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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

The Waste and Agriculture (Legislative  
Functions) Regulations 2022

PART 2

Waste: retention of legislative functions

CHAPTER 6

Retention of functions from the Waste Framework Directive

**Power to prescribe end-of-waste status criteria**

**16.**—(1) The appropriate authority may, by regulations, make provision prescribing detailed criteria on the uniform application of the end-of-waste conditions to specific types of waste.

(2) In paragraph (1), “the end-of-waste conditions” means the conditions set out in paragraph (3) which must be met if waste which has undergone a recycling or other recovery operation is to be considered to have ceased to be waste.

(3) The conditions are—

- (a) the substance or object is to be used for specific purposes,
- (b) a market or demand exists for such a substance or object,
- (c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products, and
- (d) the use of the substance or object will not lead to overall adverse environmental or human health impacts.

(4) In exercising the power in paragraph (1), the appropriate authority must—

- (a) ensure a high level of protection of the environment and human health and facilitate the prudent and rational utilisation of natural resources, and
- (b) include provision in relation to—
  - (i) permissible waste input material for the recovery operation,
  - (ii) permissible treatment processes and techniques,
  - (iii) quality criteria for end-of-waste materials resulting from the recovery operation in line with the applicable product standards, including limit values for pollutants where necessary,
  - (iv) requirements for management systems to demonstrate compliance with the end-of-waste conditions, including criteria for quality control and self-monitoring, and accreditation, where appropriate, and
  - (v) a requirement for a statement of conformity.

(5) The provision which may be made under paragraph (1) includes modifying—

- (a) Council [Regulation \(EU\) No 333/2011](#) establishing criteria determining when certain types of scrap metal cease to be waste under [Directive 2008/98/EC](#) of the European Parliament and of the Council<sup>(1)</sup>;
  - (b) [Commission Regulation \(EU\) No 1179/2012](#) establishing criteria determining when glass cullet ceases to be waste under [Directive 2008/98/EC](#) of the European Parliament and of the Council<sup>(2)</sup>;
  - (c) [Commission Regulation \(EU\) No 715/2013](#) establishing criteria determining when copper scrap ceases to be waste under [Directive 2008/98/EC](#) of the European Parliament and of the Council<sup>(3)</sup>.
- (6) Regulations under paragraph (1) may modify any subordinate legislation.
- (7) In this regulation, “recovery”, “recycling” and “treatment” have the meanings given by Article 3 of the Waste Framework Directive.

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(1) EUR 333/2011, as amended by S.I. 2019/620, 2020/1540.  
(2) EUR 1179/2012, as amended by S.I. 2019/620, 2020/1540.  
(3) EUR 715/2013, as amended by S.I. 2019/620, 2020/1540.