

Number: WG25565



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Consultation Document

Consultation on the Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015

Date of issue: 1 June 2015

Action required: Responses by 15 June 2015

Overview

Hazardous waste is waste that contains hazardous properties that may render it harmful to human health or the environment. Controls on hazardous waste means that it has to be tracked from cradle to grave.

There is a harmonised system across the EU of classifying harmful substances and chemicals and coding of hazardous waste.

New EU legislation takes effect from 1 June 2015 and updates the list of hazardous waste properties (Annex III to the revised Waste Framework Directive) and the EU Decision on the List of Waste. The Welsh Government intends to implement these changes by amending The Hazardous Waste (Wales) Regulations 2005 and revoking the List of Wastes (Wales) Regulations 2005, replacing references to these regulations with a reference to the EU Decision on List Of Waste. A number of consequential amendments will also need to be made to regulations that refer to the List of Wastes (Wales) Regulations 2005.

How to respond

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Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

The consultation documents can be accessed on the Welsh Government website at:
www.wales.gov.uk/consultations

EU Waste Framework
Directive 2008/98/EC
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0098&from=EN>

EC Regulation No. 1272/2008 on the Classification, Labelling and Packaging of Substances and Mixtures Regulation (the "CLP")
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:EN:PDF>

EU Regulations 1357/2014 replaces Annex III of the EU Waste Framework Directive
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.365.01.0089.01.ENG

EU Decision 2014/955/EU make changes to the EU List of Waste Decision
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D0955&from=EN>

The Hazardous Waste (Wales) Regulations 2005
<http://www.legislation.gov.uk/wsi/2005/1806/contents/made>

List of Wastes (Wales) Regulations 2005
<http://www.legislation.gov.uk/wsi/2005/1820/contents/made>

Waste Classification and Assessment – Technical Guidance (WM3) and Waste Classification and Assessment – Technical Guidance (WM2)
<https://www.gov.uk/government/publications/waste-classification-technical-guidance>

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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1. Overview

Introduction

The Welsh Government is making The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015 to implement new EU legislation which introduce updated hazardous waste properties and makes some changes to the entries in the EU List of Waste. The new Wales regulations will make changes to The Hazardous Waste (Wales) Regulations 2005 and will revoke The List of Wastes (Wales) Regulations 2005 to implement the EU legislation.

This consultation outlines these changes in detail, when the changes will take effect and provides an opportunity for anyone with an interest in these changes to comment.

2. Background

The EU legislation needs to be implemented by making references to the updated hazardous waste properties and the list of waste in current hazardous waste regulations. Revoking The List of Wastes (Wales) Regulations 2005 means that consequential amendments to the following legislation also need to be made:-

- Environmental Protection Act 1990;
- The Landfill Allowance Scheme (Wales) Regulations 2004;
- The Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Controlled Waste (England and Wales) Regulations 2012.

Where are we now?

Hazardous waste is waste that contains hazardous properties that may be harmful to human health or the environment. Because of the harmful nature of this waste, there are strict controls on its management and eventual disposal which allow this type of waste to be tracked from cradle to grave through consignment notes.

The way waste and hazardous waste is coded and assessed is harmonised across the European Union (EU) and is based upon:-

1. The EU List of Waste Decision (2000/532/EC);
2. Annex III of the revised Waste Framework Directive (2008/98/EC) ("*the Waste Directive*"), 'properties of waste which render it hazardous'.

The EU List of Waste Decision, otherwise known as the European Waste Catalogue (EWC) is divided into twenty chapters based on type of industry, materials and processes. There are lists of waste within these chapters and each waste has a six-digit code used to identify the type of waste and whether it is a hazardous waste.

The Waste Directive sets out the legislative framework for the handling of waste in the EU including hazardous waste. Annex III to this Directive sets out the properties of waste which make it hazardous. There are fifteen hazardous waste properties, for example, H1 is “explosive”, H3 “highly flammable”, H6 “Toxic”, H7 “Carcinogenic”, etc.

These changes were implemented in Wales through The Hazardous Waste (Wales) Regulations 2005, The List of Wastes (Wales) Regulations 2005 and a number of other regulations which make reference to hazardous waste properties and the List of Waste.

The List of Wastes (Wales) Regulations 2005 copies out the current EU List of Waste Decision. Each time there is a change to the EU List of Waste, there is a need to change The List of Wastes (Wales) Regulations 2005.

