

## SCHEDULE 3

### Regulation 2

## PART I

### DEFINITION OF WASTE—ARTICLE 1 OF AND ANNEX 1 TO THE WASTE DIRECTIVE

#### Article 1

1. “Waste” shall mean any substance or object in the categories set out in Annex 1 which the holder discards or intends or is required to discard.

#### Annex 1

##### *Categories of waste*

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Q1	production or consumption residues not otherwise specified below;
Q2	off-specification products;
Q3	products whose date for appropriate use has expired;
Q4	materials spilled, lost or having undergone other mishap, including any materials, equipment, etc., contaminated as a result of the mishap;
Q5	materials contaminated or soiled as a result of planned actions (for example, residues from cleaning operations, packing materials, containers etc.);
Q6	unusable parts (for example, reject batteries, exhausted catalysts etc.);
Q7	substances which no longer perform satisfactorily (for example, contaminated acids, contaminated solvents, exhausted tempering salts etc.);
Q8	residues of industrial processes (for example, slags, still bottoms etc.);
Q9	residues from pollution abatement processes (for example, scrubber sludges, baghouse dusts, spent filters etc.);
Q10	machining/finishing residues (for example, lathe turnings, mill scales etc.);

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Q11	residues from raw materials extraction and processing (for example, mining residues, oil field slops etc.);
Q12	adulterated materials (for example, oils contaminated with polychlorinated biphenyls etc.);
Q13	any materials, substances or products whose use has been banned by law;
Q14	products for which the holder has no further use (for example, agricultural, household, office, commercial and shop discards etc.);
Q15	contaminated materials, substances or products resulting from remedial action with respect to land; and
Q16	any materials, substances or products which are not contained in the above categories.

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Regulation 2

## PART II

### DEFINITION OF RECOVERY—ANNEX IIB TO THE WASTE DIRECTIVE

2. This Part is intended to list recovery operations as they are carried out in practice; in accordance with article 4 of the Waste Directive, waste must be recovered without endangering human health and without the use of processes or methods likely to harm the environment—

R1	solvent reclamation/regeneration;
R2	recycling/reclamation of organic substances which are not used as solvents;
R3	recycling/reclamation of metals and metal compounds;
R4	recycling/reclamation of other inorganic materials;
R5	regeneration of acids or bases;
R6	recovery of components used for pollution abatements;
R7	recovery of components from catalysts;
R8	oil re-finishing or other re-uses of oil;
R9	use principally as a fuel or other means to generate energy;
R10	spreading on land resulting in benefit to agriculture or ecological improvement, including composting and other biological

	transformation processes, except in the case of waste excluded under article 2(1)(b)(iii), of the Waste Directive;
R11	use of wastes obtained from any of the operations numbered R1—R10;
R12	exchange of wastes for submission to any of the operations numbered R1—R11; and
R13	storage of materials intended for submission to any operation in this Part, excluding temporary storage, pending collection, on the site where it is produced.

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Regulation 4(4)

### PART III

#### DEFINITION OF SPECIAL PRODUCERS

3. A special producer is a producer who in the preceding year handled—
- (a) primary packaging, that is to say packaging within part (a) of the definition of packaging in regulation 2, any of which, in his reasonable opinion, when discarded was—
    - (i) likely to be special waste as defined in regulation 2 of the Special Waste Regulations 1996(1); or
    - (ii) likely to have been used to contain or used in connection with the containment of such waste; or
  - (b) packaging which is a package within the meaning given in regulation 2 of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996(2) and which in his reasonable opinion was likely to be subject to the requirements of regulations 8 to 10 of those Regulations (particulars to be shown on packages containing dangerous goods) other than any package referred to in regulation 8(5) of those Regulations.

Regulation 4(4)

### PART IV

#### SPECIAL PRODUCERS—OBLIGATIONS

4. For the purposes of the provision of further information by a special producer under regulations 6(4), or (8), if applicable, and 8, such information shall only be in respect of packaging or packaging materials other than packaging referred to in Part III of this Schedule.

5. For the purposes of the calculation of the recovery and recycling obligations of a special producer, Schedule 2 to these Regulations shall apply and item “P” in that Schedule shall be the amount by tonnage of packaging and packaging materials handled by the producer in the preceding year other than packaging referred to in Part III of this Schedule.

Regulation 4(4)

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(1) S.I. 1996/No. 972. Regulation 2 was substituted by S.I. 1996/No. 2019.

(2) S.I. 1996/No. 2092.

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## PART V

### SPECIAL PRODUCERS—RECORDS AND RETURNS

6. A special producer shall, in relation to any relevant year—
  - (a) make records and returns as required under regulation 22 in relation to the packaging and packaging materials referred to in paragraph 4 above, and in relation to such packaging and packaging materials when it becomes waste; and
  - (b) in addition to any records and returns he is required to make under regulation 22 maintain, and retain for at least 4 years after the record is made, records of the information referred to in paragraph 7 below in respect of each relevant year, and shall make a return to the appropriate Agency of that information on or before 31st January in the year immediately following the relevant year.
7. The information is—
  - (a) the amount in tonnes to the nearest tonne of packaging handled by the producer in the preceding year;
  - (b) the amount in tonnes to the nearest tonne of the packaging referred to in sub-paragraph (a) above which was packaging referred to in Part III of this Schedule; and
  - (c) any steps taken by the producer to promote or increase the recovery of the packaging referred to in sub-paragraph (b) above when it becomes waste.
8. In relation to a special producer the reference in regulation 7(c) to regulation 22 shall be read as a reference to regulation 22 and this Part of this Schedule.