. In regulation 43(1), omit “other than a case to which regulation 44 applies”.
16. Omit regulation 44.
17. In regulation 47—
 - (a) after paragraph (5)(b), omit “and”;
 - (b) in paragraph (5)(c), at the beginning, insert “subject to paragraph (5A),”;
 - (c) after paragraph (5), insert—

“(5A) If the person required to make or retain a register has a waste permit pursuant to which the site is operated, the period for retention of a consignment note required to be kept by regulation 51(2)(a) is—

 - (a) for 5 years after the deposit of the waste; or
 - (b) if the permit authorises disposal of waste in a landfill, until the permit is surrendered or revoked.

(5B) In paragraph (5A), “landfill” has the meaning given in Article 2(g) of Council Directive [1999/31/EC](#) on the landfill of waste, but does not include any operation excluded from the scope of that Directive by Article 3(2).”.
18. In regulation 48—
 - (a) in paragraph (3)(c), for “Annex IIA or IIB of the Waste Directive”, substitute “Annex I or II of the Waste Directive (as the case may be)”;
 - (b) after paragraph (6)(a), omit “and”;
 - (c) in paragraph (6)(b), at the beginning, insert “subject to paragraph (6A),”;
 - (d) after paragraph (6), insert—

“(6A) If the person required to make or retain a register has a waste permit pursuant to which the site is operated, the period for retention of a consignment note required to be kept by regulation 51(2)(a) is—

- (a) for 5 years after the disposal or recovery of the waste; or
- (b) if the permit authorises disposal of waste in a landfill (in addition to other treatment), until the permit is surrendered or revoked.

(6B) In paragraph (6A), “landfill” has the meaning given in Article 2(g) of Council Directive 1999/31/EC on the landfill of waste, but does not include any waste excluded from the scope of that Directive by Article 3(2).”.

19. In regulation 49—

- (a) in paragraph (1), for “consignor of hazardous waste”, substitute “consignor or broker of, or dealer in, hazardous waste”;
- (b) for paragraph (3), substitute—

“(3) Any person required to keep a record by paragraph (1) must preserve it—

- (a) while the person is a holder of the waste or (if not a holder) has control of the waste; and
- (b) for 3 years after the date on which the waste is transferred to another person.”.

(c) in paragraph (4)—

- (i) after “holder”, insert “, dealer, broker”,
- (ii) after “recorded”, insert “chronologically”;

(d) in paragraph (5)—

- (i) after the first occurrence of “holder”, insert “, dealer, broker”,
- (ii) in sub-paragraph (b), before “consignor”, insert “dealer, broker or”.

20. In regulation 50(3), after “entered”, insert “chronologically”.

21. In regulation 51(2)(a), omit—

- (a) “multiple consignment notes and”; and
- (b) “or 44”.

22. In regulations 52(1) and 55(3), for “Annex IIA or Annex IIB”, substitute “Annex I or Annex II”.

23. Omit regulation 57.

24. In regulation 60—

- (a) in paragraph (1), for “Article 5”, substitute “Article 16”;
- (b) omit paragraph (2).

25. In regulation 65(c), for “44” substitute “43”.

26. In the table in regulation 65A(1), for “44” substitute “43”.

27. In regulation 69(1)(e), for “44” substitute “43”.

28. Omit Schedules 1, 2 and 6.

29. For Schedule 3, substitute the Schedule set out in Part 2.

30. For Schedule 4, substitute the Schedule set out in Part 3.

31. In paragraph 4(3)(a) of Schedule 7, for “43 or 44” substitute “36 or 43”.

32. In paragraph 7 of Schedule 7—
- (a) in paragraph (1), for “regulation 38(1)”, substitute “the definition of “multiple collection” in regulation 5(1)”;
 - (b) in paragraph (2), omit the words after “these Regulations”;
 - (c) omit paragraph (3).
33. In Schedule 11, omit paragraphs 3 to 6 and 9 to 23.