3. New changes

What has changed?

The chemical legislation, the Dangerous Substances Directive (67/548/EC) and Dangerous Preparations Directive (1999/45/EC), has been replaced by the new Classification, Labelling and Packaging Regulation (CLP) (2008/1272/EC).

The CLP will change the way we classify chemicals and introduces a system based on hazard classes, categories and statement codes. The CLP adopts and aligns existing EU legislation to the United Nations’ Globally Harmonised System on the classification and labelling of chemicals across all European Union countries, for example, the definition of dangerous substance is now replaced by hazardous substance.

As a result of the CLP, there was a review of the hazardous waste definitions and properties and as a result, two new legislative instruments will come into force on 1 June 2015:-

- Commission Regulation (EU) No 1357/2014 will amend the hazardous properties set out in Annex III to the Waste Directive. These changes adopt the definitions from the CLP (2008/1272/EC), e.g. HP1 “explosive”, HP3 “highly flammable”. The definition of dangerous substance will now be replaced by hazardous substances.
- Commission Decision 2014/955/EU will replace the List of Waste in Commission Decision 2000/532/EC with a new list which aligns with the CLP and Annex III of the Waste Directive and contains three new codes. The new changes include criteria to classify persistent organic pollutants (POPs) as hazardous once the concentration limit is exceeded. The new waste codes added to the List include waste metallic mercury and waste red mud from alumina production.

The changes to Annex III of the Waste Directive and the EU List of Waste Decision are outlined in Annex 1.

Natural Resources Wales published their new Waste Classification and Assessment – Technical Guidance (WM3) in May 2015 which replaces the previous guidance (WM2). The Environment Agency also published the guidance in England. The guidance is for use by anyone who has responsibility for waste, including businesses that produce, collect, recycle or dispose of waste. We encourage you to read this guidance which will help you understand and implement these changes.

What changes are we proposing?

We intend to draft these changes into new regulations which will come into force in July 2015.

The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015 will revoke The List of Wastes Regulations 2005 and replace them with a reference to the EU List of Waste Decision. This will ensure that any further changes to the EU List of Waste Decision will be automatically updated and avoid the need to amend our legislation every time there is a change to the list at European level.

A **draft** copy of The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015 is at Annex 2.

From whom do we want to hear about the consultation?

The changes to the List of Waste codes and the way hazardous waste is classified are technical in nature and affect a small part of the industry dealing with waste.

We have previously involved regulators and industry representatives in the discussion on the changes during the EU process. They played a key part in developing the UK position to ensure these changes were fit-for-purpose for the UK. Therefore, we are carrying out a short two-week consultation so that you have an opportunity to consider the changes and submit your views and to also ensure that anyone not aware of these changes is informed about them. We would like to hear from anyone with an interest in these changes.

An impact assessment developed for the EU proposals can be viewed upon request.

4. Next steps

We would like to receive your views on these changes by 15 June. We will take into account any comments we receive when finalising the regulations which are planned to come into force end of July 2015.

Annex 1 Summary of the changes to Annex III of the Waste Directive and the EU List of Waste Decision

Table 1 below sets out the changes to the EU List of Waste Decision. Three new codes have been added which are metallic mercury (to reflect commitments under the international mercury convention) and red mud from alumina production (in order to contribute to a safer management of red mud from this activity).

Table 1: New Entries to List of Waste

Type of change	Code	List of Waste Description
New	01 03 09	red mud from alumina production other than the wastes mentioned in 01 03 10
New	01 03 10*	red mud from alumina production containing hazardous substances other than the wastes mentioned in 01 03 07
New	16 03 07*	metallic mercury
Existing code	19 03 04*	Amended for partly stabilised mercury
Existing code	06 08 02*	Replace silicones with chlorosilanes
Existing code	--	References to dangerous in the list have been updated to hazardous

The six digit code(s) must correspond to the relevant code in the list of wastes. There may be more than one waste stream for each consignment note. All relevant six digit EWC codes must be recorded.

The Hazard code must correspond to the list in Table 2. Each individual EWC code may have more than one hazard code and an appropriate hazard code for a particular six digit code must be entered for each code.

