

WASTE MANAGEMENT

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INTRODUCTION

1. In its broadest sense waste is in an unwanted or unnecessary element arising from the activities of an organisation. It is a resource that is in the wrong place at the wrong time¹. More specifically, waste is defined as any substance or object which the holder discards or intends or is required to discard.² Whilst waste can be minimised it cannot necessarily be eradicated, however, it can be considered as a resource for someone else's activity³ and thus can generate an income.
2. Waste can have significant adverse impacts on the environment by contributing to⁴:
 - Resource depletion – the resources used to create a substance or object, and the subsequent disposal of that substance or object results in a loss of valuable resources;

¹ Securing the Future – UK Government Sustainable Development Strategy

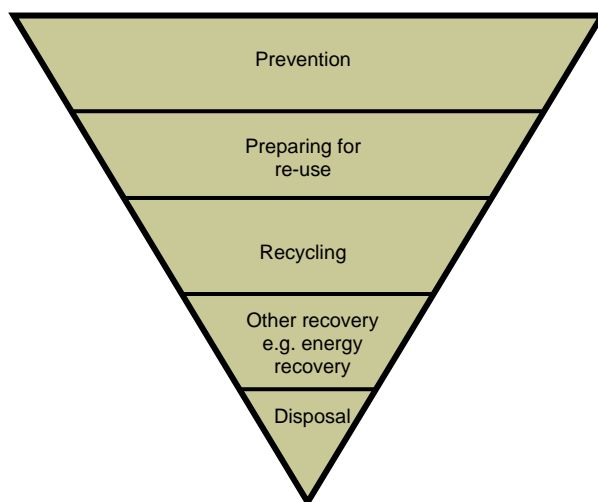
² Revised Waste Framework Directive (2008/98/EC)

³ www.nisp.org.uk/

⁴ Waste Strategy for England 2007, Defra publication

- Greenhouse gas emissions – notably methane⁵ from landfill sites but also carbon dioxide emission through re-use and recycling;
 - Eco-system degradation including soils and groundwater resources – notably from landfill sites creating contaminated land and leachates or from mis-managed wastes on MOD sites.
3. MOD produces a significant amount of waste each year and improving our waste management is important in minimising adverse impacts on the environment whilst ensuring the Department complies with the variety of complex waste management legislation under which it operates.
 4. The Department's waste strategy sets out our high level waste objective 'to be a Zero Waste to Landfill organisation', the waste targets and how the MOD will meet these targets. The Government targets pertinent to waste are contained in Annex A.
 5. The European Union (EU) revised Waste Framework Directive sets out the Waste Hierarchy as a guiding principle for waste management; see below.⁶

The waste hierarchy



6. One of the requirements of the Waste Framework Directive is that 'waste management plans should be drawn up in the Member States' and to this end the Government and the Devolved Administrations (DAs) have drawn up Waste Strategies.⁷
7. As well as waste strategies, the DAs have their own statutory regimes relating to regulation of waste. The MOD, being UK-wide, needs to take account of the differing regulatory regimes with which it must comply.
8. This leaflet sets out MOD Policy where we interpret legislative requirements for waste management and covers the summary of the main requirements of waste management

⁵ The relative Global Warming Potential of methane is 23 compared to carbon dioxide which is 1.

⁶ As set out and defined in Article 3 of the Revised Waste Framework Directive (2008/98/EC)

⁷ Available at www.defra.gov.uk

⁷ Available at www.scotland.gov.uk

⁷ Available at www.wales.gov.uk

⁷ Available at www.ni-environment.gov.uk

legislation pertinent to MOD activities. Further specific guidance can be found in the annexes for those who require the detail.

MOD POLICY

General Principles

9. All activities need to be conducted in accordance with all relevant UK and Devolved Administrations' environmental management legislation including specific waste management requirements.
10. Overseas it is MOD policy to apply UK standards where reasonably practicable and, in addition, comply with relevant host nations' standards, to comply with international convention and protocol as well as all NATO waste and environmental doctrines and guidelines when on NATO led operations.
11. In line with the Secretary of State's Policy Statement; it is the responsibility of TLB Duty Holders and through them Commanding Officers and Heads of Establishments for ensuring organisational structures and management arrangements are in place to ensure compliance with legislation, regulations and statutory requirements for waste management and the meeting of [Duty of Care](#); including requirements for waste producers, carriers and disposal facilities.

Waste Management

12. The way MOD procures equipment and services has the potential to significantly reduce our waste arising/increase recycling; sustainable procurement of equipment and services by project teams is the first step in managing our waste in a sustainable manner. Sustainable Procurement is addressed below.
13. The production of all waste streams (both hazardous and non-hazardous waste) from all units and establishments must be reduced and minimised. Waste must be managed in accordance with the Waste Hierarchy, with waste reduction and re-use the preferred options.
14. In order to successfully minimise waste and ensure that each site has an active waste minimisation scheme in operation, it is important to understand the processes that generate waste, what the waste streams generated are and their composition. Waste can then be reduced and potentially eliminated or diverted for reuse or recycling where appropriate.
15. Every key site, as determined by TLBs, shall have a detailed Waste Management Plan in place which is integrated in to the site Environmental Management System. In addition to detailing the carrier and consignee details, each waste stream should contain targets to reduce the amount of waste produced. An example template for an Integrated Waste Management Plan can be found on the MOD Waste Management Portal.
16. Each waste stream generated on site shall be recorded using accurately measured waste arisings data (by weight (in tonnes)) from each specific waste stream (residual and recycling). For those sites that do not receive accurate waste arisings data from their contractors, waste conversion factors (volume to weight) may be used with MOD conversion factors being preferred for consistency (available on MOD Waste Management Portal). All new or amended contracts that provide waste management services must stipulate that measured accurate waste arisings data in tonnes is required to manage waste in accordance with legislative requirements, Government targets and this policy document.

17. Accurate data on the MOD's waste arisings is essential for the effective delivery of MOD's Waste management Strategy (available on the Waste Management Portal) and is required for reporting against the Government targets. TLBs and TFAs will collect and report their data and will establish robust and rigorous data collection systems to ensure this is met, for example using the Transaction Recording and Summary Handling (TRaSH) Excel spreadsheet tool, or similar. The data that needs to be reported is set out in the Waste Management Delivery Plan (available on the Waste Management Portal). Waste produced by commercial companies/contractors providing MOD with services and support on sites we occupy should be recorded and reported to fulfil the Department's commitments within the Sustainable Development in Government Framework and our corporate social responsibility.
18. All Commercial branches/TLBs shall ensure that each waste services provider is licensed as a waste carrier and/or a waste broker, any sub-contractors used should also be licensed appropriately. All licences and permits must be verified on the regulatory authorities' web sites ([EA](#); [SEPA](#); [NI-EA](#)) before agreement to the provision of the contract and the signing of the final documentation.

Recovery

19. Where practicable all sites with new waste management contracts will have the provision for its users to recover waste. Recyclates generated on site should stay within MOD ownership (although it may be handled and managed by a contractor). Best value for money should be obtained from any recyclates and MOD should benefit from achieved proceeds.

Segregation of Waste

20. Waste must be correctly segregated as designated by legislation and to support waste management recovery initiatives. A particular issue for MoD is the segregation of ordnance, munitions and explosives (OME). OME is at all times to be segregated from other wastes and its disposal undertaken as stated within JSP 482 Edition 3 MOD Explosives Regulations, and JSP 886 The Defence Logistic Support Chain Manual.

Sustainable Procurement

21. MOD policy is to minimise the consumption of resources whilst obtaining best value for money and that all acquisition decisions take account of the social, economic, and environmental implications of the available options to maintain and improve capability, this includes:
 - Rethinking/eliminating the need;
 - Applying eco-design principles;
 - Maximum recoverability;
 - Maximum use of products based on recovered materials;
 - Maximum reduction of packaging;
 - Closed loop recycling;
 - A reduction in support miles;
 - Recover energy and materials where possible; and
 - Minimum pollutant emissions.
22. The Department is committed to reducing expenditure where it can still meet the same operational effect. Each acquisition decision should consider whether the same operational effect could be met by existing equipment or services. Where there is a new need, the Department is also committed to the promotion of recycling and the use of recycled materials. They should be considered as a viable alternative to new products if they are fit for purpose, meet technical specification requirements and are equal in cost or cheaper. At the point of

concept development and requirement setting, as well as throughout the remaining stages of an acquisition, disposal/recovery/re-living requirements and costs should inform decision making; this can partially be achieved by applying eco-design principles. Where packaging is used for overseas deployed theatres packaging specifications and design should be considered for follow-on use in energy-from waste systems such as incinerators, bio-digesters, etc. More information can be obtained from the MOD [Sustainable Procurement Strategy](#) and from the [Acquisition Operating Framework](#) at http://www.aof.mod.uk/aofcontent/operational/business/sp/sp_whatism.htm

23. Disposal to landfill, and associated costs, should be considered the last, rather than standard, route. Wherever possible, end-of-life and return-to-Original Equipment Manufacturer schemes and legislation (WEEE) should be used to encourage manufactures to take responsibility for their products and encourage a cradle-to-cradle approach to product design to minimise waste.
24. JSP 886 Vol 9 outlines the Department's policy on disposal of equipment; Part 6 covers *the disposal of material (other than capital equipment) within the UK*. This sets out the process and requirements to use the DE&S Disposal Services Authority (DSA) for the disposal of equipment and material assets including the contracts available to aid disposal as well as the other disposal services offered by DSA.
25. DSA is a registered Waste Broker and details of the broker's license are available from the DSA or through the Environment Agency web page <http://www2.environment-agency.gov.uk/epr/search.asp>.

Key Requirements Relating to Waste Management in MOD

26. This section outlines key requirements of waste management applicable to MOD activities that sites should be aware of; however, this is not a definitive list of all requirements.
27. As set out above it is MOD Policy that all activities are conducted in accordance with all relevant UK and Devolved Administrations' environmental management legislation including specific waste management requirements. Annexes H to L provide lists of waste management legislation applicable to MOD sites in England, Scotland, Wales and Northern Ireland.
28. Commanding Officers/Head of establishment should consider the need for a waste manager⁸ to manage the legal/policy requirements and improve waste management on their site. All those responsible for waste management on sites and establishments should ensure they are familiar with all applicable waste management legislation and guidance for appropriate site activities. Details of training courses to support this requirement are available through the MOD Waste Management Portal.
 - I. **The prevention of unauthorised or harmful deposit, treatment or disposal etc. of waste**
29. It is an offence to deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence (now called an Environmental Permit in England and Wales) authorising the deposit is in force and the type of waste being deposited is in accordance with the conditions of the permit. This is specifically covered in [Section 33 of the Environmental Protection Act \(EPA\)1990](#)
30. Section 33 of the EPA 1990 may not be applicable to wastes temporarily stored on site prior to disposal. Exemptions can be appropriate for the **temporary storage of waste**; such

⁸ Example Terms of Reference for a waste manager are included on the MOD Waste Management Portal

exemptions are written in to the applicable legislation of the Countries of the United Kingdom. Guidance on the temporary storage of waste exemptions and processes under the differing regulatory regimes are available on the regulatory authorities' web sites [EA](#), [SEPA](#) and [NI-EA](#).

II. Duty of Care

31. Waste holders (producer, carrier or disposer) have a duty to take all reasonable steps to ensure that there is no unauthorised deposit, treatment, keeping or disposal of controlled wastes, that it does not escape from their control and is only transferred to an authorised person (i.e. holders of waste management licences/environmental permits or registered waste carriers) with a written description of the waste. The legal requirement of Duty of Care is set out in [Section 34 of the Environmental Protection Act 1990](#); further guidance on Duty of Care specifically in respect to waste management can be found in the Defra [Code of Practice](#).
32. In line with the Secretary of State's Policy Statement; it is the responsibility of TLB Duty Holders and through them the Commanding Officer / Head of Establishment to ensure that they have management arrangements in place to ensure Duty of Care requirements are being met; it is recommended that Duty of Care audits are undertaken to ensure requirements are being met. Further details on Duty of Care requirements in relation to waste management can be found in Annex D

III. Hazardous Waste

33. The European Hazardous Waste Directive (91/869/EC) (HWD) aims to provide a precise description, guidance and regulation of Hazardous Waste across member states. As part of that process the HWD links to the European Waste Catalogue (EWC) which intends to be a catalogue of all wastes and differentiates between hazardous and non-hazardous wastes; in the UK the EWC is known as the List of Wastes. In order to simplify Union legislation, the provisions of the HWD were integrated into the revised Waste Framework Directive and obsolete provisions for hazardous waste removed. The HWD shall be repealed with effect from 12 December 2010.
34. The [Hazardous Waste Regulations](#) 2005 (HWR) set out the rules for assessing if a waste is hazardous or not in England, Wales and through a separate HWR 2005 [Northern Ireland](#) and their amendments. As part of that assessment of waste the HWR refer to the List of Wastes. In Scotland the term Hazardous waste is not applicable and such waste is termed Special Waste; thus the [Special Waste Regulations](#) are applicable for sites in Scotland.
35. The regulators for England, Wales, Scotland and Northern Ireland have produced Technical Guidance WM2 entitled [Interpretation of the definition and classification of hazardous waste](#) which intends to provide guidance on the assessment, classification and management of hazardous waste. A summary of the process of determining if waste is hazardous is contained in Annex B. The annex also contains information on the procedure for notifying the Environment Agency for sites that produce over 500 kg of hazardous waste per annum (England and Wales only).

