

## **POLICY NOTE**

### **THE WASTE (MEANING OF HAZARDOUS WASTE AND EUROPEAN WASTE CATALOGUE) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2015**

**SSI 2015/188**

The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

The instrument is subject to negative procedure.

#### **POLICY OBJECTIVES**

The European Commission has introduced two pieces of legislation relating to hazardous waste.

- EU Regulation No 1357/2014 which replaces Annex III to the Waste Framework Directive.
- EU Decision 2014/955/EU which amends Decision 2000/532/EC on the list of wastes.

The new Regulation and Decision require amendments to the definitions of “European Waste Catalogue” and “Waste Framework Directive” within the following Scottish Regulations and Orders.

- The Environment Protection Act 1990
- The Special Waste Regulations 1996
- The Landfill (Scotland) Regulations 2003
- The Landfill Allowances Scheme (Scotland) Regulations 2005
- The National Waste Management Plan for Scotland Regulations 2007
- The Renewables Obligation (Scotland) Order 2009
- The Management of Extractive Waste (Scotland) Regulations 2010
- The Town and Country Planning (Environmental impact Assessment) (Scotland) Regulations 2011
- The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011
- The Waste Management Licensing (Scotland) Regulations 2011
- The Pollution Prevention and Control Regulations 2012

These Regulations entitled “*The Waste (Meaning of Hazardous Waste and European Waste Catalogue) (Miscellaneous Amendments) (Scotland) Regulations 2015*” will amend the relevant definitions.

This instrument will fully transpose the requirements of the Regulation and the Decision.

The Regulation will have no significant impact on existing waste management procedures in Scotland.

The other UK Administrations are making similar amendments to their own legislation.

### **Consultation**

The Instrument is being made under section 2(2) of the European Communities Act 1972 (ECA) and using negative procedure. This enables the Regulation to be made without the requirement to consult.

In light of the minimal impact this will have on the waste management procedures in Scotland, this approach is considered as the most appropriate use of resources, both in terms of the Minister's and Parliament's time and SEPA and other potential consultees.

### **IMPACT ASSESSMENTS**

The amendments are to be made to ensure compliance with terminology used by the European Commission and will have little or no effect on the waste management industry in Scotland.

Therefore no impact assessments were considered necessary.

### **FINANCIAL EFFECTS**

Aileen McLeod MSP, Minister for Environment and Climate Change confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Directorate for Environment and Forestry  
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