
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Waste and Emissions Trading Act 2003 (“WET Act”) establishes a system of targets for reducing the amount of biodegradable municipal waste that is sent to landfill in each region in the UK and in the UK as a whole. This gives effect to the UK’s obligations under article 5(2) of Council Directive [1999/31/EC](#) on the landfill of waste (OJ No L 182, 17.7.1999, p. 1).

Biodegradable municipal waste is collected and disposed of by local authorities and the private sector. The targets apply to both.

As part of ensuring that the targets are met, the WET Act requires the Welsh Ministers to allocate allowances to local authorities in their capacity as waste disposal authorities. Local authorities are allowed to landfill one tonne of biodegradable municipal waste for every allowance they hold. The detailed rules about how the system of allowances works are set out in The Landfill Allowances Scheme (Wales) Regulations 2004 (S.I.2004/1490 (W. 155)). That Scheme does not apply to waste disposed of by the private sector.

The term “biodegradable municipal waste” was previously used in the WET Act to refer to the waste covered by the Landfill Allowances Scheme and to refer to the wider category of waste covered by the targets. The WET Act was amended to distinguish between the two. Those amendments were made by The Waste and Emissions Trading Act 2003 (Amendment) Regulations 2011 (S.I. [2011/2499](#)) which came into force on 21 November 2011. The distinction was made by introducing the term “biodegradable local authority collected municipal waste” to refer to the waste covered by the Landfill Allowances Scheme. An associated amendment was made to introduce the term “local authority collected municipal waste” to distinguish municipal waste collected by local authorities from municipal waste that is not collected by local authorities.

These Regulations amend the Landfill Allowances Scheme (Wales) Regulations 2004 so that the new terms also apply in the 2004 Regulations. These are technical amendments that will have a neutral effect on local authorities and the business and voluntary sectors.

These Regulations also revoke two earlier sets of regulations that were designed to make the same amendments. Those earlier Regulations contained errors.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.