PART 2

The new Schedule 3

“SCHEDULE 3

Regulation 3

Annex III to the Waste Directive

Properties of waste which render it hazardous

H1	“Explosive”: substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
H2	“Oxidizing”: substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
H3-A	<p>“Highly flammable”</p> <p>— liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or</p> <p>— substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or</p> <p>— solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or be consumed after removal of the source of ignition, or</p> <p>— gaseous substances and preparations which are flammable in air at normal pressure, or</p> <p>— substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.</p>
H3-B	“Flammable”: liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.
H4	“Irritant”: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
H5	“Harmful”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
H6	“Toxic”: substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7	“Carcinogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
H8	“Corrosive”: substances and preparations which may destroy living tissue on contact.
H9	“Infectious”: substances and preparations containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
H10	“Toxic for reproduction”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
H11	“Mutagenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
H12	Waste which releases toxic or very toxic gases in contact with water, air or an acid.
H13(*)	“Sensitizing”: substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hypersensitization such that on further exposure to the substance or preparation, characteristic adverse effects are produced. (*) As far as testing methods are available.
H14	“Ecotoxic”: waste which presents or may present immediate or delayed risks for one or more sectors of the environment.
H15	Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics above.

Notes

1. Attribution of the hazardous properties “toxic” (and “very toxic”), “harmful”, “corrosive”, “irritant”, “carcinogenic”, “toxic to reproduction”, “mutagenic” and “ecotoxic” is made on the basis of the criteria laid down by Annex VI to Council Directive [67/548/EEC](#) of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.

2. Where relevant the limit values listed in Annex II and III to Directive [1999/45/EC](#) of the European Parliament and of the Council of 31 May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations shall apply.

Test methods

The methods to be used are described in Annex V to Directive [67/548/EEC](#) and in other relevant CEN-notes.”

SCHEDULE 3

Regulation 48(2)

Amendments to the Environmental Permitting (England and Wales) Regulations 2010

1. The Environmental Permitting (England and Wales) Regulations 2010(5) are amended as follows.

2. In regulation 2—

(a) in paragraph (1), for the definition of “waste”, substitute—

““waste”, except where otherwise defined, and subject to paragraph (4), means anything that—

(a) is waste within the meaning of Article 3(1) of the Waste Framework Directive; and

(b) is not excluded from the scope of that Directive by Article 2(1), (2) or (3).”;

(b) after paragraph (3), insert—

“(4) Notwithstanding section 15(2) of the Radioactive Substances Act 1993, radioactive waste must be treated as waste for the purposes of these Regulations and is subject to the requirement for an environmental permit where it—

(a) would (but for this paragraph) be exempt from the requirement for an environmental permit by virtue of—

(i) the Radioactive Substances (Phosphatic Substances, Rare Earths etc.) Exemption Order 1962;

(ii) the Radioactive Substances (Lead) Exemption Order 1962; or

(iii) the Radioactive Substances (Substances of Low Activity) Exemption Order 1986; and

(b) is subject to a radioactive substances activity falling within paragraph 5(2)(b) or (c) or (4) of Part 2 of Schedule 23.”.

3. In regulation 3, 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;”.

4.—(1) Regulation 72 is renumbered as paragraph (1) of that regulation.

(2) After that paragraph, insert—

“(2) But on the coming into force of the Waste (England and Wales) Regulations 2011, paragraph (1) ceases to apply to radioactive waste to the extent that it is to be treated as waste by virtue of regulation 2(4).”.

5. In Part 2 of Schedule 1—

(a) in paragraph 1 of Section 5.1 of Chapter 5—

(i) in the definition of “hazardous waste”, for “Article 4”, substitute “Article 13”,

(ii) in the definition of “waste”, for “Article 1(1)(a)”, substitute “Article 3(1)”;

(b) in paragraph (c) of Part A(1) of Section 5.3 and in paragraph 3 following that Part of that Section, for each occurrence of “Annex IIA”, substitute “Annex I”;

(c) in paragraph 3 following Part A(1) of Section 5.4, for “Annex IIB”, substitute “Annex II”.

6. In Schedule 2—

(5) [S.I. 2010/675](#), to which there are amendments not relevant to these Regulations.