If a waste contains a substance listed in Annex IV to Regulation (EC) No 850/2004¹ on persistent organic pollutants, and the concentration limit in that Annex is exceeded, the code "POP" must be recorded.

Table 2: New Hazard Codes

New Hazard code	Description
HP 1	Explosive
HP 2	Oxidising
HP 3	Flammable
HP 4	Irritant – skin irritation and eye damage
HP 5	Specific Target Organ Toxicity (STOT)/ Aspiration

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0007:0049:EN:PDF>

	Toxicity
HP 6	Acute Toxicity
HP 7	Carcinogenic
HP 8	Corrosive
HP 9	Infectious
HP 10	Toxic for reproduction
HP 11	Mutagenic
HP 12	Release of an acute toxic gas
HP 13	Sensitising
HP 14	Ecotoxic
HP 15	Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste
POP	Persistent Organic Pollutant

Annex 2 A draft copy of The Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015

DRAFT

2015 No. (W.)

ENVIRONMENTAL PROTECTION, WALES

**The Hazardous Waste (Miscellaneous Amendments) (Wales)
Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend certain statutory instruments concerned with hazardous waste , which refer to the List of Wastes (Wales) Regulations 2005 (S.I. 2005/1820 (W 148))("the List of Wastes Regulations"), or to European Union enactments concerning hazardous waste.

The amendments made by these Regulations are necessary in order to implement Commission Regulation (EU) No 1357/2014 (OJ No L 365, 19.12.14, p 89), which amends Directive 2008/98/EC (OJ No L 312, 22.11.2008, p 3) ("the Waste Directive") and Commission Decision 2014/955/EU (OJ No L 370, 30.12.2014, p 44) ("Decision 2014/955"), which amends Commission Decision 2000/532/EC (OJ No L 226, 6.9.00, p 3) ("the List of Wastes Decision").

For the purpose of implementing the amended List of Wastes Decision, the List of Wastes Regulations are revoked. References to those Regulations, where they occur in the instruments amended by these Regulations, are substituted by a direct reference to the List of Wastes Decision, as amended from time to time.

Regulation 2 amends the Landfill Allowances Scheme (Wales) Regulations 2004 (S.I. 2004/1490 (W 155)) by substituting a direct reference to the List of Wastes Decision, for references to the List of Wastes Regulations.

Regulation 3 and the Schedule make amendments to the Hazardous Waste (Wales) Regulations 2005 (S.I.2005/1806 (W 138))("the Hazardous Waste Regulations").

Regulation 3(2) substitutes the definition of "the Waste Directive" in regulation 2 of the Hazardous Waste Regulations. Regulation 3(3) amends the definition of "Annex III to the Waste Directive" in regulation 3(a) of the Hazardous Waste Regulations by omitting the reference to Schedule 3 to those Regulations (and Schedule 3 to those Regulations is itself omitted by virtue of regulation 3(8)).

Regulation 3(4) substitutes the definition of "the List of Wastes" in regulation 4(1) of the Hazardous Waste Regulations. The new definition refers directly to the List of Wastes Decision as amended from time to time.

Regulations 3(5), (6)(a) and (7)(a) correct a reference to section 62 of the Environmental Protection Act 1990 (c.43).

Regulation 3(6)(b) substitutes a reference to Article 3 of the List of Wastes Decision. The new reference is to Article 7(2) of the Waste Directive.

Regulation 3(7)(b) substitutes a reference to Article 3 of the List of Wastes Decision. The new reference is to Article 7(3) of the Waste Directive.

The effect of regulation 3(8) is explained above.

Regulation 3(9) and the Schedule substitute a new Schedule 8 to the Hazardous Waste Regulations.

Regulation 4 amends the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) (“the EPR 2010”). Regulation 4(2)(a) substitutes a reference to the Waste Directive. For the purpose of consistency with other relevant provisions, the substituted provision does not refer expressly to the amending Regulation EU No 1357/2014. It relies instead, on the effect of section 20A of the Interpretation Act 1978 (c.30) which provides that, where an Act passed after the commencement of that section refers to a European Union instrument, unless a contrary intention appears, the reference is to the instrument as amended at the date the Act comes into force. Section 23(1) of the Interpretation Act 1978 applies that principle in relation to secondary legislation (including regulations). Accordingly, the substitution by virtue of regulation 4(2)(a) of the definition of the Waste Directive in the EPR 2010, has the effect that references to the Waste Directive in the EPR 2010 become references to that Directive as amended at the date these Regulations come into force.