Notification of Premises Producing Hazardous Waste (England and Wales only)

36. Under the Hazardous Waste Regulations 2005, it is an offence to produce hazardous waste at a site, or remove that waste from sites unless the sites are registered with the Environment Agency or are exempt from registration (produce less than 500 kg of hazardous waste per annum). Once sites are registered their details are placed on register and given a registration number known as a 'Premises code'.

37. Any contractors producing hazardous waste on any MOD site must register and have their own hazardous waste premises code in operation, this can be done via their Head Office, prior to any work being undertaken. To ensure MOD's Duty of Care no contractor will use MOD site premises codes for the disposal of hazardous waste. Commercial teams/TLBs should ensure that the preferred contractor has the correct waste permits and notifications in place before placing the order and commissioning the work. More information on how to obtain Premises Codes can be found in the Hazardous Waste section later in this leaflet at Para 31 and in Annex B.
38. The duty to notify premises rests with the producer of the waste. Where organisations (such as the MOD) have multiple premises, each site will need to notify the EA and obtain a Premises Code. If single premises are occupied by a number of different organisations (non-MOD) producing hazardous waste, each organisation will require individual notifications; where MOD units are lodgers on other organisations sites they will need their own premises codes.

IV. Transfrontier Shipments of Waste

39. Shipments of waste to, from and through the UK are subject to a range of legal controls. The legal controls depend on the nature of the waste being moved, whether the waste is moving for recovery or disposal and where in the world the waste is moving from, to and through.
40. The [Waste Shipments Regulation](#) (WSR) is directly applicable in the UK, with the penalties for non-compliance and enforcement set out in the Statutory Instrument, the [Transfrontier Shipment of Wastes](#) Regulations 2007 (the TFS Regulations). The WSR has an exemption for imports into the European community for waste generated by Armed Forces, but only in situations of crisis or peacemaking.

Shipment of Wastes for Disposal

41. In addition to the WSR and the TFS Regulations, the UK has a statutory document entitled the [UK Plan for Shipments of Waste](#). The Plan sets out Government policy on shipments of waste for disposal to and from the UK and covers the UK Overseas Territories including the Falkland Islands and Ascension Island, but not Gibraltar and the Sovereign Base Areas (SBA) in Cyprus.

Imports of Waste for Disposal

42. Imports of waste into the Community for disposal from Parties to the Basel Convention and from non-OECD countries require submission of a Duly Reasoned Request (DRR) from the country of origin to the UK competent authority of destination. The extension of the UK ratification of the Basle Convention means that waste from the SBAs can now be imported following completion of a DRR.
43. The DRR may relate to a single waste stream or to several types of waste. Once acceded to, shipments will be restricted to the types of waste specified and to the types of operation specified. Shipments of waste from OECD Decision countries and European Fair Trade Association (EFTA) countries is the same as the previous paragraph with Parties to Basel Convention outside the community required to submit a DRR to a UK competent authority and assessed on the same grounds.
44. Waste from countries which MOD operates in can be brought back to the UK for disposal if a DRR is submitted and approved.

45. Further information on transfrontier shipment of waste including from UK Overseas territories and exports for recovery can be found in Annex C

V. Catering Waste and Animal by-products

46. Catering waste and waste food of animal origin become animal by-products when they are no longer intended for human consumption.
47. Catering waste is waste food from catering facilities such as restaurants, bars and cafes and kitchens. It includes all food waste that is no longer intended for human consumption and includes used cooking oil. Catering waste in the main cannot be fed to animals although certain wastes such as bakery and dairy products may be. While it is possible for catering waste to be macerated and placed in to the foul sewer it is MOD's preference that this should only be the practice where no suitable alternative is possible.
48. Catering waste can only be disposed of to landfill or to a composting or biogas plant approved under the [Animal By-Product Regulations](#) (ABPR). Catering waste may also be sent to waste incineration facilities that meet the requirement of the Waste Incineration Directive or ABPR.
49. Animal by-products are parts of animals or products of animal origin that are not intended to be eaten by humans. Animal by-products are divided into three categories depending on their potential risk to human and or animal health or to the environment. There are different rules for disposing of waste in each category.
50. Further details of the categories and the management and disposal of by-products is contained in Annex E.

VI. International Catering Waste from landed vessels and aircraft that have visited non-EU countries

51. International Catering Waste (ICW) is defined under the EU Animal By-Products Regulation (1774/2002/EC) as "catering waste from means of transport operating internationally". Although this guidance principally uses the term "vessels" it applies to MOD ships and aircraft in line with the Products of Animal Origin Regulations (Third Country Imports) (England) 2006, as amended. Defra guidance is available at:
<http://www.defra.gov.uk/foodfarm/animaltrade/icw/guidance.htm>
52. ICW is a Category 1 by-product under the Animal By-Products regulations; Category 1 products represent the highest risk potential of disease if they enter the human or animal food chain. Such material can only be disposed of by rendering or incineration. International catering waste may also be disposed of by burial in an approved landfill site.
53. Specific Guidance on the management of ICW for MOD establishments including HMNB, Dockyards and RAF Stations can be found in Annex F.

VII. Healthcare Waste

54. The Department of Health (England) issued guidance in 2006 entitled [Safe Management of Healthcare Waste](#). The guidance sets out the requirements for the management of healthcare waste including the requirement to segregate waste in appropriately colour coded scheme linked to disposal. The previously published Health Services Advisory Committee (HSAC) publication 'Safe Disposal of Clinical Waste' is no longer extant.

55. Under the Environmental Permitting Regime there is a requirement for waste disposal operators to ensure that they only accept healthcare waste from producers that have completed a “pre-acceptance audit” of their waste streams.
56. Waste disposal operators are required to check that pre-acceptance audits have been completed and that the producer is in compliance with the Department of Health document HTM 07-01 Safe Management of Healthcare Waste. HTM 07-01 requires producers to separate solid waste into 4 waste streams:
 - a. Infectious and other incineration only wastes (yellow stream)
 - b. Infectious, non-incineration waste (orange stream)
 - c. Offensive wastes (tiger striped bags)
 - d. Domestic wastes (black bag)
57. Where a site is not compliant with HTM 07-01 then the waste disposal operator may refuse to accept the waste. To assist Establishments with meeting this requirement two separate audit tools have been devised, which are available through the MOD Waste Management Portal:
 - a. The Dental Centres Pre-Acceptance Audit Tool, issued by the Defence Dental Service
 - b. The Medical Facilities Pre-Acceptance Audit Tool; issued by the Surgeon General's Department
58. Municipal and commercial waste such as sanitary products, nappies, plasters etc is acknowledged to have the potential to cause offence and the guidance therefore recommends that where such waste is produced In bulk it is classified as offensive/hygiene waste and placed in 'tiger sacks' for separate collection and disposal.

Government Waste Targets – as set out in the MOD Waste Strategy

Reduce waste arisings (relative to agreed baseline levels) by:

- 5% by 2010/11 (SOGE target)
- 20% by 2016/17 (SDiG target)

Variable targets will be set for 2016/17 to account for previous performance against the 2010/11 target.

- 1) Any shortfall to the SOGE target, i.e. less than a 5% reduction, will be added on as a full percentage increase to the SDiG 20% by 2016/17 target.
- 2) Any exceeding of the 5% reduction SOGE target will reduce the SDiG target, of a 20% reduction by 2016/17, as follows:
If exceeded by:
 - a. 10% the SDiG target will be 15%;
 - b. 20% the SDiG target will be 10%;
 - c. 30% the SDiG target will be 5%

Increase waste recovery(recycling, re-use and composting)

- 40% by 2010/11 (SOGE target)

Increase waste recovery (recycling, re-use, composting and energy from waste) to:

- 80% of waste arisings by 2016/17, 60% of which would need to be achieved by recycling & composting (SDiG target)

Waste Data Reporting

Waste data requirements for SOGE/SDiG, as outlined below, will be submitted to SSD&C by TLB/TFAs on a biannual basis.

Hazardous Waste	Non-Hazardous Waste
Hazardous waste sent to Landfill	Non hazardous waste sent to Landfill
Total hazardous waste sent to High Temperature Incineration with energy recovery	Total Non hazardous waste sent to Incineration with energy recovery
Total hazardous waste sent to High Temperature Incineration with no energy recovery	Non hazardous waste sent to Incineration with no energy recovery
Hazardous waste reused/recycled	Recycled and reused waste (tonnes)
	Composted waste (tonnes)

SOGE Definitions Guidance:

Reused - items removed from the waste stream for its original or a different purpose without processing or treatment in a waste recovery operation (other than for repairing or refurbishing).

Recycled and composted – waste that is sorted and composted on-site or collected by a waste contractor to be recycled or composted.

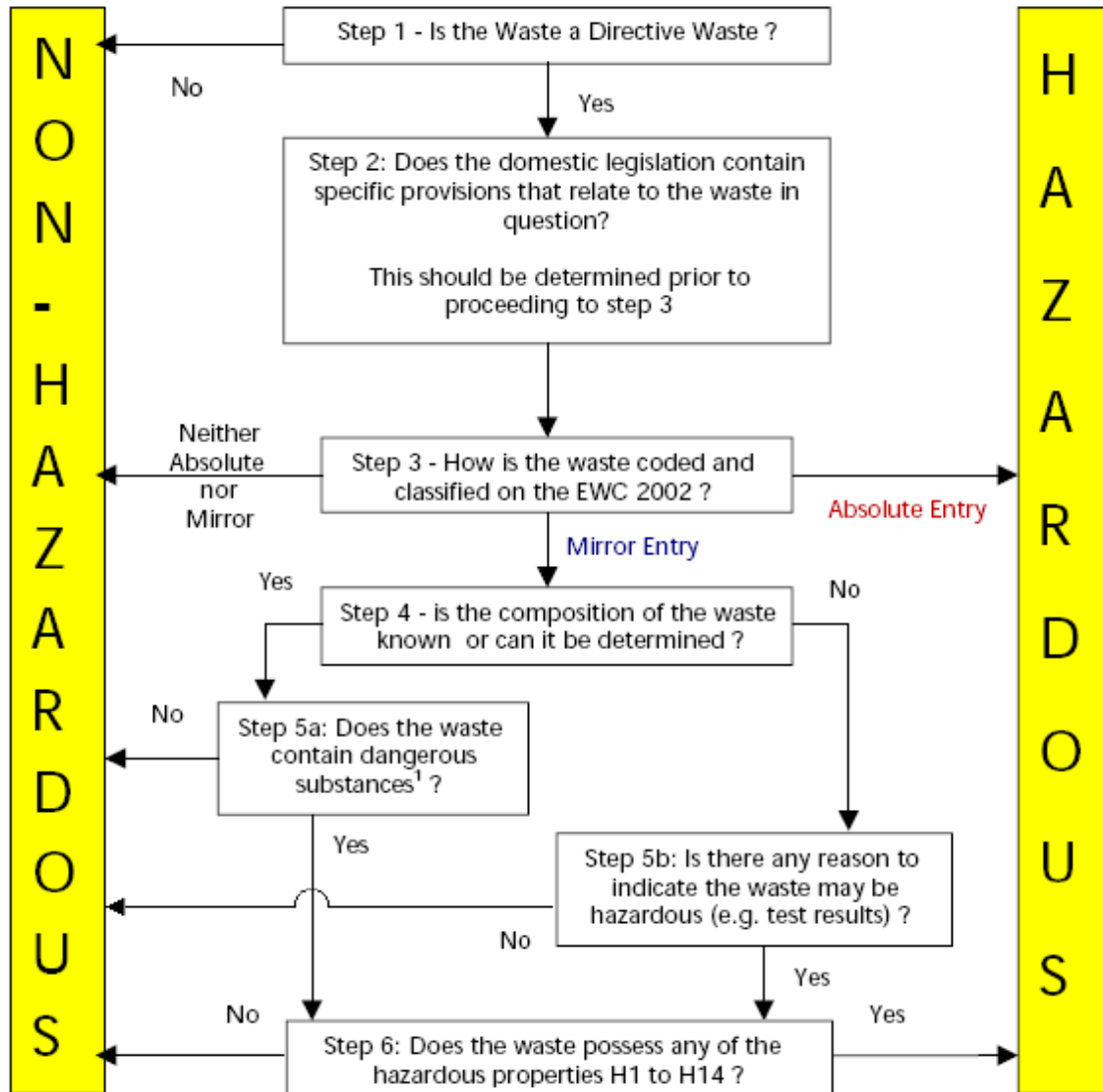
Disposed with energy recovery – waste that the department sends for disposal either through the use of an on-site EfW plant or through a specific contractual arrangement to have departmental waste incinerated for EfW. This does not include any waste, which was collected as ‘waste to landfill’, even if this may actually not go to landfill but be incinerated for energy recovery by the waste contractor and/or landfill operator.