- (a) omit paragraph 2(3);
 - (b) in paragraph 3(1)(c), for “Article 4(1)” substitute “Article 13”;
 - (c) in paragraph 14—
 - (i) in sub-paragraph (3)(a), after “keep”, insert “chronological”,
 - (ii) for sub-paragraph (4)(a), substitute—
 - “(a) retain any records that it is required to keep under sub-paragraph (3) for a period of—
 - (i) 3 years, if the operation involves the treatment of hazardous waste;
 - (ii) otherwise 2 years;”.
7. In Section 2 of Chapter 2 of Part 1 of Schedule 3—
- (a) in the table in paragraph U9 (use of waste to manufacture finished goods), omit the tenth entry (020106);
 - (b) in each of the tables in paragraphs U10 (spreading waste on agricultural land to confer benefit) and U11 (spreading waste on non-agricultural land to confer benefit), omit the second entry (020106).
8. In section 2 of Chapter 3 of Part 1 of Schedule 3—
- (a) in the table in paragraph T13 (treatment of food waste)—
 - (i) omit the first entry (020203, 020501),
 - (ii) in the second entry (020304, 020501, 020601, 020704), omit the words “excluding milk only”,
 - (iii) in the third entry (200199), omit the words “but excluding foods covered by the Animal By-Products Regulations”;
 - (b) omit paragraph T22 (treatment of animal by-product waste at a collection centre).
9. In Schedule 9—
- (a) for paragraph 4 substitute—

“Exercise of relevant functions

- 4.—(1) The regulator must exercise its relevant functions—
- (a) for the purposes of ensuring that—
 - (i) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by a waste operation;
 - (ii) waste generated by a waste operation is treated in accordance with Article 4 of the Waste Framework Directive;
 - (b) for the purposes of implementing Article 13 of the Waste Framework Directive, but not in respect of nuisances and hazards arising from traffic beyond the site of a waste operation;
 - (c) so as to ensure that the requirements in the second paragraph of Article 23(1) of the Waste Framework Directive are met;
 - (d) so as to ensure compliance with the following Articles of the Waste Framework Directive—
 - (i) Article 18(2)(b) and (c);
 - (ii) Article 23(3);

(iii) Article 23(4);

(iv) Article 35(1).

(2) But the following duties take effect in relation to an environmental permit which is in force on the date of coming into force of the Waste (England and Wales) Regulations 2011 on the first review of the permit by the regulator (under regulation 34(1)) after that date—

(a) the duty in paragraphs (1)(a), (1)(d)(i) and (1)(d)(iii);

(b) the duty in paragraph (1)(c), to the extent that it is imposed in relation to Article 23(1)(e) and (f).”;

(b) omit paragraph 5.

10. In Schedule 10, for paragraph 5(1)(d), substitute—

“(d) Article 8, but not in respect of nuisances and hazards arising from traffic beyond the site of a landfill;”.

11. In paragraph 2 of Schedule 11, in each definition of “waste”, for “Article 1(1)(a)”, substitute “Article 3(1)”.

12. In paragraph 2(2)(c) of Schedule 12, for “Article 1(1)(a)”, substitute “Article 3(1)”.

13. In paragraph 2 of Schedule 21, in paragraph (a) of the definition of “waste”, after “Article 2(1)”, insert “, (2) or (3)”.

14. In Part 1 of Schedule 25—

(a) omit the definitions in paragraph 1(1) except for “collection”, “collection point” and “place of production”;

(b) for the definition of “collection”, substitute ““collection” has the same meaning as in Article 3(10) of the Waste Framework Directive;”;

(c) omit paragraph 2.

15. Omit Part 2 of Schedule 25.

SCHEDULE 4

Regulation 48(3)

Amendments to other legislation

PART 1

Public General Acts

The Control of Pollution (Amendment) Act 1989

1. After section 9(1A) of the Control of Pollution (Amendment) Act 1989(6), insert—

“(1AA) But, in the case of a waste collection authority that is a regulation authority by virtue of subsection (1A), the powers conferred on that authority under sections 5 to 7 above are not exercisable by that authority in relation to specified persons (within the meaning of Part 8 of the Waste (England and Wales) Regulations 2011).”.

(6) 1989 c. 14. Section 9(1A) was inserted by section 55 of the Anti-social Behaviour Act 2003.