The same effect applies to the substitution of the reference to Directive 2012/19/EU (OJ No L 197, 24.7.2012, p 38) by regulation 4(2)(b). The substitution is necessary to take account of the recasting of Directive 2002/96/EC (OJ L 37, 13.2.2003, p.24) on Waste Electrical and Electronic Equipment (“the WEEE Directive”). Directive 2012/19/EU is the current form of the WEEE Directive.

Regulation 4(3) inserts a direct reference to the List of Wastes Decision as amended from time to time, in Schedule 3 of the EPR 2010, and accordingly makes subsequent references to six digit waste codes, references to those codes as contained in the Decision, as amended from time to time.

Regulation 4(4) and (5) substitute various references to “dangerous substances” in the EPR 2010, for references to “hazardous substances”, in order to align the provisions with the terminology used in Regulation (EC) No 1272/2008.

Regulation 4(6) updates references in Schedule 12 EPR 2010, to certain Articles in the WEEE Directive, to align those references to the recast form of the Directive.

Regulation 5 amends the Waste (England and Wales) Regulations 2011 (S.I. 2011/988) by inserting a direct reference to the List of Wastes Decision as amended from time to time, and substituting references to the List of Wastes Regulations, for direct references to the Decision.

Regulation 6 amends the Controlled Waste (England and Wales) Regulations 2012 (S.I. 2012/811), by substituting a direct reference to the List of Wastes Decision, for references to the List of Wastes Regulations in the definition of “offensive waste”.

Regulation 7 revokes the List of Wastes (Wales) Regulations 2005 (S.I. 2005/1820 (W 148) and regulation 4 of the Waste (Miscellaneous Provisions) (Wales)

No impact assessment has been undertaken for this instrument because no impact on business is foreseen.

2015 No. (W.)

ENVIRONMENTAL PROTECTION, WALES

**The Hazardous Waste (Miscellaneous Amendments) (Wales)
Regulations 2015**

Made ***

*Laid before the National Assembly for Wales****

Coming into force 2015

The Welsh Ministers have in accordance with section 2(4) of the Pollution Prevention and Control Act 1999⁽¹⁾ (“the PPCA1999”) consulted—

- (a) the Natural Resources Body for Wales;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

The Welsh Ministers have also, in accordance with section 27(2) and (4) of the Waste and Emissions Trading Act 2003⁽²⁾ (“the WETA 2003”) consulted—

- (a) such bodies or persons appearing to them to be representative of the interests of waste disposal authorities in their area as they consider appropriate;
- (b) such bodies or persons appearing to them to be representative of the interests of persons concerned in the operation of landfills in their area as they consider appropriate; and
- (c) such bodies or persons appearing to them to be representative of any other affected persons as they consider appropriate.

The Welsh Ministers are designated⁽³⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽⁴⁾ (“the ECA 1972”) in relation to measures relating to the prevention, reduction and

⁽¹⁾ c 24

⁽²⁾ c 33

⁽³⁾ By virtue of section 59(2) of the Government of Wales Act 2006 (“GOWA 2006”) the Welsh Ministers may exercise the power conferred by [section 2\(2\)](#) of the European Communities Act 1972 in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose. Paragraph 28(1) of Schedule 11 to GOWA 2006 provides that designations made under [section 2\(2\)](#) of the 1972 Act by virtue of section 29 (1) of the Government of Wales Act 1998 which are in force immediately before the commencement of the repeal of that subsection by GOWA 2006 continue to have effect after the commencement of that repeal as if made by virtue of section 59(1) of GOWA 2006.

⁽⁴⁾ 1972 (c 68). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and by S.I. 2007/1388.

elimination of pollution caused by waste⁽¹⁾ and the prevention, reduction and management of waste⁽²⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the ECA 1972, and it appears to the Welsh Ministers that it is expedient for references to the European Union instrument referred to in regulations 2(2), 3(4), 4(3)(a), 5(2) and 6, to be construed as references to that instrument as amended from time to time.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to, the ECA 1972, section 75(8) EPA 1990, section 2 of and Schedule 1 to, the PPCA 1999 and sections 11, 12 and 13 of the WETA 2003.

