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STATUTORY INSTRUMENTS

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**2020 No. 904**

**The Waste (Circular Economy) (Amendment) Regulations 2020**

**PART 3**

Amendments to secondary legislation

**The Environmental Permitting (England and Wales) Regulations 2016**

**21.**—(1) The Environmental Permitting (England and Wales) Regulations 2016<sup>(1)</sup> are amended as follows.

(2) In regulation 3—

- (a) in the definition of “the Batteries Directive”, after “waste batteries and accumulators” insert “, as last amended by Directive (EU) 2018/849”;
- (b) in the definition of “the End-of-Life Vehicles Directive”, after “on end-of-life-vehicles” insert “, as last amended by Commission Delegated Directive (EU) 2020/363”;
- (c) in the definition of “the Landfill Directive”, after “landfill of waste” insert “, as last amended by Directive (EU) 2018/850”;
- (d) in the definition of “the Waste Framework Directive”, for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851”;
- (e) in the definition of “the WEEE Directive”, after “(WEEE)” insert “, as last amended by Directive (EU) 2018/849”.

(3) In Schedule 2—

- (a) in paragraph 1(2), for “T32” substitute “T33”;
- (b) in paragraph 17—
  - (i) in paragraph (1)(b)—
    - (aa) in paragraph (ii), at the end add “, T12, T14, T15, T30, T33 or U8”;
    - (bb) in paragraph (iii), for “T3 or T7” substitute, “T3, T7 or T17”;
  - (ii) in sub-paragraph (3)—
    - (aa) for paragraph (a) substitute—
      - “(a) keep chronological records of—
        - (i) the quantity, nature and origin of all waste disposed of or recovered in the course of that operation;
        - (ii) where the waste operation involves the treatment of hazardous waste, the quantity of products and materials resulting from preparing for re-use, recycling or other recovery operations in the course of that operation; and

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<sup>(1)</sup> [S.I. 2016/1154](#); relevant amending instruments are [S.I. 2018/575](#), [S.I. 2018/721 \(W. 140\)](#) and [S.I. 2018/1227](#). In regulation 3, the definitions of “the Batteries Directive”, “the End-of-Life Vehicles Directive”, “the Landfill Directive”, “the Waste Framework Directive” and “the WEEE Directive” are prospectively amended from IP completion day by [S.I. 2019/39](#).

- (iii) where relevant, the destination, frequency of collection, mode of transport and treatment method of all waste disposed of or recovered in the course of that operation; and”;
- (bb) in paragraph (b), for “T3 or T7” substitute “T3, T7 or T17”;
- (iii) for sub-paragraph (4)(a) and (b), substitute—
  - “(a) if the operation involves the treatment of hazardous waste—
    - (i) retain any records that it is required to keep under sub-paragraph (3) for a period of 3 years; and
    - (ii) during that period, if the exemption registration authority so directs, send those records to the exemption registration authority in such form and manner as the exemption registration authority specifies,
  - (b) if the operation does not involve the treatment of hazardous waste—
    - (i) retain any records that it is required to keep under sub-paragraph (3) for a period of 2 years; and
    - (ii) during that period make those records available to the exemption registration authority on request.”.
- (4) In Schedule 3—
  - (a) in Chapter 1, in paragraph 1(8)(b)—
    - (i) for “T32” substitute “T33”;
    - (ii) for “32” substitute “33”;
  - (b) in Chapter 3—
    - (i) in Section 1, in paragraph 1—
      - (aa) in sub-paragraph (1)(a), for “T32” substitute “T33”;
      - (bb) in sub-paragraph (2), for “T32” substitute “T33”;
    - (ii) in Section 2—
      - (aa) omit paragraph 22;
      - (bb) at the end, insert—

**“Recovery of central heating oil by filtration (T33)**

**33.—**(1) The recovery of central heating oil by filtering relevant waste.

(2) The table specifying relevant waste for the purpose of this paragraph is set out below.

<i>Codes</i>	<i>Waste types</i>
130701*	Central heating oil only

(3) For the purpose of this paragraph, the specific conditions are that—

- (a) the total quantity of the waste treated over any 7 day period does not exceed 400 litres,
- (b) the waste is stored with secondary containment,

- (c) the treatment is carried on at a location with sealed drainage, and
  - (d) the operation is for the purpose of reusing the waste.”.
- (5) In Schedule 9, after Part 3, insert—

#### “Part 4

#### Waste separately collected for preparing for re-use and recycling not to be incinerated

- 1.—(1) Every environmental permit which authorises a small waste incineration plant, a waste co-incineration plant, or a waste incineration plant is deemed to contain the following condition, unless such a condition to the same effect is included in the permit.
- (2) The condition is that the operator must not accept—
- (a) any waste paper, metal, plastic or glass for incineration if that waste has been separately collected for the purpose of preparing for re-use or recycling; or
  - (b) any waste for incineration that results from the treatment of waste referred to in paragraph (a), unless—
    - (i) the relevant permit authorises the operator to accept that type of waste for incineration; and
    - (ii) incineration of that waste delivers the best environmental outcome in accordance with regulation 12 of the Waste (England and Wales) Regulations 2011.”.
- (6) In Schedule 10—
- (a) in paragraph 2(1)(d), at the end insert “or (3)”;
  - (b) after paragraph 5 insert—

#### **“Waste separately collected for preparing for re-use and recycling not to be landfilled**

- 5A.—(1) Every environmental permit which authorises a landfill is deemed to contain the following condition, unless such a condition to the same effect is included in the permit.
- (2) The condition is that the operator must not accept—
- (a) any waste paper, metal, plastic or glass for landfill if that waste has been separately collected for the purpose of preparing for re-use or recycling; or
  - (b) any waste for landfill that results from the treatment of waste referred to in paragraph (a), unless—
    - (i) the relevant permit authorises the operator to accept that type of waste for landfill; and
    - (ii) landfill of that waste delivers the best environmental outcome in accordance with regulation 12 of the Waste (England and Wales) Regulations 2011.”.
- (7) In Schedule 20, in paragraph 6, at the end insert “and Commission Implementing Decision (EU) 2020/248 laying down technical guidelines for inspections in accordance with Article 17 of [Directive 2006/21/EC](#)(2)”.

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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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