Disposed to landfill or incineration – all waste collected and disposed to landfill or for incineration without energy recovery.

Hazardous Waste

In order to determine if the waste that you have is hazardous the following assessment should be undertaken.

Is my waste hazardous?



Each of the steps in the flow chart above are explained in the Environment Agency's - Guide to the Hazardous Waste Regulations and the List of Waste Regulations in England and Wales which can be located at: <http://www.environment-agency.gov.uk/static/documents/Leisure/GEHO0506BKTR-e-e.pdf> and in Technical Guidance WM2 – Hazardous Waste – Interpretation of the definition and classification of hazardous waste <http://www.environment-agency.gov.uk/static/documents/Leisure/GEHO0603BIRB-e-e.pdf>

It also gives full descriptions of the Hazardous Properties (H1 to H14) and the relevant thresholds i.e. the properties and characteristics of dangerous substances classified as hazardous waste.

The flowchart above also shows that the EWC consists of three types of entry:

“Absolute entries”: A number of wastes marked with an asterisk (*) are deemed to be hazardous regardless of their composition or concentration of any “dangerous substance” within the waste. Such entries are termed “absolute entries” and in some documents are coloured red for clarity.

“Mirror Entries”: some wastes have the potential to be either hazardous or not, depending on whether they contain “dangerous substances” at or above certain thresholds. These wastes are covered by linked (usually paired) entries, collectively called “mirror entries”, that comprise:

- A hazardous waste entry marked with an asterisk (*), and in some documents coloured blue for clarity, and
- An alternative non-hazardous waste entry (or entries) not marked with an asterisk.

“Non-Hazardous Entries”: Where a waste is not listed in the EWC with an asterisk, then it is not hazardous. However, where the non-hazardous entry forms part of a “mirror entry” assessment is required to determine whether the hazardous or non-hazardous waste entry is applicable.

Does the waste contain “dangerous substances”?

Where the composition of a mirror entry is known, it can be assessed to determine if the waste contains “dangerous substances” or not. There are two main ways to determine if the substances in a “mirror” entry are dangerous:

- A) Use the methodology given in the Approved Guide to the Classification and Labelling of Substances and Dangerous Preparations (the Approved Classification and Labelling Guide). The latest (6th Edition) is available at: <http://www.hse.gov.uk/pubns/priced/l131.pdf>
- B) Use information from the Safety Data Sheets or other data sources to find out whether the waste contains dangerous substances.

The classification of the substance(s) shows:

- The categories of danger exhibited by the substance; and
- The risk phrase(s), which describe the hazard the substance possess.

The risk phrases are used to set the levels that the dangerous substance must be present at in the waste for it to be classified as hazardous or not. WM2 (<http://www.environment-agency.gov.uk/static/documents/Leisure/GEHO0603BIRB-e-e.pdf>) identifies all of the risk phrases that are relevant to hazardous waste and provides the thresholds (levels that they must be at in the waste for it to be hazardous) or criteria that relate them to their hazard.

If none of the substances in the waste are classified as “dangerous substances”, the waste will not be hazardous and the non-hazardous EWC code can be used.

Notification of Premises Producing Hazardous Waste (England and Wales only)

As explained in the Hazardous Waste section of this leaflet under the Hazardous Waste Regulations 2005, it is an offence to produce hazardous waste at a site, or remove that waste from sites unless the sites are registered with the Environment Agency or are exempt from registration (produce less than 500 kg of hazardous waste per annum). Once sites are registered their details are placed on register and given a registration number known as a ‘Premises code’.

Procedure for Notification

The EA allow applications online, on disk, by email, by phone or via post. The quickest and cheapest way of applying for a Premises Code is via www.environment-agency.gov.uk/hazwaste and choose 'Register online as a hazardous waste producer'.

Alternatively call the EA National Customer Contact Centre on 08708 502858 and ask to make a hazardous waste notification. The paper form (HWRP01) should you wish to register by post can be downloaded from www.environment-agency.gov.uk/hazwaste.

A notification lasts for 12 months from the registration start date. Up to one month before the sites registration runs out you can apply to renew your registration number. Details on current notifications can be found at: www.environment-agency.gov.uk/epr/search.asp?type=register .

The Premises code should be kept safe and should be transferred onto the Consignment Note when the sites hazardous waste is transferred.

Further guidance on how to register sites and how to obtain a Premises code is available at: http://www.environment-agency.gov.uk/static/documents/Business/hwr02b_1913699.pdf

Scotland and Northern Ireland

Premises in Scotland or Northern Ireland are not required to register for a premises code for the production of Special or hazardous waste. Guidance on consigning special and hazardous waste in Scotland and Northern Ireland can be found at these links. [Scotland](#) and [N. Ireland](#).

Transfrontier Shipment of Waste

Shipments of waste to, from and through the UK are subject to a range of legal controls. The legal controls depend on the nature of the waste being moved, whether the waste is moving for recovery or disposal and where in the world the waste is moving from, to and through.

The Waste Shipments Regulation (WSR) is directly applicable in the UK, with the penalties for non-compliance and enforcement in the Statutory Instrument, The Transfrontier Shipment of Wastes Regulations 2007 (the TFS Regulations).

The WSR has an exemption for imports into the community of waste generated by Armed Forces in situations of crisis or peacemaking. Article 1 (3)(g) states that:

“Imports into the community of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping operations where such waste is shipped, by the Armed Forces or relief organisations concerned or on their behalf, directly or indirectly to the country of destination. In such cases, any competent authority of transit and the competent authority of destination in the Community shall be informed in advance concerning the shipment and its destination”.

Where waste is required to be moved in this manner the form in Appendix 1 of this annex should be completed and sent to the necessary competent authorities of transit and destination if required.

In addition to the WSR and the TFS Regulations, the UK has a statutory document entitled the UK Plan for the Shipments of Waste. The Plan sets out Government policy on shipments of waste for disposal to and from the UK. The Plan was written to meet the requirement of regulation 11 of the TFS Regulations which requires SofS Defra to prepare a waste management plan containing his policies in relation to the shipment of waste disposal into and out of the UK.

Shipments of Waste for Disposal

Shipments of waste **to and from** the UK for disposal are prohibited, except for a couple of MOD exceptions:

- Emergency situations⁹ that may require the shipment of hazardous waste **to** the UK from any country;
- Emergency situations that may require shipment of hazardous waste **from** the UK to other Member States and European Free Trade Association (EFTA) countries.

It should be noted that even when these situations apply, shipments of waste for disposal to and from the UK are still subject to the procedure of prior written notification and consent using a TFS form. All MOD movements of hazardous waste for disposal outside of the UK must also be notified to the EA and Defra, where Ministerial approval for the shipment will be sought. This notification must also be undertaken on a TFS form.

- Shipments of hazardous waste to economically developing countries (those non-EU countries outside the OECD) are prohibited even if being sent for recovery.

⁹ An emergency situation exists when there is clear and immediate risk to human health and/or the environment which cannot be removed without a shipment of hazardous waste taking place. If the waste can be stored or disposed of in an environmentally sound manner in the country of dispatch, this exception does not apply. Ammunition can be disposed of in this manner.

- Shipments of non-hazardous waste into or out of the UK for disposal are prohibited except for shipments of trial runs¹⁰.

Imports of Waste for Disposal

Imports of waste into the Community for disposal from Parties to the Basel Convention and from non-OECD countries require submission of a Duly Reasoned Request (DRR) from the country of origin to the UK competent authority of destination. This request should contain details which explain why the exporting country does not have and cannot reasonably acquire the technical capacity and necessary facilities in order to dispose of the waste in an environmentally sound manner.

The DRR may relate to a single waste stream or to several types of waste. Once acceded to, shipments will be restricted to the types of waste specified and to the types of operation specified.

Shipments of waste from OECD Decision countries and EFTA countries is the same as the previous paragraph with Parties to Basel Convention outside the community required to submit a DRR to a UK competent authority and assessed on the same grounds. However, given their level of economic development, it is unlikely that a DRR would be accepted by a UK competent authority.

Waste from countries which MOD operates in can be brought back to the UK for disposal if a DRR is submitted and approved.

UK Overseas Territories

For the purposes of Transfrontier Shipment of Wastes and the UK Plan for the Shipments of Waste, UK Overseas Territories include Falkland Islands and Ascension Island (for a full list see <http://www.ni-environment.gov.uk/waste-shipments.pdf> p15).

These Overseas Territories are listed as Annex IA to Council Decision 2001/882/EC of 27 Nov 01 on the association of overseas countries and territories within the EU ("Overseas Association Decision") and are as defined in Art 2 (26) of the EU WSR. The list does not include Gibraltar or the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus.

The EU WSR seeks to reflect the rules regarding exports and imports of waste to and from Overseas Territories laid down in the Overseas Association Decision. In summary these rules are:

- A prohibition on the exports of waste for disposal and of hazardous waste for recovery to Overseas Territories;
- The export of non-hazardous waste for recovery to Overseas Territories to which OECD Decision C(2001) 107/Final does not apply, is potentially allowed, subject to the provisions of Art 36 and Title II of the EU WSR (Shipments within the Community with or without transit through third countries);
- Imports to the UK from UK Overseas Territories are also allowed, subject to Title II of the EU WSR.

Following the extension of the UK ratification of the Basel Convention to the Sovereign Base Areas in Cyprus, imports between these areas and the UK for disposal are subject to the agreement of a duly reasoned request as required by the EU WSR.

¹⁰ Shipments of trial runs to the UK are allowed from any country in order to assess the suitability of a specific of a specific specialised treatment technology which results in the disposal of waste.

Gibraltar is covered by EC environmental legislation and therefore the provisions of the Community Regulation apply.

Exports for Recovery

These are potentially permitted under notification controls:

- Hazardous waste for recovery in EU Member States and OECD¹¹ countries
- Non-hazardous waste for recovery in the 'new' EU member states – Latvia, Poland, Slovakia, Bulgaria or Romania
- Some types of non-hazardous waste for recovery in some non-EU countries outside the OECD.

Refer also to 'Moving notified waste between countries – a guide at: www.environment-agency.gov.uk/wasteshipments

Exports are also potentially permitted under green list controls:

- Some exports of certain types of non-hazardous waste to be recovered are subject to green list controls. The situation obviously varies depending on the type of waste being exported and the particular country where the recovery is to take place. Waste being exported under green list controls must be accompanied by a completed Annex VII form specified in the EU WSR. A blank copy of the form is available at:

<http://www.environment-agency.gov.uk/business/sectors/37182.aspx>

The type of Waste being exported

EU legislation setting out the rules on moving waste to and from the UK includes a number of different annexes containing lists of wastes.

In broad terms annexes III, IIIA and IIIB of the Regulations specify different types of non-hazardous waste, whilst annexes IV and IVA of the Regulations specify different types of hazardous waste. It is therefore necessary to determine in which annex the code that best describes the waste being moved appears. To do this, you must take into account any contamination that may either make the waste more hazardous so that it should be classified by another code or prevent it being recovered in an environmentally sound manner.

If there is no appropriate code for the waste being exported, it is classed as 'unassigned'. Exports of unassigned waste to be recovered are also subject to notification controls. In summary:

Recovery in EU Member States – generally potentially allowed and will be subject to either notification or green list controls depending on the type of waste being exported and the particular EU country where the recovery is to take place

- Waste listed in annex IV and IVA and unassigned waste – notification controls apply
- Waste listed in annexes III, IIIA or IIIB – Generally green list controls apply except when the waste is to be recovered in a 'new' member state namely Latvia, Poland, Slovakia, Bulgaria or Romania. In this case notification controls apply.

