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STATUTORY INSTRUMENTS

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**2020 No. 1540**

The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020

PART 5

Amendment and revocation of retained direct EU legislation

**Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste**

**16.**—(1) Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste is amended as follows.

(2) Omit Articles 4, 5 and 6.

(3) In the Annex, in the “Definitions” section, before point 1 insert—

“**A1.** ‘the Waste Framework Directive’ means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Directive (EU) 2018/851, and read as if, in Annex 3, in entry HP 9, in the second sentence, “in the Member States” were omitted;

**A2.** ‘waste’, ‘hazardous waste’ and ‘non-hazardous waste’ have the meanings given in the Waste Framework Directive;”.

(4) In the Annex, in the “Assessment and Classification” section—

(a) for “Directive 2008/98/EC”, in each place that it occurs, substitute “the Waste Framework Directive”;

(b) in paragraph 2 (classification of waste as hazardous)—

(i) in the first subparagraph, for the words from “pursuant” to the end, substitute “for the purposes of any legislation relating to hazardous waste”;

(ii) after that subparagraph, insert—

“This is subject to any legislation which provides, or gives a person power to determine, that—

(a) waste of a kind which is listed as hazardous waste in the list of wastes is to be treated as non-hazardous waste in particular cases or circumstances (including in the case of a particular batch or consignment of waste); or

(b) waste of a kind which is listed as non-hazardous waste in the list of wastes is to be treated as hazardous waste in particular cases or circumstances (including in the case of a particular batch or consignment of waste).”;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(iii) in the second subparagraph (commencing “For those wastes”), in the first indent, in the second sentence, omit “in the Member States”.