
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020

PART 2

Retention of legislative functions: list of waste

Power to prescribe list of waste

3.—(1) The appropriate authority may, by regulations, make provision for or in connection with prescribing or amending a list which categorises different types of waste (a “list of waste”).

(2) The provision which may be made by regulations under paragraph (1) includes—

- (a) provision specifying identifying codes for categories of waste; and
- (b) provision specifying categories of waste which—
 - (i) are hazardous waste;
 - (ii) are non-hazardous waste; or
 - (iii) are hazardous waste if they contain a concentration of a substance which exceeds a value specified in the regulations, and are non-hazardous waste otherwise;
- (c) provision amending 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⁽¹⁾.

(3) The inclusion of a substance or object in a list of waste is not conclusive as to whether it is waste in all circumstances, and a substance or object is only to be considered as waste for the purposes of any legislation if, in the circumstances, it meets the definition of waste which applies for those purposes.

(1) EUDN 2000/532.