The Town and Country Planning Act 1990

2. In section 336(1) of the Town and Country Planning Act 1990(7), for the definition of “waste”, substitute—

““waste” includes anything that—

- (a) is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste, and
- (b) is not excluded from the scope of that definition by Article 2(1), (2) or (3);”.

The Environmental Protection Act 1990

3.—(1) The Environmental Protection Act 1990(8) is amended as follows.

(2) In section 33(13)(9), for “Annex IIA or IIB of Directive 2006/12/EC of the European Parliament and of the Council on waste”, substitute “Annex I or II of Directive 2008/98/EC of the European Parliament and of the Council on waste”.

(3) In section 34(1), for “as a broker”, substitute “as a dealer or broker”.

(4) In section 34(3)(c), at the end, insert “or by virtue of regulations under section 2 of the Pollution Prevention and Control Act 1999”.

(5) Omit section 44A(10).

(6) In section 57(8), for the definition of “waste” substitute—

““waste” means anything that is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste including anything excluded from the scope of that Directive by Article 2(1)(f) or 2(2)(b) or (c), but not including anything excluded by the remainder of that Article”.

(7) In section 62A(11)—

- (a) in each of subsections (1)(b) and (2)(b), for “Council Directive 91/689/EEC”, substitute “Directive 2008/98/EC”;
- (b) for subsection (3), substitute—

“(3) In this section “the Hazardous Waste List” means the list of wastes established by Commission Decision 2000/532/EC.”.

(8) In section 75(12)—

- (a) for subsection (2), substitute—

“(2) “Waste” means anything that is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste.”;

- (b) omit subsections (10) to (12).

(9) Omit Schedules 2A and 2B(13).

(7) 1990 c. 8.

(8) 1990 c. 43.

(9) Section 33(13) was inserted by S.I. 2007/3538, regulation 73 and paragraphs 2 and 4(6) of Schedule 21.

(10) Section 44A was inserted by the Environment Act 1995 (c. 25) and amended by S.I. 2007/3538, regulation 73 and paragraphs 2 and 12 of Schedule 21.

(11) Section 62A was inserted by S.I. 2005/894, regulation 72(3).

(12) Section 75(2) was amended by the Environment Act 1995 (c. 25), section 120(1) and paragraph 88 of Schedule 22.

(13) Schedule 2A was inserted by the Environment Act 1995 (c. 25), section 92 and Schedule 12. Schedule 2B was inserted by section 120 and paragraph 95 of Schedule 22 to that Act.

The Environment Act 1995

4.—(1) The Environment Act 1995(14) is amended as follows.

(2) In section 41(1)(c)(15), for “Council Directive 91/689/EEC”, substitute “Directive 2008/98/EC to the extent that it relates to hazardous waste (within the meaning given by Article 3(2) of that Directive)”.

(3) In section 56(1), for paragraph (h) of the definition of “environmental licence”, substitute—

“(h) registration of a person as a broker of or dealer in controlled waste under any provision which gives effect in England and Wales to Article 26(b) of Directive 2008/98/EC of the European Parliament and of the Council on waste,”.

The Greater London Authority Act 1999

5.—(1) The Greater London Authority Act 1999(16) is amended as follows.

(2) In section 353 for subsection (4)(a) substitute—

“(a) the national waste management plan;”.

(3) In section 354, in subsection (2)(b) for the words from “strategy prepared by” to “waste strategy)” substitute “national waste management plan”.

(4) In section 360, in subsection (2) after the definition of “municipal waste” insert—

““the national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;”.

The Waste and Emissions Trading Act 2003

6. For section 37(2) of the Waste and Emissions Trading Act 2003(17), substitute—

“(2) For the purposes of this section, “the Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste.”.

The Government of Wales Act 2006

7.—(1) The Government of Wales Act 2006(18) is amended as follows.

(2) In Field 6 of Part 1 of Schedule 5—

(a) after the heading “*Not included in matters 6.1 and 6.2*”, in paragraph (a), for “Article 2(1)(b)(v)” substitute “Article 2(1)(e)”;

(b) after the heading “*Other interpretation of this field*” for the definition of “Waste Directive” substitute—

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

(14) 1995 c.25.

