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STATUTORY INSTRUMENTS

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**2005 No. 894**

**The Hazardous Waste (England and Wales) Regulations 2005**

**PART 1**

**GENERAL**

**The Waste Directive and the meaning of waste**

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

- (a) “the Waste Directive” means Council Directive [75/442/EEC\(1\)](#) on waste as amended by—
  - (i) Council Directives [91/156/EEC\(2\)](#) and [91/692/EEC\(3\)](#);
  - (ii) Commission Decision [96/350/EC\(4\)](#); and
  - (iii) Regulation [\(EC\) No 1882/2003\(5\)](#); and
- (b) “waste” means anything that—
  - (i) is waste<sup>(6)</sup> for the purposes of the Waste Directive; and
  - (ii) subject to regulation 15, is not excluded from the scope of that Directive by Article 2 of that Directive.

(2) In these Regulations, a reference to the Waste Directive conditions is a reference to the conditions laid down in Article 4 of that Directive, that is to say, to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular-

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

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(1) OJNo. L 194, 25.7.1975, p. 39.

(2) OJ No. L 78, 26.3.1991, p. 32.

(3) OJ No. L 377, 31.12.1991, p.48 (as corrected by Corrigendum, OJ No. L 146, 13.6.2003, p. 52).

(4) OJ No. L 135, 6.6.1996, p. 32.

(5) OJ No. L 284, 31.10.2003 p. 1.

(6) Article 1(a) of the Waste Directive defines waste as any substance or object in the categories set out in Annex I (Categories of Waste) to that Directive which the holder discards or intends or is required to discard.