Title, commencement and application

1. The title of these Regulations is the Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015.

(1) These Regulations come into force on [] 2015.

(2) These Regulations apply in relation to Wales.

Amendment of the Landfill Allowances Scheme (Wales) Regulations 2004

2.—a) The Landfill Allowances Scheme (Wales) Regulations 2004⁽³⁾ are amended as follows.

(1) In regulation 2(1) (interpretation) in the appropriate place, insert—

““the List of Wastes” (“y Rhestr Wastraffoedd”) means the list of wastes established by 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, as amended from time to time;”.

(2) In regulation 6(2)(b) (obligation for waste disposal authorities to keep records and make returns), for “List of Waste (Wales) Regulations 2005” substitute “List of Wastes”.

(3) In regulation 7(1)(b) (obligation for operators of landfills to keep records and make returns), for “List of Waste (Wales) Regulations 2005” substitute “List of Wastes”

Amendment of the Hazardous Waste (Wales) Regulations 2005

3.—b) The Hazardous Waste (Wales) Regulations 2005⁽⁴⁾ are amended in accordance with this regulation.

(1) For regulation 2(1)(a)⁽⁵⁾ (the Waste Directive and the meaning of waste), substitute—

“(a) “the Waste Directive” (“y Gyfarwydddeb Wastraff”) means Directive 2008/98/EC of the European Parliament and of the Council on waste⁽⁶⁾ as last amended by Commission Regulation (EU) No 1357/2014⁽⁷⁾.”.

(2) In regulation 3(a)⁽⁸⁾ (Annex III to the Waste Directive), omit “, as that Annex is set out in Schedule 3”.

⁽¹⁾ S.I. 2005/850

⁽²⁾ S.I. 2010/1552

⁽³⁾ S.I. 2004/1490 (W 155)

⁽⁴⁾ S.I. 2005/1806 (W 138), relevant amending instruments are S.I. 2011/971 (W 141) and S.I. 2011/988.

⁽⁵⁾ Regulation 2 was substituted by S.I. 2011/971 (W 141).

⁽⁶⁾ OJ No L 312, 22.11.2008, p 3

⁽⁷⁾ OJ No L 365 19.12.14, p 89

⁽⁸⁾ Regulation 3 was substituted by S.I. 2011/971 (W 141).

(3) For regulation 4(1)⁽¹⁾ (the List of Wastes), substitute—

“(1) In these Regulations, “the List of Wastes” (“*y Rhestr Wastraffoedd*”) means the list of wastes established by 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⁽²⁾, as amended from time to time.”

(4) In regulation 6(b), for “62A(1)” substitute “62A(2)”.

(5) In regulation 8—

(a) in paragraph (1)(b), for “62A(1)” substitute “62A(2)”;

(b) in paragraph (2) (specific waste to be treated as hazardous), for “Article 3 of the List of Wastes Decision” substitute “Article 7(2) of the Waste Directive”.

(6) In regulation 9—

(a) in paragraph (1)(b), for “62A(1)”, substitute “62A(2)”;

(b) in paragraph (2), for “Article 3 of the List of Wastes Decision” substitute “Article 7(3) of the Waste Directive”.

(7) Omit Schedule 3⁽³⁾ (Annex III to the Waste Directive).

(8) For Schedule 8 (form of consignee’s return to producer or holder) substitute the text in Schedule 1 (new Schedule 8).

Amendment of the Environmental Permitting (England and Wales) Regulations 2010

4.—c) The Environmental Permitting (England and Wales) Regulations 2010⁽⁴⁾ are amended as follows.

(1) In regulation 3 (interpretation: Directives)—

(a) 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⁽⁵⁾”;

(b) for the definition of “the WEEE Directive” substitute—

““the WEEE Directive” means Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)⁽⁶⁾”.

(2) In paragraph 1 of chapter 1 of Part 1 of Schedule 3, (exempt facilities: descriptions and conditions)—

(a) in sub-paragraph (1) at the appropriate place insert—

““List of Wastes” means the list of wastes established by 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, as amended from time to time;”;

(b) for sub-paragraph (2) substitute—

⁽¹⁾ As amended by S.I. 2011/971 (W 141).

⁽²⁾ OJ No L 226, 6.9.00, p 3, as last amended by Commission Decision 2014/955/EU (OJ No L 370, 30.12.14, p 44).