Recovery in OECD countries outside the EU – generally potentially allowed and will be subject to either notification or green list controls depending on the type of waste being exported.

¹¹ A list of OECD countries is available at: http://www.oecd.org/document/1/0,3343,en_2649_201185_1889402_1_1_1_1,00.html

11. Exporter's / producer's declaration:

I certify that the above information is complete and correct to my best knowledge.

Name:

Date:

Signature:

- (1) For completing this document, see also the corresponding specific instructions as contained in Annex IC of Regulation (EC) No 1013/2006.
- (2) In cases where the quantity in tonnes is not known before the start of the shipment, an indication on the quantity should be given, e. g. the number of barrels or containers and their volume in cubic meters (e. g. 12 barrels of 0.25 m³). In this case, the units in block 4 should be crossed out. In addition, the actual quantity in tonnes should be provided in due time after arrival in the disposal or recovery facility.
- (3) See list of abbreviations and codes as contained in Annex IA of Regulation (EC) No 1013/2006.

Supporting Information on imports into the Community of waste generated by armed forces or relief organisations according to Article 1(3)(g) of Regulation (EC) No 1013/2006 on shipments of waste

1. These correspondents' guidelines represent the common understanding of all Member States on how Regulation (EC) No 1013/2006 on shipments of waste should be interpreted. The guidelines were agreed by the correspondents at a meeting on 14/15 June 2007 organised pursuant to Article 57 of Regulation (EC) No 1013/2006. They are not legally binding. The binding interpretation of Community law is the exclusive competence of the European Court of Justice. The guidelines apply from 12 July 2007 and should be reviewed at the latest five years from the above date and, if necessary, revised.

2. Pursuant to Article 1(3)(g) of Regulation (EC) No 1013/2006, any competent authority of transit and the competent authority of destination in the Community shall be informed in advance concerning a waste shipment and its destination in case of imports into the Community of waste generated by armed forces or relief organisations in certain situations.

3. It is unclear which information is to be provided according to Article 1(3)(g). There is a need to seek to achieve a Community-wide approach in order to ensure that different competent authorities in Member States require the same information. An example is the situation of imports of waste generated by armed forces e.g. by road from Kosovo via Bosnia and Herzegovina, Croatia, Slovenia and Austria to Germany. The information to be provided should serve two purposes, namely to receive sufficient information in case inspections of establishments or undertakings which treat such waste are carried out (cf. Article 13 of Directive 2006/12/EC on waste) and to be able to fulfil the reporting requirements of the Basel Convention (for this purpose, the information in boxes No 3, 4, 7, 9, without OECD and EC code, and 10 of the attached document is necessary).

4. *As a common understanding of the correspondents* it was agreed to recommend that the information set out in the document should be provided, to the extent possible in advance of the shipment (with regard to providing the actual quantity, see also footnote 2 in the annex). If it is not possible to provide the full information in advance, e.g. in cases of urgency, only the fact that a shipment will take place (including date of shipment) and the first place of destination (the disposal or recovery facility or, if not known at the time of the shipment, e. g. a military area or an airport) should be given in advance. It is recommended that the information is provided using the attached document in due time after arrival in the disposal or recovery facility or, if not known at the time of the shipment, before the waste is moved from the first place of destination.

5. In urgent cases where the disposal or recovery facility is not known at the time of the shipment, the competent authority responsible for the area of the first place of destination

(e. g. a military area or an airport) should be informed. In addition, only one competent authority in a country should be informed in urgent cases, e. g. the competent authority of transit which would then inform the competent authority of destination.

6. With regard to the format of the communication, post, fax or e-mail may be used.

7. In addition to sending the information in advance to competent authorities, the information sent should also accompany the shipment. In case of checks on shipments it would then be clear to the authorities that the shipment concerns waste for which Article 1(3)(g) applies.

Duty of Care

The Duty of Care (DoC) requirements place a number of objectives on waste holders which should be followed and these are summarised below, but those dealing with waste management should read all the documents referenced in this Duty of Care section to ensure sites are meeting the requirements:

a. Preventing Illegal Disposal, Treatment or Storage of Wastes

Every person who is subject to the DoC must ensure that they do not commit an offence but also that no-one else does. In practice, this means that a waste holder is responsible for taking steps to prevent offences involving waste that they have controlled at some point. They must try to prevent other people from disposing, treating or storing the waste without a permit, breaching the conditions of the licence; cause a pollution offence or harm to health and they should use the Public Register to confirm that sites have a permit.

For example, a waste producer should try to ensure that all waste is consigned to a licensed waste management contractor and disposed of to suitably licensed sites. If the producer has any reason to suspect that the waste is not being handled correctly, they should check whether unlicensed disposal of waste is occurring

b. Preventing the Escape of Waste

The producer or importer of waste must store waste in such a way as to prevent escape of leakage whilst on site, in transit or in storage. Containers should be used if the waste is to be handed over to another person. These should be adequate enough to contain the waste from leakage and spillage and should be labelled with a description of the waste. In addition, the holder should ensure that site security and provision is sufficient to prevent damage to or removal of the waste materials from vandals, thieves, trespassers, animals, accident or weather. Vehicles used for transporting waste should be suitable to prevent escape during transit and adequate for the task.

c. Transfer to an authorised Person

The waste producer or holder should ensure that waste is only transferred to an authorised person. The categories of person are:

- A Waste Collection Authority;
- The holder of a waste management licence/environmental permit or someone who is exempt from holding a licence;
- A registered carrier of controlled waste, or someone who is exempt from registration; or
- A Waste Disposal Authority in Scotland.

Provisions for the registration of waste carriers have been made by the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 (S.I. 1991 No. 1624), as amended. Before using a waste carrier the producer or holder of the waste should check the carrier's registration by asking to see the certificate of registration or by checking the appropriate regulators Public Registers ([EA](#); [SEPA](#); [NI-EA](#))

Photocopies are not proof of registration and such checks should be carried out at regular intervals to ensure that registration has not lapsed.

d. Providing a Description of the Waste

An accurate, written description of the waste must be provided and transferred with the waste at each stage. The description must be good enough to ensure that everyone who subsequently handles the waste has sufficient information to do so safely, preventing escape of the waste and without committing an offence under s.34 of the EPA. All parties involved in the transfer and disposal of waste must keep a copy of the description of the waste for at least two years.

The document, which implements the requirements of s.34 is termed a Duty of Care Waste Transfer Note. A copy of a standard Waste Transfer Note is available at:

<http://publications.environment-agency.gov.uk/pdf/GEHO0309BPOK-e-e.pdf>

Waste Transfer Notes are issued free of charge by all waste management companies and local authorities. The completion of a transfer note is a mandatory requirement and waste being transferred from an establishment must have a completed waste transfer note signed by both parties before it can be removed.

Completed Waste Transfer Notes must have:

- A full written description of the waste;
- The relevant European Waste Catalogue (EWC) code;
- The Environmental Permit number of the Waste Management Company and details of who it was issued by or the Waste Carriers Registration No.
- Details and licence number of any broker that is involved with the waste transfer (for MOD sites that use a Multi Activity Contractor (MAC) or similar service, details of their brokers licence should be highlighted on the waste transfer note.

It should be noted that if the *same* waste type is taken away by the *same* carrier and taken to the *same* disposal facility, a Waste Transfer Note – ‘Season Ticket’ may be used. This document is valid for twelve months but should any of the above alter e.g. the waste type changes or the disposal facility changes, a new season ticket, or waste transfer note needs to be signed.

More information on Duty of Care requirements are available at: <http://www.environment-agency.gov.uk/netregs/63197.aspx> and also <http://www.environment-agency.gov.uk/business/topics/waste/40047.aspx>

Guidance on how to comply with the Duty of Care has been published as an Approved Code of Practice – Waste Management: the Duty of Care – a Code of Practice (ISBN 0 11 753210 X).
<http://www.defra.gov.uk/environment/waste/controls/documents/waste-man-duty-code.pdf>

A copy of the European Waste Catalogue is available at: <http://www.environment-agency.gov.uk/static/documents/GEHO1105BJVS-e-e.pdf>

Catering Waste and Animal by-products

Catering waste and waste food of animal origin become animal by-products when they are no longer intended for human consumption.

Catering waste is waste food from catering facilities such as restaurants, bars and cafes and kitchens. It includes all food waste that is no longer intended for human consumption and includes used cooking oil. Catering waste in the main can not be fed to animals although certain wastes such as bakery and dairy products may be. While it is possible for catering waste to be macerated and placed in the foul sewer it MOD's preference that this should only be the practice where no suitable alternative is possible.

Catering waste can only be disposed of to landfill or to a composting or biogas plant approved under the animal By-Product Regulations.

Animal by-products are parts of animals or products of animal origin that are not intended to be eaten by humans. Animal by-products are divided into three categories depending on their potential risk to human and or animal health or to the environment. There are different rules for disposing of waste in each category.

All three categories of animal by-products must be kept **separate** at all times. If material from one category is mixed with material from another category, then the whole **mixture** must be treated as being in the **higher risk category**.

Those categories which may be relevant to MOD are:

Category 1 – Very high risk material includes:

- International catering waste from aircraft and ships.
- Animals that have been experimented on.
- Specified risk material i.e. cattle that may be infected with BSE.

Category 2 – High risk material which includes:

- manure or animal by-products that could be contaminated with animal diseases.

Category 3 – low risk material which is fit, but not intended for human consumption. This includes:

- raw meat and fish from food manufacturers and retailers
- former food wastes, other than catering waste, this includes manufacturing or packaging defects
- eggs and other by-products that do not show signs of transmissible disease
- raw milk
- fish and other sea animals
- shells

Further details are available in JSP 456 Vol 3 – Defence Catering Manual.

International Catering Waste (including guidance for Dockyards and RAF Stations)

International Catering Waste (ICW) is defined under the EU Animal By-Products Regulation (1774/2002/EC) as “catering waste from means of transport operating internationally”. Although this guidance principally uses the term “vessels” it applies to MOD ships and aircraft in line with the Products of Animal Origin Regulations (Third Country Imports) (England) 2006, as amended. Defra guidance is available at: <http://www.defra.gov.uk/foodfarm/animaltrade/icw/guidance.htm>

ICW is a Category 1 by-product which represents the highest risk potential of disease if they enter the human or animal food chain.

Under the animal by-products Regulation, Category 1 material can only be disposed of by rendering or incineration. International catering waste may also be disposed of by burial in an approved landfill site.

Any catering waste from a vessel that has landed in a non-EU port is subject to these controls after returning to the EU. This includes all vessels that have docked/landed in non-EU countries even if the vessel has been provisioned in the EU, as there is no reliable method for establishing that non-EU stores were not taken on-board. Catering waste from vessels operating within the EU should be handled in the same way as domestic catering waste as should catering waste from countries normally treated as Member States such as Andorra, Norway, San Marino, the Channel Islands, Isle of Man and Gibraltar.

Specific guidance for dockyards

The captain of the ship has the initial responsibility for the waste generated on the vessel under their Command. The person responsible for offloading the waste from the ship is responsible for ensuring that the waste is put into the correct waste stream in the dockyard. As soon as the waste has been deposited in the ICW skip provided, the dockyard takes on responsibility for ensuring that the waste is collected, stored and taken to either an approved landfill site, incinerator or rendering plant by a registered waste carrier. Responsibility for the facilities may lie with the dockyard or an appointed waste contractor operating on the site.

Vessels arriving from outside the EU are required to make a declaration about the waste they are carrying under Schedule 2 of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003, as amended.

The Animal By-Products Regulations (EC/1774/2002) requires that a record is kept of the waste disposed of, in order to create an audit trail.

The detailed policy on Management of Waste from MOD Shipping and the Department's requirements are set out in [2009DIN06-028](#)

Specific Guidance for Flying Stations

The pilot of an aircraft or the contracted waste management/facilities management company have responsibility for ensuring that ICW is disposed of correctly. They are the person responsible for ensuring that the waste is taken from the aircraft and placed in the category 1 waste disposal stream.

General Requirements

ICW must be kept separate and identifiable and must be marked 'Category 1 By-Product for Disposal only'. Any skips, containers, compactors must be cleansed and disinfected after each use. Annex 2 of EC Regulation 1774/2002 details the conditions for storage and transport of by-products.

When ICW is dispatched from a dockyard or flying station a commercial Document (CD) must accompany the ICW. The CD must include the following information:

- Date of Dispatch
- Description of material including the category
- Quantity
- Place of origin of the material
- Name and address of carrier

- Name and address of receiver

The CD must be produced in triplication; the original must accompany the consignment and be retained by the receiver, the site should retain a copy with the carrier retaining the other copy so that an auditable chain of disposal can be established.