(15) Section 41(1)(c) was amended in relation to England by S.I. 2005/894, regulation 59, and in relation to Wales by S.I. 2005/1806 (W. 138), regulation 59.

(16) 1999 c. 29.

(17) 2003 c. 33.

(18) 2006 c. 32. Field 6 of Part 1 of Schedule 5 was inserted by S.I. 2010/248.

PART 2

Secondary legislation

The Town and Country Planning (Use Classes) Order 1987

8. For article 3(6)(j) of the Town and Country Planning (Use Classes) Order 1987(19), substitute—

- “(j) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) or landfill of hazardous waste as defined (in relation to England) in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005 or (in relation to Wales) in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”.

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

9.—(1) The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(20) are amended as follows.

- (2) In regulation 1(2), omit all the definitions except “the 1989 Act” and “notice”.
- (3) Omit regulation 1(3), regulations 2 to 18 and Schedule 1.

The Environment Act 1995 (Consequential Amendments) Regulations 1996

10. Omit paragraphs 9 and 10 of Schedule 2 to the Environment Act 1995 (Consequential Amendments) Regulations 1996(21).

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

11. In Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(22), in each of paragraphs 9 and 10, for “Annex IIA to Council Directive 75/442/EEC” substitute “Annex I to Directive 2008/98/EC”.

The Town and Country Planning (Development Plan) (England) Regulations 1999

12.—(1) The Town and Country Planning (Development Plan) (England) Regulations 1999(23) are amended as follows.

- (2) In regulation 2, in paragraph (1) for the definition of “national waste strategy” substitute—
““the national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;”.
- (3) In regulation 9, for sub-paragraph (b) of paragraph (1) substitute—
“(b) the national waste management plan;”.
- (4) In regulation 20, for sub-paragraph (b) of paragraph (1) substitute—
“(b) the national waste management plan;”.

(19) S.I. 1987/764, amended by S.I. 1999/293. There are other amendments but none is relevant.

(20) S.I. 1991/1624; relevant amending instruments are S.I. 1992/588, 1994/1056, 1996/593, 1998/605, 2006/937, 2007/3538.

(21) S.I. 1996/593.

(22) S.I. 1999/293; relevant amending instruments are S.I. 2005/894, S.I. 2005/1806 (W. 138).

(23) S.I. 1999/3280, to which there are amendments not relevant to these Regulations.

The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000

13.—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000(24) are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “disposal”, for “Annex IIA of Directive 75/442/EEC, as amended”, substitute “Annex I of Directive 2008/98/EC on waste”;
- (b) in the definition of “used PCBs”, for “Directive 75/442/EEC”, substitute “Directive 2008/98/EC”.

(3) In the title to Schedule 1, for “Annex IIA of Directive 75/442/EEC on waste, as amended”, substitute “Annex I of Directive 2008/98/EC on waste”.

The Town and Country Planning (London Spatial Development Strategy) Regulations 2000

14. In regulation 6 (regard to be had to certain matters and statement of regard) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000(25), for paragraph (1) (a) substitute—

- “(a) the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011;”.

The Packaging (Essential Requirements) Regulations 2003

15. In regulation 2(2) of the Packaging (Essential Requirements) Regulations 2003(26)—

- (a) in the definition of “packaging waste”, for “Article 1” substitute “Article 3(1)”;
- (b) for the definition of “recovery”, substitute—
 - ““recovery” has the meaning given by Article 3(15) of the Waste Directive;”;
- (c) for the definition of “Waste Directive”, substitute—
 - ““the Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste”.

The End-of-Life Vehicles Regulations 2003

16. In regulation 2 of the End-of-Life Vehicles Regulations 2003(27)—

- (a) in the definition of “end-of-life vehicle”, for “Article 1(a)”, substitute “Article 3(1)”;
- (b) for the definition of “recovery”, substitute—
 - ““recovery” has the meaning given by Article 3(15) of the Waste Directive;”;
- (c) for the definition of “the Waste Directive”, substitute—
 - ““the Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste”.

(24) S.I. 2000/1043, to which there are amendments not relevant to these Regulations.

(25) S.I. 2000/1491, to which there are amendments not relevant to these Regulations.