⁽³⁾ Substituted by S.I. 2011/971 (W 141).

⁽⁴⁾ S.I. 2010/675, to which there are amendments not relevant to these Regulations.

⁽⁵⁾ OJ No L 312, 22.11.2008, p 3

⁽⁶⁾ OJ No L 197, 24.7.2012, p.38.

“(2) In this Part, a six digit code used to refer to a waste is a reference to the waste specified by the six digit code in the List of Wastes except insofar as the waste in this Part in relation to such a code does not include some of the types of waste specified by the code in the List”.

(3) In section 2 of chapter 3 of part 1 of Schedule 3—

(a) in paragraph 1—

(i) in sub-paragraph (3)(e), for “dangerous substance” substitute “hazardous substance”;

(ii) for sub-paragraph (5), substitute—

“(5) In this paragraph, “hazardous substance” means a substance classified as hazardous as a consequence of fulfilling the criteria laid down in parts 2 to 5 of Annex 1 to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures⁽¹⁾.”; and

(b) in the table at paragraph 15(2), in the second column of the row beginning “160504*”, for “dangerous substances”, substitute “hazardous substances”.

(4) In section 2 of chapter 5 of part 1 of Schedule 3, in the table at paragraph 1(2), in the second column of the row beginning “150202*”, for “dangerous substances” substitute “hazardous substances”.

(5) In Schedule 12 (waste electrical and electronic equipment)—

(a) in paragraph 2, sub-paragraph (1), for “Article 3(b)” substitute “Article 3(1)(e);

(b) in paragraph 3—

(i) in sub-paragraph (1), for “Article 6(1) first paragraph and Article 6(3) and (4)” substitute “Articles 8(2) to (4) and 9(3)”;

(ii) for sub-paragraph (2) substitute—

“(2) But when interpreting the WEEE Directive for the purposes of this paragraph, ignore the following words in Article 9(3)—

(a) or the registration referred to in paragraphs 1 and 2”; and

(b) “and for the achievement of the recovery targets set out in Article 11”.”.

Amendment of the Waste (England and Wales) Regulations 2011

5.—d) The Waste (England and Wales) Regulations 2011⁽²⁾ are amended as follows.

(1) In regulation 3(1) (interpretation), at the appropriate place, insert—

““the List of Wastes” means the list of wastes established by 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, as amended from time to time.”.

(2) In regulation 35(2)(a) (waste information), omit “(England) Regulations 2005 or, as the case may be, the List of Wastes (Wales) Regulations 2005”.

(3) For paragraph 11(3)(b) of Schedule 1 (waste prevention programmes and waste management plans), substitute—

“(b) naturally occurring material falling within the description of code 17 05 04 in the List of Wastes.”.

Amendment of the Controlled Waste (England and Wales) Regulations 2012

⁽¹⁾ OJ No L 353, 31.12.2008, p.1, as last amended by Commission Regulation (EU) No 1297/2014 (OJ No L 350, 6.12.14, p.1).

⁽²⁾ S.I. 2011/988.amended by S.I. 2013/755 and 2014/656

6. In paragraph 1 of Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012⁽¹⁾(household, industrial and commercial waste), for paragraph (c) of the definition of “offensive waste”, substitute—

“(c) falls within the description of code 18 01 04, 18 02 03 or 20 01 99 in the list of wastes established by 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, as amended from time to time;”.

Revocations

7. The following provisions are revoked—

- (a) The List of Wastes (Wales) Regulations 2005⁽²⁾;
- (b) Regulation 4 (amendment of the List of Wastes (Wales) Regulations 2005) of the Waste (Miscellaneous Provisions) (Wales) Regulations 2011⁽³⁾.

Name

Minister for Natural Resources, one of the Welsh Ministers

Date

⁽¹⁾ S.I. 2012/811, to which there are amendments not relevant to these Regulations.
⁽²⁾ S.I. 2005/1820 (W 148) as amended by S.I. 2011/971 (W 141).
⁽³⁾ S.I. 2011/971 (W 141).