A copy of the CD must be retained for at least two years and can act as the record required by legislation.

The EWC code is 20 01 08 biodegradable/canteen kitchen waste.

Like other waste streams the regulations require that a clear and verifiable audit trail must exist from the point of production to the point of disposal. Record keeping requirements are laid down in Art 9 Annex II of EC Regulation 1774/2002. The records must include:

- The description of the material to be disposed of
- The quantity of material to be disposed of
- The date of consignment
- The name and address of the carrier
- The name and address of the receiver (if known).

Once again records must be kept for at least 2 years.

The legislation directly concerning the statutory controls for dealing with international catering waste is:

- Regulation EC 1774/2002 which sets out Community requirements for the control, importation and disposal of animal by-products. Under the Regulation ICW is Category 1 material and must be disposed of as such.
- The Products of Animal Origin (Third country Imports) (England) Regulations – these set out community requirements for the import of products of animal origin into the UK from outside the EU. This regulation implements the import provisions of Regulation EC 1774/2002 in the UK. This regulation is updated regularly in order to reflect changes and additions to EU law. Sites should ensure they are complying with the extant regulations.

- The Animal by-Products Regulations 2005 – these regulations transpose Regulation EC 1774/2002. Additionally, the disposal of all by-products is controlled by this legislation irrespective of its origin.
- The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 – these regulations have been updated following the EU Directive on port waste facilities for ship generated waste and cargo residues. They provide a mechanism for landing waste from shipping for appropriate disposal and control the provision of appropriate facilities.

Further details are available in JSP 456 Vol 3 – Defence Catering Manual.

DEFINITIONS

'best available techniques' means best available techniques as defined in Article 2(11) of Directive 96/61/EC.

'broker' means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

'closed loop recycling' is where the waste or by-product of one process or product is used in the production of another or preferably the same product type;

'collection' means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

'cradle-to-cradle design' means the design of a product to ensure it can be easily dismantled and or the majority of embedded materials quickly identified to be recycled for reuse and material/resource recovery, ideally with a zero to landfill approach;

'dealer' means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

'disposal' means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Annex I sets out a non-exhaustive list of disposal operations;

'eco-design' is a design with specific consideration given to the environmental impacts of the product during its whole lifecycle;

'preparing for re-use' means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

'prevention' means measures taken before a substance, material or product has become waste, that reduce:

- the quantity of waste, including through the re-use of products or the extension of the life span of products;
- the adverse impacts of the generated waste on the environment and human health; or
- the content of harmful substances in materials and products;

'recovery' means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II of the Waste Framework Directive sets out a non-exhaustive list of recovery operations;

'recycling' means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

'regeneration of waste oils' means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;

're-use' means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

'separate collection' means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

'treatment' means recovery or disposal operations, including preparation prior to recovery or disposal;

'waste' means any substance or object which the holder discards or intends or is required to discard;

'waste holder' means the waste producer or the natural or legal person who is in possession of the waste;

'waste management' means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker;

'waste oils' means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

'waste producer' means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

Annex H

WASTE MANAGEMENT LEGISLATION **(ENGLAND)**

1. Waste legislation for England controls the generation, transportation and disposal of waste within the European Union and the shipment of waste into and out of the EU. It covers controlled waste, duty of care, registration of carriers and brokers, environmental permitting, landfill, hazardous waste, producer responsibility, packaging waste, end of life vehicles, waste electrical and electronic equipment and the transfrontier shipment of waste. Pls note that this list is a guide to key environmental legislation that may apply to your site, business, activity or operation. There may be additional legislation affecting your particular area or individual circumstance so you should check in the first instance with your CESO office to determine whether any more legal requirements may apply.
2. The list of key waste management legislation affecting England is as follows and further details can be found at <http://www.netregs.gov.uk/netregs/legislation/current/63614.aspx> :

<p>Environmental Protection Act (1990)</p>	<ul style="list-style-type: none"> • Defines within England, Scotland and Wales the legal Framework for the duty of care for waste with Pt II of the Act dealing specifically with the deposit of waste on land. Many of the provisions of the EPA 90 have been implemented by regulations made by SofS Defra. http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900043_en_1.htm?lang=e <p>The principal offences of the EPA 90 and those most relevant to MOD waste producers are s.33 and s.34.</p> <ul style="list-style-type: none"> • Section 33, which replaced s.33 & 4 of COPA, describes the offences of unauthorised storage, treatment and disposal whilst s.34 establishes the duty of care for all those who produce, handle or dispose of waste.
<p>Environment Act 1995</p>	<ul style="list-style-type: none"> • Established the Environment Agency and SEPA as the regulating bodies for waste management legislation and other areas of environmental protection legislation. Waste is defined in Schedule 2 of the EA 95 and amended s.75 of the EPA 90 to define waste as any substance or object listed in a new Schedule 2B to the EPA 90, which the holder discards, or intends to, or is required to discard. http://www.opsi.gov.uk/acts/acts1995/Ukpga_19950025_en_1.htm
<p>Control of Pollution (Amendment) Act 1992</p>	<ul style="list-style-type: none"> • Requires carriers of controlled waste to register with the Environment Agency or SEPA and outlines the penalties (including seizure and disposal) for vehicles shown to have been used for illegal disposal. Its aim was to curtail fly-tipping. http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890014_en_1.htm
<p>Clean Neighbourhoods and Environment Act 2005</p>	<ul style="list-style-type: none"> • Introduces additional noise, litter and waste controls including site waste management plans and classifies artificial lighting and insects as statutory nuisances. It also introduced a £300 fixed penalty notice (FPN) to anyone who refuses to produce their waste transfer note at the request of the regulatory authorities. http://www.opsi.gov.uk/acts/acts2005/ukpga_20050016_en_1
<p>Controlled Waste Regulations 1992 SI 588</p>	<ul style="list-style-type: none"> • Defines household, industrial and commercial waste for waste management licensing purposes (although the list is by no means exhaustive). They also list those household wastes for which the Local Authority Waste Collection Authority may make a charge for collection. The regulations also clarify the definition of clinical waste (now termed healthcare waste). http://www.opsi.gov.uk/si/si1992/Uksi_19920588_en_1.htm
<p>Controlled Waste (Amendment) Regulations 1993 SI 566</p>	<ul style="list-style-type: none"> • Amends the above regulation (SI1992 588) in relation to scrap metal only. http://www.opsi.gov.uk/si/si1993/Uksi_19930566_en_1.htm
<p>Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 SI 1624</p>	<ul style="list-style-type: none"> • Introduces a registration scheme for carriers of controlled waste. Certain carriers are exempt from registration: <ul style="list-style-type: none"> ○ Waste carriers carrying their <u>own</u> waste, except where it is building or demolition waste. • http://www.opsi.gov.uk/si/si1991/Uksi_19911624_en_1.htm
<p>Controlled Waste</p>	<ul style="list-style-type: none"> • Amends the previous regulation (1991/1624) to update the procedure for applying for a waste carriers

<p>(Registration of Carriers and Seizure of Vehicles) (Amendment) Regulations 1998 SI. 605</p>	<p>legislation only. http://www.opsi.gov.uk/si/si1998/19980605.htm</p>
<p>Environmental Protection (Duty of Care) Regulations 1991 SI 2839</p>	<ul style="list-style-type: none"> Imposes a duty of care on any person who imports, produces, carries, keeps or treats or disposes of controlled waste to ensure there is no unauthorised or harmful depositing, treatment or disposal of the waste. http://www.opsi.gov.uk/si/si1991/Uksi_19912839_en_1.htm
<p>Environmental Protection (Duty of Care) (England) (Amendment) Regulations 2003 SI 63</p>	<ul style="list-style-type: none"> Amends the above regulation (SI 1991/2839) to allow waste collection authorities in England to serve notices on organisations and individuals who are required to keep written descriptions of waste and transfer notices and requires them to produce such documents to the authority within a specified time. http://www.opsi.gov.uk/si/si2003/20030063.htm
<p>Environmental Permitting (England and Wales) Regulations 2007 SI 3538</p>	<ul style="list-style-type: none"> Introduces a system for environmental permits (and exemptions) for industrial activities and waste operations, including landfill and waste incineration and sets out the powers, functions and duties of the regulator. The new permitting system replaces waste licences and pollution prevention and control permits in England and Wales without changing the operating conditions already contained in existing permits. The regulations largely replace the EPA 90 on pollution prevention (Integrated Pollution Control) and the waste management licensing regulations 1994.
<p>Waste Management Licensing (Amendment) regulations 1995 SI 288</p>	<ul style="list-style-type: none"> Amends the 1992 and 1994 waste management licensing regulations by classifying (along with other legislation) scrap metal as controlled waste for duty of care under the EPA 90. http://www.opsi.gov.uk/si/si1995/Uksi_19950288_en_1.htm
<p>Waste Management (England and Wales) Regulations 2006 SI 937</p>	<ul style="list-style-type: none"> Extends controlled waste to cover mine, quarry and agricultural waste. Categorises waste as household, industrial or commercial. Prohibits householders from treating, keeping, disposing of controlled waste if it could pollute the environment. http://www.opsi.gov.uk/si/si2006/20060937.htm?lang=e
<p>Hazardous Waste (England and Wales) Regulations 2005 SI 894</p>	<ul style="list-style-type: none"> Details requirements for the controlling and tracking the movement of hazardous waste and prohibits mixing different types of hazardous waste. Requires that every site that produces hazardous waste be registered and given a 'Premises Code' which requires renewing annually. http://www.opsi.gov.uk/si/si2005/20050894.htm?lang=e
<p>Hazardous Waste (England and Wales) (Amendment)</p>	<ul style="list-style-type: none"> Amends the previous regulation (2005/894) by increasing the maximum limit of hazardous waste that can be produced in any year without registering with the regulator from 200kg – 500kg. Parts of the 2005 Regulations that were not clear are also explained. http://www.opsi.gov.uk/si/si2009/uksi_20090507_en_1

Regulations 2009 SI 507	
List of Wastes (England) Regulations 2005 SI 895	<ul style="list-style-type: none"> Provides the European Waste Catalogue (EWC) list of codes to classify wastes. http://www.opsi.gov.uk/si/si2005/20050895.htm?lang=e
List of Wastes (England) (Amendment) Regulations 2003 SI 1673	<ul style="list-style-type: none"> Amends the above regulation (2005/895) to correct minor errors. http://www.opsi.gov.uk/si/si2005/20051673.htm?lang=e
Waste Electrical and Electronic Equipment Regulations 2006 SI 3289	<ul style="list-style-type: none"> Aims to reduce the amount of WEEE sent to landfill. Requires producers of electrical and electronic equipment to register and cover the costs of collecting, treating, recovering and disposing of equipment when it reaches the end of its life. http://www.opsi.gov.uk/SI/si2006/20063289.htm?lang=e
Waste Electrical and Electronic Equipment (Amendment) Regulations 2007 SI 3454	<ul style="list-style-type: none"> Amends the above regulation (2006/3289) to encourage prioritising re-use of whole appliances in the WEEE system. http://www.opsi.gov.uk/si/si2007/uksi_20073454_en_1
Waste Electrical and Electronic Equipment (Amendment) Regulations 2009 SI 2957	<ul style="list-style-type: none"> Amends regulation (2006/2389) by improving the Producer Compliance Scheme approval process and reducing the administrative burden on business by simplifying the data reporting requirements and the evidence system. http://www.opsi.gov.uk/si/si2009/uksi_20092957_en_1
Waste Electrical and Electronic Equipment (Amendment) (No.2) Regulations 2009 SI 3216	<ul style="list-style-type: none"> Corrects a defect in the above regulation (2009/2957) by requiring producers of electrical and electronic equipment for domestic use to report details quarterly and annually for all EEE. http://www.english-legislation.hmso.gov.uk/si/si2009/uksi_20093216_en_1
Waste Batteries and Accumulators Regulations 2009 SI 890	<ul style="list-style-type: none"> Establishes a legal framework and schemes for collecting, treating and recycling portable, industrial and vehicle batteries. Applies to all types of batteries except when used for military and space equipment (although it is MOD Policy to comply with the letter and spirit of the legislation wherever practicable). http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090890_en.pdf
EU Regulation on Shipments of Waste 1013/2006	<ul style="list-style-type: none"> Establishes procedures and control regimes for shipping waste depending on its origin, destination and route and the type of waste treatment that will be applied. Although imports into the Community of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping, any competent authority of transit and the competent authority of destination must be informed. The Commission have