(26) S.I. 2003/1941, to which there are amendments not relevant to these Regulations.

(27) S.I. 2003/2635, amended by S.I. 2007/3538. There are other amendments but none is relevant.

The Town and Country Planning (Local Development) (England) Regulations 2004

17.—(1) The Town and Country Planning (Local Development) (England) Regulations 2004⁽²⁸⁾ are amended as follows.

- (2) In regulation 2(1), for the definition of “national waste strategy” substitute—
““national waste management plan” has the same meaning as in the Waste (England and Wales) Regulations 2011;”.
- (3) In regulation 15, for sub-paragraph (f) of paragraph (1) substitute—
“(f) the national waste management plan;”.

The Landfill Allowances and Trading Scheme (England) Regulations 2004

18. In regulation 2(1) of the Landfill Allowances and Trading Scheme (England) Regulations 2004⁽²⁹⁾, in the definitions of “disposal” and “recovery”, for “Council Directive 75/442 on waste”, substitute “Directive [2008/98/EC](#) on waste”.

The End-of-Life Vehicles (Producer Responsibility) Regulations 2005

19. In regulation 2 of the End-of-Life Vehicles (Producer Responsibility) Regulations 2005⁽³⁰⁾—

- (a) in the definition of “end-of-life vehicle”, for “Article 1(a)”, substitute “Article 3(1)”;
- (b) for the definition of “recovery”, substitute—
““recovery” has the meaning given by Article 3(15) of the Waste Directive;”;
- (c) for the definition of “the Waste Directive”, substitute—
““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”.

The List of Wastes (England) Regulations 2005

20.—(1) The List of Wastes (England) Regulations 2005⁽³¹⁾ are amended as follows.

- (2) In regulation 2—
 - (a) for sub-paragraph (a) of paragraph (1), substitute—
““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”;
 - (b) for sub-paragraph (c) of paragraph (1), substitute—
“(c) a reference to hazardous properties is a reference to the properties set out in Annex III to the Waste Directive.”;
 - (c) for sub-paragraph (b) of paragraph (2), substitute—
“(b) “the List of Wastes” means the list of Wastes set out in the Annex to the List of Wastes Decision, as it is set out in Schedule 1, and a reference to the List of Wastes includes a reference to its introduction (“the Introduction to the List”).”.
- (3) In regulation 4—
 - (a) before “properties”, insert “hazardous”;

⁽²⁸⁾ S.I. 2004/2204, to which there are amendments not relevant to these Regulations.

⁽²⁹⁾ S.I. 2004/3212, to which there are amendments not relevant to these Regulations.

⁽³⁰⁾ S.I. 2005/263, to which there are amendments not relevant to these Regulations.

⁽³¹⁾ S.I. 2005/895, to which there are amendments not relevant to these Regulations.

- (b) omit “of Annex III”.
- (4) Omit paragraphs 1 and 2 of Schedule 2.

The Waste Management (England and Wales) Regulations 2006

21. Omit regulations 4 and 12 of the Waste Management (England and Wales) Regulations 2006⁽³²⁾.

The Waste Electrical and Electronic Equipment Regulations 2006

- 22.** In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006⁽³³⁾—
- (a) in the definition of “disposal”, for the words from “Annex IIA” to the end, substitute “Annex I to Directive [2008/98/EC](#) of the European Parliament and of the Council on waste”;
 - (b) in the definition of “recovery”, for the words “Annex IIB to Directive [2006/12/EC](#)”, substitute “Annex II to Directive [2008/98/EC](#)”;
 - (c) in the definition of “waste electrical and electronic equipment”, for the words “Article 1(a) of Directive [2006/12/EC](#)”, substitute “Article 3(1) of Directive [2008/98/EC](#)”.

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

23.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations 2007⁽³⁴⁾ are amended as follows.

- (2) In regulation 2—
 - (a) in paragraph (1), for the definition of “the Waste Directive”, substitute—

““the Waste Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste;”;
 - (b) in paragraph (2), in the definition of “recovery”, for “Annex IIB” substitute “Annex II”.
- (3) In paragraph 2 of Schedule 7—
 - (a) in sub-paragraph (b), for “Annex IIB” substitute “Annex II”;
 - (b) in sub-paragraph (c), for “Annex IIA or Annex IIB” substitute “Annex I or II”.