SCHEDULE

Regulation 2(9)

New Schedule 8

“SCHEDULE 8

Regulation 54

Form of consignee’s return to producer or holder

Hazardous waste producer returns form

1. Consignee details

Name of consignee/ Enw'r traddodi	Postcode/ Cod Post	Consignee hazardous waste i.d. code Cod adnabod gwastraff peryglus y traddodi	Date/Dyddiad ⁽¹⁾

2. Waste return/ Atebion ynglŷn â gwastraff

Consignment note number Rhif nodyn traddodi	Date received Dyddiad dod i law	Mode of transport Cyfrwng clido	Frequency of collection Amllder casglu(2)	Six digit code(s) Cod(au) chwe digid(3)	Hazard code(s) Cod(au) perygl(4)	Physical form Ffurf ffisegol(5)	Quantity (kg) Maint (kg)	Mode of disposal/ recovery Dull gwaredu/adfer(6)

⁽¹⁾Date of submission of the return by the consignee/ Dyddiad cyflwyno'r ateb gan y traddodai.

⁽²⁾Where relevant/ Pan fo'n berthnasol.

⁽³⁾The six digit code(s) must correspond to the relevant code in the list of wastes. There may be more than one waste stream for each consignment note. All relevant six digit codes must be recorded/ Rhaid i'r cod(au) chwe digid gyfateb i'r cod perthnasol yn y rhestr o wastraffoedd. Gall fod mwy nag un ffrwd wastraff ar gyfer pob nodyn traddodi. Rhaid cofnodi pob cod chwe digid perthnasol..

⁽⁴⁾Hazard code: the hazard code must correspond to the list below. Each individual six digit code may have more than one hazard code. Each appropriate hazard code for a particular six digit code must be entered. Choose all of the appropriate hazard codes for the particular waste. If a waste contains a substance listed in Annex IV to Regulation (EC) No 850/2004 on persistent organic pollutants, and the concentration limit in that Annex is exceeded, the code “POP” must be recorded/ Cod perygl: rhaid i'r cod perygl gyfateb i'r rhestr isod. Gall pob cod chwe digid unigol gwmpasu mwy nag un cod perygl. Rhaid cofnodi pob cod perygl priodol ar gyfer unrhyw god chwe digid. Dewiswch bob un o'r codau perygl priodol ar gyfer gwastraff penodol. Os yw gwastraff yn cynnwys sylwedd a restrir yn Atodiad IV i Reoliad (EC) Rhif 850/2004 ar lygryddion organig parhaus, a'r crynodiaid yn uwch na'r terfyn uchaf yn yr Atodiad hwnnw, rhaid cofnodi'r cod “POP”.

Hazard code/ Cod perygl	Description/ Disgrifiad
HP 1	Explosive/ Ffrwydrol
HP 2	Oxidising/ Ocsideiddiol
HP 3	Flammable/ Fflamadwy
HP 4	Irritant – skin irritation and eye damage/ Llidiog – yn achosi llid ar y croen a difrod llygad
HP 5	Specific Target Organ Toxicity (STOT)/ Aspiration Toxicity/ Gwenwyndra sy'n targedu organ benodol/ Gwenwyndra anadlol
HP 6	Acute Toxicity/ Gwenwyndra aciwt/
HP 7	Carcinogenic/ Carsinogenig
HP 8	Corrosive/ Cryrdol
HP 9	Infectious/ Heintus
HP 10	Toxic for reproduction/ Gwenwynig ar gyfer atgennedlu
HP 11	Mutagenic/ Mwtagenig
HP 12	Release of an acute toxic gas/ Rhyddhau nwy gwenwynig aciwt
HP 13	Sensitising/ Sensiteiddiol
HP 14	Ecotoxic/ Ecowenwynig
HP 15	Waste capable of exhibiting a hazardous property listed above not directly displayed in the original waste/ Gwastraff a allai amlygu priodwedd beryglus a restrir uchod, na amlygwyd yn uniongyrchol gan y gwastraff gwreiddiol
POP	Persistent Organic Pollutant/ Llygrydd organig parhaus

⁽⁵⁾Physical form: Choose one option from the following list as appropriate.

Ffurf ffisegol: Dewiswch un opsiwn fel y bo'n briodol o'r rhestr ganlynol

Gas/ Nwy

Liquid/ Hylif
 Mixed/ Cymysgedd
 Powder/ Powdr
 Sludge/ Slwtsh
 Solid/ Solid

⁽⁶⁾ Mode of disposal/recovery or rejected: use the appropriate Dxx/Rxx code for the operation performed on the waste or insert REJ if the waste has been rejected.