	<p>designed a special proforma for these such instances which is available if required from DBR-SSDC-SDenquiries@mod.uk</p> <ul style="list-style-type: none"> • http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_190/l_19020060712en00010098.pdf
Transfrontier Shipment of Waste Regulations 2007 SI 1711	<ul style="list-style-type: none"> • Sets out rules for shipping waste for disposal and recovery, including within the EU and importing and exporting to and from countries outside the EU. http://www.opsi.gov.uk/si/si2007/uksi_20071711_en_1
Transfrontier Shipment of Waste (Amendment) Regulations 2008 SI 9	<ul style="list-style-type: none"> • Amends the previous regulation (2007/1711) by introducing new penalties for failing to provide proper documentation when exporting waste for recovery. http://www.opsi.gov.uk/si/si2008/uksi_20080009_en_1
Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 SI 3087	<ul style="list-style-type: none"> • Establishes a system of authorisation and approval for shipping radioactive waste and spent nuclear fuel between member states and into and out of the EU. http://www.opsi.gov.uk/si/si2008/uksi_20083087_en_1
Site Waste Management Plans Regulations 2008 SI 314	<ul style="list-style-type: none"> • Requires the preparation of a site waste management plan for any construction projects with an estimated cost over £300,000. http://www.netregs.gov.uk/netregs/legislation/current/63614.aspx
Packaging (Essential Requirements) Regulations 2003 SI 1941	<ul style="list-style-type: none"> • Sets out essential requirements for packaging which apply to packaging producers, sellers and distributors, including enforcement, offences and penalties Producers are exempt from these obligations if: <ul style="list-style-type: none"> ○ Their annual turnover is less than £2million ○ They handle less than 50 tonnes of packaging or packaging materials annually. • http://www.opsi.gov.uk/si/si2003/20031941.htm
Packaging (Essential Requirements) (Amendment) Regulations 2004 SI 1188	<ul style="list-style-type: none"> • Amends the previous regulation (2003/1491) to update the definition of packaging. http://www.opsi.gov.uk/si/si2004/20041188.htm
Packaging (Essential Requirements) (Amendment) Regulations 2006 SI 1492	<ul style="list-style-type: none"> • Amends original regulation (2003/1941) by substituting a new definition of 'packaging' and making indefinite the conditions for a derogation for glass packaging in relation to heavy metals. http://www.opsi.gov.uk/si/si2006/20061492.htm?lang=_e
Producer Responsibility	<ul style="list-style-type: none"> • Requires producers to recover and recycle packaging waste to achieve EU targets.

<p>Obligations (Packaging Waste) Regulations 2007 SI 871</p>	<p>http://www.opsi.gov.uk/si/si2007/uksi_20070871_en_1</p>
<p>Animal By-Products Regulations 2005 SI 2347</p>	<ul style="list-style-type: none"> • Sets out detailed controls on how animal by-products must be handled, used and disposed of. Animal By-Products are divided into three categories depending on their potential risk to human health or to the environment all of which must be kept separate at all times. If material from one category is mixed with material from another category then the whole mixture must be treated as being in the higher risk category. Catering waste and waste food of animal origin become animal by-products when they are no longer intended for human consumption and are defined as waste from restaurants, catering facilities and kitchens. It can be disposed of directly at landfill. International catering waste from ships and planes is classified as high risk material and must be disposed of by incineration, rendering or in specifically approved landfill sites. http://www.opsi.gov.uk/si/si2005/20052347.htm

Annex I

WASTE MANAGEMENT LEGISLATION
(SCOTLAND)

Waste management legislation in Scotland remains subtly different from that of England and Wales. The main areas in which the legislation differs are in the control of special waste (Hazardous Waste in England and Wales) and the continuation of waste management licensing rather than the change to environmental permitting regulation.

The following pieces of legislation apply specifically to Scotland and further details can be found at

<http://www.netregs.gov.uk/netregs/legislation/current/63588.aspx> :

Control of Pollution Act 1974 40 Part III	<ul style="list-style-type: none"> • Sets out local councils duty to inspect and exercise powers concerning waste and noise and the processes for dealing with these issues. This Act is not available on-line.
Controlled Waste Regulation 1992 SI 588 and its amended statutory instruments	<ul style="list-style-type: none"> • Defines household, industrial and commercial waste for waste management licensing purposes (although the list is by no means exhaustive). They also list those household wastes for which the Local Authority Waste Collection Authority may make a charge for collection. The regulations also clarify the definition of clinical waste (now termed healthcare waste). http://www.opsi.gov.uk/si/si1992/Uksi_19920588_en_1.htm
Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1992 SI 1624 and its amended statutory instruments	<ul style="list-style-type: none"> • Introduces a registration scheme for carriers of controlled waste. Certain carriers are exempt from registration: <ul style="list-style-type: none"> ○ Waste carriers carrying their <u>own</u> waste, except where it is building or demolition waste. • http://www.opsi.gov.uk/si/si1991/Uksi_19911624_en_1.htm
Environmental Protection (Duty of Care) Regulations 1991 SI 2839	<ul style="list-style-type: none"> • Imposes a duty of care on any person who imports, produces, carries, keeps or treats or disposes of controlled waste to ensure there is no unauthorised or harmful depositing, treatment or disposal of the waste. http://www.opsi.gov.uk/si/si1991/Uksi_19912839_en_1.htm
Landfill (Scotland) Regulations 2003 SSI 235	<ul style="list-style-type: none"> • Makes changes to the control regime to cover agricultural waste. Classifies landfill sites and the permits needed to create and operate a site and the requirements for after care and closure. http://www.opsi.gov.uk/legislation/scotland/ssi2003/20030235.htm
Landfill (Scotland) Amendment Regulations 2003 SSI 343	<ul style="list-style-type: none"> • Amends the previous regulation (2003/235) to clarify the definition of waste and enable the prosecution of Scottish Partnerships or partners of a Scottish Partnership committing an offence under 2003/235. http://www.opsi.gov.uk/legislation/scotland/ssi2003/20030343.htm
Waste Management Licensing Regulations 1994 SI 1056	<ul style="list-style-type: none"> • Covers applications for waste management licences which authorise the deposit, disposal and treatment of controlled waste. Includes conditions on the use of certain mobile plants.

	http://www.opsi.gov.uk/si/si1994/Uksi_19941056_en_1.htm
Waste Management Licensing (Amendment) Regulations 1995 SI 288	<ul style="list-style-type: none"> Amends the both the previous regulation (1994/1056) and regulation 1992/55 by classifying (along with other legislation) scrap metal as controlled waste for duty of care under the EPA 90. http://www.opsi.gov.uk/si/si1995/Uksi_19950288_en_1.htm
Waste Management Licensing (Amendment) Regulations 1997 SI 2203	<ul style="list-style-type: none"> Amends regulation (1994/1056) to state that someone who holds specified qualifications is 'technically competent' under waste management licensing regulations. http://www.opsi.gov.uk/si/si1997/19972203.htm?lang=e
Waste Management Licensing Amendment (Scotland) Regulations 2003 SSI 171	<ul style="list-style-type: none"> Amends regulation (1994/1056) to refine an environmental licence, sets out qualifications required to manage activities covered by waste management licences. Also covers registering exemptions e.g. land treatment, land reclamation and building waste storage. http://www.opsi.gov.uk/legislation/scotland/ssi2003/20030171.htm
Waste Management Licensing Amendment (Scotland) Regulations 2004 SSI 275	<ul style="list-style-type: none"> Amends regulation (1994/1056) to set out waste management licensing exemptions for activities such as composting biodegradable waste. http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040275.htm
Waste Management Licensing (Water Environment) (Scotland) Regulations 2006 SSI 128	<ul style="list-style-type: none"> Amends regulation (1994/1056) to align it with regulations to control activities affecting the water environment in Scotland. http://www.opsi.gov.uk/legislation/scotland/ssi2006/20060128.htm?lang=e
Waste Management Licensing Amendment (Scotland) Regulations 2006 SSI 541	<ul style="list-style-type: none"> Amends regulation (1994/1056), adds new exemptions e.g. recovering fuel from waste vegetable oils, refurbishing and storing waste goods, using compacted or baled tyres etc. http://www.opsi.gov.uk/legislation/scotland/ssi2006/20060541.htm?lang=e
Waste Management Regulations 1996 SI 634	<ul style="list-style-type: none"> Exempts certain activities relating to scrap metal and waste motor vehicles from waste management licensing. Also increases the registration fee and the annual fee for exemption. http://www.opsi.gov.uk/si/si1996/Uksi_19960634_en_1.htm
Waste (Scotland) Regulations 2005 SSI 22	<ul style="list-style-type: none"> Extends controlled waste to cover mine, quarry and agricultural waste. Categorises waste as household, industrial or commercial. Requires anyone involved in the deposit, disposal or recovery of mine, quarry or agricultural waste to be authorised. http://www.opsi.gov.uk/legislation/scotland/ssi2005/20050022.htm?lang=e
Special Waste Regulations 1996 SI 972	<ul style="list-style-type: none"> Provides a definition of 'special waste' in Scotland, to cover all hazardous waste and regulates waste carriers by requiring them all to keep and complete consignment notes. http://www.opsi.gov.uk/si/si1996/Uksi_19960972_en_1.htm?lang=e
Special Waste (Amendment) Regulations 1996 SI 2019	<ul style="list-style-type: none"> Amends regulation (1996/972) by defining special waste in Scotland, to cover all hazardous waste, and regulates waste carriers by requiring them to complete and keep consignment notes. http://www.opsi.gov.uk/si/si1996/Uksi_19962019_en_1.htm?lang=e
Special Waste (Amendment) Regulations 1997 SI 251	<ul style="list-style-type: none"> Amends regulation (1996/972) to revise the qualifications and experience required to deal with special waste. http://www.opsi.gov.uk/si/si1997/19970251.htm

<p>Special Waste Amendment (Scotland) Regulations 2004 SSI 112</p>	<ul style="list-style-type: none"> • Redefines the term special waste in Scotland and sets out controls on labelling, packaging and separating it. Requires consignment notes to be used when special waste is transferred and producers to keep registers of documents for 3 years. http://www.opsi.gov.uk/legislation/scotland/ssi2004/20040112.htm?lang=e <p>Further guidance on the Special Waste Amendment (Scotland) Regulations 2004 can be found at: http://www.netregs.gov.uk/netregs/legislation/current/107206.aspx</p>
<p>Waste Electrical and Electronic Equipment Regulations 2006 SI 3289 and its amended statutory instruments</p>	<ul style="list-style-type: none"> • Aims to reduce the amount of WEEE sent to landfill. Requires producers of electrical and electronic equipment to register and cover the costs of collecting, treating, recovering and disposing of equipment when it reaches the end of its life. http://www.opsi.gov.uk/SI/si2006/20063289.htm?lang=e
<p>Waste Management Licensing Amendment (Waste Electrical and Electronic Equipment) (Scotland) Regulations 2007 SSI 172</p>	<ul style="list-style-type: none"> • Amends regulations (1994/1056) to allow granting or varying of waste management licences for WEEE and specifies technical competences required for treating WEEE. http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070172_en_1
<p>Waste Batteries and Accumulators Regulations 2009 SI 890</p>	<ul style="list-style-type: none"> • Establishes a legal framework and schemes for collecting, treating and recycling portable, industrial and vehicle batteries. Applies to all types of batteries except when used for military and space equipment (although it is MOD Policy to comply with the letter and spirit of the legislation wherever practicable). http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090890_en.pdf
<p>Waste Batteries (Scotland) Regulations 2009 SSI 247</p>	<ul style="list-style-type: none"> • Amends the Pollution Prevention and Control (Scotland) Regulations 2000/323 to prohibit the incineration of waste industrial and automotive batteries and prohibits batteries from landfill. http://www.opsi.gov.uk/legislation/scotland/ssi2009/ssi_20090247_en_1
<p>EU Regulation on Shipments of Waste 1013/2006</p>	<ul style="list-style-type: none"> • Establishes procedures and control regimes for shipping waste depending on its origin, destination and route and the type of waste treatment that will be applied. Although imports into the Community of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping, any competent authority of transit and the competent authority of destination must be informed. The Commission have designed a special proforma for these such instances which is available if required from DBR-SSDC-SDenquiries@mod.uk • http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_190/l_19020060712en00010098.pdf
<p>Transfrontier Shipment of Waste Regulations 2007 SI 1711</p>	<ul style="list-style-type: none"> • Sets out rules for shipping waste for disposal and recovery, including within the EU and importing and exporting to and from countries outside the EU. http://www.opsi.gov.uk/si/si2007/uksi_20071711_en_1
<p>Transfrontier Shipment of</p>	<ul style="list-style-type: none"> • Amends the previous regulation (2007/1711) by introducing new penalties for failing to provide proper

<p>Waste (Amendment) Regulations 2008 SI 9</p>	<p>documentation when exporting waste for recovery. http://www.opsi.gov.uk/si/si2008/uksi_20080009_en_1</p>
<p>Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 SI 3087</p>	<ul style="list-style-type: none"> Establishes a system of authorisation and approval for shipping radioactive waste and spent nuclear fuel between member states and into and out of the EU. http://www.opsi.gov.uk/si/si2008/uksi_20083087_en_1
<p>Producer Responsibility Obligations (Packaging Waste) 2007 SI 871 and its amended statutory instruments</p>	<ul style="list-style-type: none"> Requires producers to recover and recycle packaging waste to achieve EU targets. http://www.opsi.gov.uk/si/si2007/uksi_20070871_en_1

Annex J

WASTE MANAGEMENT LEGISLATION
(WALES)

Welsh waste management legislation mirrors that of England except in the following circumstances; further details can be found at <http://www.netregs.gov.uk/netregs/legislation/current/63638.aspx> :

<p>Environmental Protection Act (1990)</p>	<ul style="list-style-type: none"> • Defines within England, Scotland and Wales the legal Framework for the duty of care for waste with Pt II of the Act dealing specifically with the deposit of waste on land. Many of the provisions of the EPA 90 have been implemented by regulations made by SofS Defra. http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900043_en_1.htm?lang=e <p>The principal offences of the EPA 90 and those most relevant to MOD waste producers are s.33 and s.34.</p> <ul style="list-style-type: none"> • Section 33, which replaced s.33 & 4 of COPA, describes the offences of unauthorised storage, treatment and disposal whilst s.34 establishes the duty of care for all those who produce, handle or dispose of waste.
<p>Environment Act 1995</p>	<ul style="list-style-type: none"> • Established the Environment Agency and SEPA as the regulating bodies for waste management legislation and other areas of environmental protection legislation. Waste is defined in Schedule 2 of the EA 95 and amended s.75 of the EPA 90 to define waste as any substance or object listed in a new Schedule 2B to the EPA 90, which the holder discards, or intends to, or is required to discard. http://www.opsi.gov.uk/acts/acts1995/Ukpga_19950025_en_1.htm
<p>Control of Pollution (Amendment) Act 1992</p>	<ul style="list-style-type: none"> • Requires carriers of controlled waste to register with the Environment Agency or SEPA and outlines the penalties (including seizure and disposal) for vehicles shown to have been used for illegal disposal. Its aim was to curtail fly-tipping. http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890014_en_1.htm
<p>Clean Neighbourhoods and Environment Act 2005</p>	<ul style="list-style-type: none"> • Introduces additional noise, litter and waste controls including site waste management plans and classifies artificial lighting and insects as statutory nuisances. It also introduced a £300 fixed penalty notice (FPN) to anyone who refuses to produce their waste transfer note at the request of the regulatory authorities. http://www.opsi.gov.uk/acts/acts2005/ukpga_20050016_en_1
<p>Controlled Waste Regulations 1992 SI 588</p>	<ul style="list-style-type: none"> • Defines household, industrial and commercial waste for waste management licensing purposes (although the list is by no means exhaustive). They also list those household wastes for which the Local Authority Waste Collection Authority may make a charge for collection. The regulations also clarify the definition of clinical waste (now termed healthcare waste). http://www.opsi.gov.uk/si/si1992/Uksi_19920588_en_1.htm
<p>Controlled Waste (Amendment) Regulations 1993 SI 566</p>	<ul style="list-style-type: none"> • Amends the above regulation (SI1992 588) in relation to scrap metal only. http://www.opsi.gov.uk/si/si1993/Uksi_19930566_en_1.htm

<p>Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 SI 1624</p>	<ul style="list-style-type: none"> • Introduces a registration scheme for carriers of controlled waste. Certain carriers are exempt from registration: <ul style="list-style-type: none"> ○ Waste carriers carrying their <u>own</u> waste, except where it is building or demolition waste. • http://www.opsi.gov.uk/si/si1991/Uksi_19911624_en_1.htm
<p>Controlled Waste (Registration of Carriers and Seizure of Vehicles) (Amendment) Regulations 1998 SI. 605</p>	<ul style="list-style-type: none"> • Amends the previous regulation (1991/1624) to update the procedure for applying for a waste carriers legislation only. http://www.opsi.gov.uk/si/si1998/19980605.htm
<p>Environmental Protection (Duty of Care) Regulations 1991 SI 2839</p>	<ul style="list-style-type: none"> • Imposes a duty of care on any person who imports, produces, carries, keeps or treats or disposes of controlled waste to ensure there is no unauthorised or harmful depositing, treatment or disposal of the waste. http://www.opsi.gov.uk/si/si1991/Uksi_19912839_en_1.htm
<p>Environmental Protection (Duty of Care) (Wales) Regulations 1991 SI 2839</p>	<ul style="list-style-type: none"> • Imposes a duty of care on any person who imports, produces, carries, treats or disposes of controlled waste to ensure there is no unauthorised depositing, treatment or disposal of the waste. http://www.opsi.gov.uk/si/si2005/20050894.htm?lang=e
<p>Environmental Permitting (England and Wales) Regulations 2007 SI 3538</p>	<ul style="list-style-type: none"> • Introduces a system for environmental permits (and exemptions) for industrial activities and waste operations, including landfill and waste incineration and sets out the powers, functions and duties of the regulator. The new permitting system replaces waste licences and pollution prevention and control permits in England and Wales without changing the operating conditions already contained in existing permits. • The regulations largely replace the EPA 90 on pollution prevention (Integrated Pollution Control) and the waste management licensing regulations 1994.
<p>Waste Management Licensing (Amendment) regulations 1995 SI 288</p>	<ul style="list-style-type: none"> • Amends the 1992 and 1994 waste management licensing regulations by classifying (along with other legislation) scrap metal as controlled waste for duty of care under the EPA 90. http://www.opsi.gov.uk/si/si1995/Uksi_19950288_en_1.htm
<p>Waste Management (England and Wales) Regulations 2006 SI 937</p>	<ul style="list-style-type: none"> • Extends controlled waste to cover mine, quarry and agricultural waste. Categorises waste as household, industrial or commercial. Prohibits householders from treating, keeping, disposing of controlled waste if it could pollute the environment. http://www.opsi.gov.uk/si/si2006/20060937.htm?lang=e
<p>Hazardous Waste (Wales) Regulations 2005 SI 1806</p>	<ul style="list-style-type: none"> • Details requirements for controlling and tracking the movement of hazardous waste and prohibits mixing different types of hazardous waste. All sites that produce hazardous waste must be registered with the Environment Agency Wales and obtain a 'Premises Code' which requires renewing annually.

	<p>http://www.opsi.gov.uk/legislation/wales/wsi2005/20051806e.htm?lang=e</p>
Hazardous Waste (Wales) (Amendment) Regulations 2009 SI 2861	<ul style="list-style-type: none"> Amends the previous regulation (2005/1806) by increasing the maximum limit of hazardous waste that can be produced in any year without registering with the regulator from 200 kg to 500 kg and clarifies other aspects of the previous regulation. http://www.opsi.gov.uk/legislation/wales/wsi2009/wsi_20092861_en_1
List of Wastes (Wales) Regulations 2005 SI 1820	<ul style="list-style-type: none"> Provides the European Waste Catalogue list of codes used to classify wastes. http://www.opsi.gov.uk/legislation/wales/wsi2005/20051820e.htm
Waste Electrical and Electronic Equipment Regulations 2006 SI 3289	<ul style="list-style-type: none"> Aims to reduce the amount of WEEE sent to landfill. Requires producers of electrical and electronic equipment to register and cover the costs of collecting, treating, recovering and disposing of equipment when it reaches the end of its life. http://www.opsi.gov.uk/SI/si2006/20063289.htm?lang=e
Waste Electrical and Electronic Equipment (Amendment) Regulations 2007 SI 3454	<ul style="list-style-type: none"> Amends the above regulation (2006/3289) to encourage prioritising re-use of whole appliances in the WEEE system. http://www.opsi.gov.uk/si/si2007/uksi_20073454_en_1
Waste Electrical and Electronic Equipment (Amendment) Regulations 2009 SI 2957	<ul style="list-style-type: none"> Amends regulation (2006/2389) by improving the Producer Compliance Scheme approval process and reducing the administrative burden on business by simplifying the data reporting requirements and the evidence system. http://www.opsi.gov.uk/si/si2009/uksi_20092957_en_1
Waste Electrical and Electronic Equipment (Amendment) (No.2) Regulations 2009 SI 3216	<ul style="list-style-type: none"> Corrects a defect in the above regulation (2009/2957) by requiring producers of electrical and electronic equipment for domestic use to report details quarterly and annually for all EEE. http://www.legislation.hmso.gov.uk/si/si2009/uksi_20093216_en_1
Waste Batteries and Accumulators Regulations 2009 SI 890	<ul style="list-style-type: none"> Establishes a legal framework and schemes for collecting, treating and recycling portable, industrial and vehicle batteries. Applies to all types of batteries except when used for military and space equipment (although it is MOD Policy to comply with the letter and spirit of the legislation wherever practicable). http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090890_en.pdf
EU Regulation on Shipments of Waste 1013/2006	<ul style="list-style-type: none"> Establishes procedures and control regimes for shipping waste depending on its origin, destination and route and the type of waste treatment that will be applied. Although imports into the Community of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping, any competent authority of transit and the competent authority of destination must be informed. The Commission have designed a special proforma for these such instances which is available if required from DBR-SSDC-SDenquiries@mod.uk http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_190/l_19020060712en00010098.pdf

<p>Transfrontier Shipment of Waste Regulations 2007 SI 1711</p>	<ul style="list-style-type: none"> • Sets out rules for shipping waste for disposal and recovery, including within the EU and importing and exporting to and from countries outside the EU. http://www.opsi.gov.uk/si/si2007/uksi_20071711_en_1
<p>Transfrontier Shipment of Waste (Amendment) Regulations 2008 SI 9</p>	<ul style="list-style-type: none"> • Amends the previous regulation (2007/1711) by introducing new penalties for failing to provide proper documentation when exporting waste for recovery. http://www.opsi.gov.uk/si/si2008/uksi_20080009_en_1
<p>Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 SI 3087</p>	<ul style="list-style-type: none"> • Establishes a system of authorisation and approval for shipping radioactive waste and spent nuclear fuel between member states and into and out of the EU. http://www.opsi.gov.uk/si/si2008/uksi_20083087_en_1
<p>Site Waste Management Plans Regulations 2008 SI 314</p>	<ul style="list-style-type: none"> • Requires the preparation of a site waste management plan for any construction projects with an estimated cost over £300,000. http://www.netregs.gov.uk/netregs/legislation/current/63614.aspx
<p>Packaging (Essential Requirements) Regulations 2003 SI 1941</p>	<ul style="list-style-type: none"> • Sets out essential requirements for packaging which apply to packaging producers, sellers and distributors, including enforcement, offences and penalties Producers are exempt from these obligations if: <ul style="list-style-type: none"> ○ Their annual turnover is less than £2million ○ They handle less than 50 tonnes of packaging or packaging materials annually. • http://www.opsi.gov.uk/si/si2003/20031941.htm
<p>Packaging (Essential Requirements) (Amendment) Regulations 2004 SI 1188</p>	<ul style="list-style-type: none"> • Amends the previous regulation (2003/1491) to update the definition of packaging. http://www.opsi.gov.uk/si/si2004/20041188.htm
<p>Packaging (Essential Requirements) (Amendment) Regulations 2006 SI 1492</p>	<ul style="list-style-type: none"> • Amends original regulation (2003/1941) by substituting a new definition of 'packaging' and making indefinite the conditions for a derogation for glass packaging in relation to heavy metals. http://www.opsi.gov.uk/si/si2006/20061492.htm?lang=e
<p>Producer Responsibility Obligations (Packaging Waste) Regulations 2007 SI 871</p>	<ul style="list-style-type: none"> • Requires producers to recover and recycle packaging waste to achieve EU targets. http://www.opsi.gov.uk/si/si2007/uksi_20070871_en_1

<p>Animal By-Products Regulations 2005 SI 2347</p>	<ul style="list-style-type: none">• Sets out detailed controls on how animal by-products must be handled, used and disposed of. Animal By-Products are divided into three categories depending on their potential risk to human health or to the environment all of which must be kept separate at all times. If material from one category is mixed with material from another category then the whole mixture must be treated as being in the higher risk category. Catering waste and waste food of animal origin become animal by-products when they are no longer intended for human consumption and are defined as waste from restaurants, catering facilities and kitchens. It can be disposed of directly at landfill. International catering waste from ships and planes is classified as high risk material and must be disposed of by incineration, rendering or in specifically approved landfill sites. http://www.opsi.gov.uk/si/si2005/20052347.htm
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Annex K

**WASTE MANAGEMENT LEGISLATION
(NORTHERN IRELAND)**

Waste management legislation in Northern Ireland is substantially different from that of England, Wales and Scotland with only a small proportion of legislation (principally producer responsibility legislation) mirroring that of the other Devolved Administrations.

Waste management legislation applicable to Northern Ireland is outlined below and further details can be found at

<http://www.netregs.gov.uk/netregs/legislation/current/63554.aspx> :

Pollution Control and Local Government (Northern Ireland) Order 1978 SR 1049 (NI 19)	<ul style="list-style-type: none"> Regulates waste on land, abandoned vehicles, noise nuisance, noise abatement zones, sulphur content of oil fuel used in furnaces and engines, cable burning and pollution of the atmosphere and water. Other aspects have been revoked. http://www.statutelaw.gov.uk
Pollution Prevention and Control Regulations (Northern Ireland) 2003 SR 46	<ul style="list-style-type: none"> Establishes a pollution prevention control regime for certain installations or mobile plants. Sets out a permitting regime based on Best Available Techniques for regulating activities and installations. http://www.opsi.gov.uk/sr/sr2003/20030046.htm
Waste and Contaminated Land (Northern Ireland) Order 1997 SI 2778 (NI 19)	<ul style="list-style-type: none"> Sets out the waste management regime covering waste carrier registration and identifying and remedying contaminated land. http://www.statutelaw.gov.uk
Waste (Amendment) (Northern Ireland) Order 2007 SI 611	<ul style="list-style-type: none"> Amends the above legislation (1997/2778) including penalties, costs, forfeiture of vehicles, power to search and seize vehicles, registration requirements, enforcement powers and site waste management plans. http://www.opsi.gov.uk/si/si2007/uksi_20070611_en_1
Environment (Northern Ireland) Order 2002 SI 3153 (NI 7) (including amendments up to 2004)	<ul style="list-style-type: none"> Covers several environmental issues, including pollution prevention control, assessment and management of air quality and designation of areas of special scientific interest (ASSIs). http://www.statutelaw.gov.uk
Controlled Waste Regulations (Northern Ireland) 2002 SR 248	<ul style="list-style-type: none"> Defines household, industrial and commercial waste, for waste management licensing purposes. http://www.opsi.gov.uk/sr/sr2002/20020248.htm
Controlled Waste (Amendment) Regulations (Northern Ireland) 2003 SR 404	<ul style="list-style-type: none"> Amends the above regulation (2002/248) to include animal by-products. http://www.opsi.gov.uk/sr/sr2003/20030404.htm

<p>Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 SR 362</p>	<ul style="list-style-type: none"> • Details the system for registering carriers of controlled waste and for seizing vehicles used for the illegal disposal of waste. http://www.opsi.gov.uk/sr/sr1999/19990362.htm
<p>Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 SR 271</p>	<ul style="list-style-type: none"> • Creates a duty of care for controlled waste that requires all producers, carriers and managers of waste to keep records and use waste transfer notes. http://www.opsi.gov.uk/sr/sr2002/20020271.htm • Further guidance on controlled Waste (Duty of Care) Regulations (Northern Ireland) is available from: http://www.netregs.gov.uk/netregs/legislation/current/107263.aspx
<p>Controlled Waste (Duty of Care) (Amendment) Regulations (Northern Ireland) 2004 SR 277</p>	<ul style="list-style-type: none"> • Amends the above regulation (2002/271) to change the codes used on waste transfer notes to the European Waste Catalogue codes. http://www.opsi.gov.uk/sr/sr2004/20040277.htm
<p>Waste Management Regulations (Northern Ireland) 2006 SR 280</p>	<ul style="list-style-type: none"> • Extends the regime for 'controlled waste' to bring mine, quarry and agricultural waste within waste management control. Categorises waste as household, industrial or commercial. http://www.opsi.gov.uk/sr/sr2006/20060280.htm?lang=e
<p>Waste Management Licensing Regulations (Northern Ireland) 2003 SR 493</p>	<ul style="list-style-type: none"> • Covers applications for waste management licences which authorise deposit, disposal and treatment of controlled waste. Includes conditions on the use of certain mobile plant. http://www.opsi.gov.uk/sr/sr2003/20030493.htm?lang=e • Further guidance on Waste Management Licensing (Northern Ireland) Regulations 2003 is available at: http://www.netregs.gov.uk/netregs/legislation/current/107245.aspx
<p>Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2009 SR 76</p>	<ul style="list-style-type: none"> • Amends the above regulation (2003/493) to change the regime of waste management licensing exemptions in Northern Ireland to ensure compliance with the Hazardous Waste Directive. http://www.opsi.gov.uk/sr/sr2009/nisr_20090076_en_1
<p>Waste Collection and Disposal (Amendment) Regulations (Northern Ireland) 1997 SR 52</p>	<ul style="list-style-type: none"> • Amends the Waste Collection and Disposal Regulations (Northern Ireland) 1992. Implements EC Directive 91/156/EEC on waste and makes it an offence to carry out an exempt activity without registering with the local council. http://www.opsi.gov.uk/sr/sr1997/Nisr_19970052_en_1.htm
<p>Landfill Regulations (Northern Ireland) 2003 SR 496</p>	<ul style="list-style-type: none"> • Introduces permits to create and operate a landfill and sets out which categories of waste can be accepted at each class of landfill site. Also sets out the pollution control regime. http://www.opsi.gov.uk/sr/sr2003/20030496.htm
<p>Landfill (Amendment) Regulations (Northern Ireland) 2004 SR 297</p>	<ul style="list-style-type: none"> • Introduces permits to create and operate a landfill and sets out which categories of waste can be accepted at each class of landfill site. Also sets out the pollution control regime. http://www.opsi.gov.uk/sr/sr2003/20030496.htm

Landfill (Amendment) Regulations (Northern Ireland) 2004 SR 297	<ul style="list-style-type: none"> Amends the above regulation (2003/496) with details of what wastes can and cannot be accepted at particular landfill sites. http://www.opsi.gov.uk/sr/sr2004/20040297.htm
Landfill (Amendment) Regulations (Northern Ireland) 2007 SR 179	<ul style="list-style-type: none"> Amends the above regulation (2003/496) by changing duties of landfill operators making it an offence to accept agricultural, mine or quarry waste, amends procedures for closing a landfill and requirements for hazardous waste landfill applications. http://www.opsi.gov.uk/sr/sr2007/nisr_20070179_en_1
Landfill (Amendment No.2) Regulations' (Northern Ireland) 2007 SR 258	<ul style="list-style-type: none"> Amends 2003/496 to update the criteria for granular and monolith waste to be accepted for landfill, plus monitoring and testing requirements. http://www.opsi.gov.uk/sr/sr2007/nisr_20070258_en_1
Hazardous Waste Regulations (Northern Ireland) 2005 SR 300	<ul style="list-style-type: none"> Details the regime for controlling and tracking the movement of hazardous waste. http://www.opsi.gov.uk/sr/sr2005/20050300.htm?lang=e
Hazardous Waste (Amendment) Regulations (Northern Ireland) 2005 SR 461	<ul style="list-style-type: none"> Amends the above regulation (2005/300) in terms of offences and penalties). http://www.opsi.gov.uk/sr/sr2005/20050461.htm?lang=e
Lists of Wastes Regulations (Northern Ireland) 2005 SR 301	<ul style="list-style-type: none"> Requires the List of Wastes to be used when determining if a material or substance is waste or hazardous waste and for classifying and coding wastes for the waste control regime. http://www.opsi.gov.uk/sr/sr2005/20050301.htm?lang=e
List of Wastes (Amendment) Regulations (Northern Ireland) 2005 SR 462	<ul style="list-style-type: none"> Amends the above regulation (2005/301) to correct minor errors. http://www.opsi.gov.uk/sr/sr2005/20050462.htm?lang=e
Waste Electrical and Electronic Equipment Regulations 2006 SI 3289	<ul style="list-style-type: none"> Aims to reduce the amount of WEEE sent to landfill. Requires producers of electrical and electronic equipment to register and cover the costs of collecting, treating, recovering and disposing of equipment when it reaches the end of its life. http://www.opsi.gov.uk/SI/si2006/20063289.htm?lang=e
Waste Electrical and Electronic Equipment (Charges) Regulations (Northern Ireland) 2006 SR 509	<ul style="list-style-type: none"> Sets of DoE charges for approving compliance schemes and authorising treatment facilities. http://www.opsi.gov.uk/sr/sr2006/20060509.htm?lang=e
Waste Batteries and Accumulators Regulations 2009 SI 890	<ul style="list-style-type: none"> Establishes a legal framework and schemes for collecting, treating and recycling portable, industrial and vehicle batteries. Applies to all types of batteries except when used for military and space equipment (although it is MOD Policy to comply with the letter and spirit of the legislation wherever practicable). http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090890_en.pdf

<p>Waste Batteries and Accumulators (Charges) Regulations (Northern Ireland) 2009 SR 157</p>	<ul style="list-style-type: none"> • Sets charges for small producers, battery compliance schemes, battery treatment operators and battery exporters to pay to the DoE under the regime. http://www.opsi.gov.uk/sr/sr2009/nisr_20090157_en_1
<p>Waste Batteries and Accumulators (Treatment and Disposal) Regulations (Northern Ireland) 2009 SR 159</p>	<ul style="list-style-type: none"> • Sets out exemptions from waste management licensing from storing waste batteries. Amends Landfill Regulations (NI) 2003 and Pollution Prevention and control (Regulations) (NI) 2003/46 to ban automotive and industrial batteries from landfill or incineration. http://opsi.gov.uk/sr/sr2009/pdf/nisr_20090159_en.pdf
<p>EU Regulation on Shipments of Waste 1013/2006</p>	<ul style="list-style-type: none"> • Establishes procedures and control regimes for shipping waste depending on its origin, destination and route and the type of waste treatment that will be applied. Although imports into the Community of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping, any competent authority of transit and the competent authority of destination must be informed. The Commission have designed a special proforma for these such instances which is available if required from DBR-SSDC-SDenquiries@mod.uk • http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_190/l_19020060712en00010098.pdf
<p>Transfrontier Shipment of Waste Regulations 2007 SI 1711</p>	<ul style="list-style-type: none"> • Sets out rules for shipping waste for disposal and recovery, including within the EU and importing and exporting to and from countries outside the EU. http://www.opsi.gov.uk/si/si2007/uksi_20071711_en_1
<p>Transfrontier Shipment of Waste (Amendment) Regulations 2008 SI 9</p>	<ul style="list-style-type: none"> • Amends the previous regulation (2007/1711) by introducing new penalties for failing to provide proper documentation when exporting waste for recovery. http://www.opsi.gov.uk/si/si2008/uksi_20080009_en_1
<p>Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 SI 3087</p>	<ul style="list-style-type: none"> • Establishes a system of authorisation and approval for shipping radioactive waste and spent nuclear fuel between member states and into and out of the EU. http://www.opsi.gov.uk/si/si2008/uksi_20083087_en_1
<p>Producer Responsibility Obligations (Packaging Waste) Regulations 2007 SI 871</p>	<ul style="list-style-type: none"> • Requires producers to recover and recycle packaging waste to achieve EU targets. http://www.opsi.gov.uk/si/si2007/uksi_20070871_en_1
<p>Producer Responsibility Obligations (Northern Ireland) Order 1998 SI 1762</p>	<ul style="list-style-type: none"> • Imposes obligations on producers to recover and recycle prescribed products and materials, and related obligations to meet recovery and recycling targets when such products become waste. http://www.statutelaw.gov.uk

<p>(Northern Ireland 16) (including amendments up to 2004).</p>	
<p>Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 SR 198</p>	<ul style="list-style-type: none"> • Requires producers to recover and recycle packaging waste to achieve EU targets. http://www.opsi.gov.uk/sr/sr2007/nisr_20070198_en_1
<p>Animal By-Products Regulations (Northern Ireland) 2003 SR 495</p>	<ul style="list-style-type: none"> • Establishes systems and standards for animal by-products not intended for human consumption. http://www.opsi.gov.uk/sr/sr2003/20030495.htm
<p>Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Northern Ireland) Regulations 2000 SR 232</p>	<ul style="list-style-type: none"> • Covers the disposal of PCBs and similar dangerous substances and outlines measures for identification, registration and disposal. http://www.opsi.gov.uk/sr/sr2000/20000232.htm?lang=e