The Transfrontier Shipment of Waste Regulations 2007

24. In regulation 11 of the Transfrontier Shipment of Waste Regulations 2007⁽³⁵⁾, for “Article 7 of Directive [2006/12/EC](#)” substitute “Article 28 of Directive [2008/98/EC](#)”.

The Environmental Permitting (England and Wales) Regulations 2007

25. Omit paragraphs 12, 31 and 32 of Schedule 21 to the Environmental Permitting (England and Wales) Regulations 2007⁽³⁶⁾.

⁽³²⁾ [S.I. 2006/937](#), to which there are amendments not relevant to these Regulations.

⁽³³⁾ [S.I. 2006/3289](#), to which there are amendments not relevant to these Regulations.

⁽³⁴⁾ [S.I. 2007/871](#), to which there are amendments not relevant to these Regulations.

⁽³⁵⁾ [S.I. 2007/1711](#), to which there are amendments not relevant to these Regulations.

⁽³⁶⁾ [S.I. 2007/3538](#), to which there are amendments not relevant to these Regulations.

The Town and Country Planning (Mayor of London) Order 2008

26. In article 6 of the Town and Country Planning (Mayor of London) Order 2008(37), for paragraph (2)(g) substitute—

“(g) the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011 and prepared by the Secretary of State;”.

The Batteries and Accumulators (Placing on the Market) Regulations 2008

27. For regulation 7(3) of the Batteries and Accumulators (Placing on the Market) Regulations 2008(38), substitute—

“(3) In this regulation “waste battery” means any battery which is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste.”.

The Environmental Damage (Prevention and Remediation) Regulations 2009

28. In Schedule 2 to the Environmental Damage (Prevention and Remediation) Regulations 2009(39), in paragraph 3(1), for the words from “Directive 2006/12/EC” to the end, substitute “Directive 2008/98/EC of the European Parliament and of the Council on waste”.

The Renewables Obligation Order 2009

29. In article 2(1) of the Renewables Obligation Order 2009(40)—

- (a) in the definition of “hazardous waste”, for “Article 1(4) of the Hazardous Waste Directive”, substitute “Article 3(2) of Directive 2008/98/EC of the European Parliament and of the Council on waste”;
- (b) omit the definition of “Hazardous Waste Directive”.

The Waste Batteries and Accumulators Regulations 2009

30. In regulation 2(1) of the Waste Batteries and Accumulators Regulations 2009(41),—

- (a) in the definition of “disposal”, for “Annex IIA to Directive 2006/12/EC”, substitute “Annex I to Directive 2008/98/EC”;
- (b) for the definition of “waste battery”, substitute—

““waste battery” means any battery which is waste within the meaning of Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste;”.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

31. In Schedule 1 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009(42), in each of paragraphs 9 and 10, for “Annex IIA to Council Directive 75/442/EEC” substitute “Annex I to Directive 2008/98/EC”.

(37) S.I. 2008/580.

(38) S.I. 2008/2164.

(39) S.I. 2009/153, to which there are amendments not relevant to these Regulations.

(40) S.I. 2009/785, to which there are amendments not relevant to these Regulations.

(41) S.I. 2009/890.

(42) S.I. 2009/2263.

SCHEDULE 5

Regulation 48(4)

Revocations

The following instruments are revoked to the extent specified.

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Environmental Protection (Duty of Care) Regulations 1991	S.I. 1991/2839	The Regulations insofar as they apply in England and Wales
The Waste Management Licensing Regulations 1994	S.I. 1994/1056	The Regulations insofar as they apply in England and Wales
The Controlled Waste (Registration of Carriers and Seizure of Vehicles) (Amendment) Regulations 1998	S.I. 1998/605	The Regulations insofar as they apply in England and Wales
The Environmental Protection (Duty of Care) (England) (Amendment) Regulations 2003	S.I. 2003/63	The whole Regulations
The Environmental Protection Act 1990 (Amendment of Section 57) (England and Wales) Regulations 2005	S.I. 2005/3026	The whole Regulations