Dull gwaredu/ adfer, neu gwrthodwyd: defnyddier y cod Dxx/Rxx priodol ar gyfer y gweithrediad a gyflawnwyd ar y gwastraff, neu mewnosoder REJ os gwrthodwyd y gwastraff.

Code/ Cod	Disposal operation/ Gweithrediad gwaredu
D01	Deposit into or onto land/ Dyddodi yn y tir neu arno
D02	Land treatment/ Trin tir
D03	Deep injection/Chwistrellu'n ddwfn
D04	Surface impoundment/ Cronni ar yr wyneb
D05	Specially engineered landfill/ Tirlenwi a beiriannwyd yn benodol
D06	Release into a water body except seas/oceans/ Rhyddhau mewn corff dŵr ac moroedd/cefnforoedd
D07	Release into seas/oceans including seabed insertion/ Rhyddhau mewn moroedd/cefnf gan gynnwys mewnosod yng ngwely'r môr
D08	Biological treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
D09	Triniaeth fiolegol, nas pennir yn unman arall, sy'n creu cyfansoddion neu gymysg terfynol a waredir drwy ddefnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12 Physic-chemical treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbers D01 to D12 Triniaeth ffisegol-gemegol, nas pennir yn unman arall, sy'n creu cyfansoddion gymysgeddau terfynol a waredir gan ddefnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12
D10	Incineration on land/ Hylosgi ar y tir
D11	Incineration at sea/ Hylosgi ar y môr
D12	Permanent storage/ Storio'n barhaol
D13	Blending or mixing prior to submission to any of the operations numbered D01 to D12
D14	Blendio neu gymysgu cyn defnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12 Repackaging prior to submission to any of the operations numbered D01 to D12/ Ailbe cyn defnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12
D15	Storage pending any of the operations numbered D01 to D14 (excluding temporary storage pending collection, on the site where it is produced). Storio tra'n aros i gyflawni unrhyw rai o'r gweithrediadau a rifwyd D01 to D14 (ac storio dros dro, tra'n aros am ei gasglu o'r safle lle'i cynhyrchir).
	Recovery operation/ Gweithrediad adfer
R01	Use principally as a fuel or other means to generate energy/ Defnyddio'n bennaf fel tanwydd neu ar gyfer dull arall o gynhyrchu ynni
R02	Solvent reclamation/regeneration/ Adennill/atgynhyrchu toddyddion
R03	Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)/ Ailgylchu/adennill sylweddau anorganig nas defnyddir fel toddyddion (gan gynnwys cyfnewid biolegol eraill)
R04	Recycling/reclamation of metals and metal compounds/ Ailgylchu/adennill metelau a chyfansoddion metelau
R05	Recycling/reclamation of other inorganic materials/ Ailgylchu/adennill deunyddiau anorganig eraill
R06	Regeneration of acids or bases/ Atgynhyrchu asidau neu fasau
R07	Recovery of components used for pollution abatement/ Adfer cydrannau a ddefnyddir ar gyfer atal llygredd
R08	Recovery of components from catalysts/ Adfer cydrannau o gatalyddion
R09	Oil refining or other re-uses of oil/ Puro olew, neu ddulliau eraill o aildefnyddio olew
R10	Land treatment resulting in benefit to agriculture or ecological treatment/ Trin tir mewn ffordd sy'n llesol i amaethyddiaeth, neu driniaeth ecolegol
R11	Use of wastes obtained from any of the operations numbered R01 to R11/ Defnyddio gwastraffoedd a geir o unrhyw rai o'r gweithrediadau a rifwyd R01 to R10
R12	Exchange of wastes for submission to any of the operations numbered R01 to R11/ Cyfnewid gwastraffoedd er mwyn cyflawni arnynt unrhyw rai o'r gweithrediadau a rifwyd R01 to R10
R13	Storage of wastes pending any of the operations numbered R01 to R12 (excluding temporary storage, pending collection, on the site where it is produced). Storio gwastraffoedd tra'n aros i gyflawni unrhyw rai o'r gweithrediadau a rifwyd R01 to R12 (ac eithrio storio dros dro, tra'n aros am eu casglu o'r safle lle'u cynhyrchir)

**Consultation
Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:
