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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make further amendments to the regulatory regime governing landfills in England and Wales for the purpose of implementing Council Decision [2003/33/EC](#) establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive [1999/31/EC](#) (“the Landfill Directive”). They also make provision in respect of the implementation of the Landfill Directive.

The Regulations amend the Landfill (England and Wales) Regulations 2002 (“the 2002 Regulations”), both directly as well as indirectly by amendments to the changes made to the 2002 Regulations by the Landfill (England and Wales) (Amendment) Regulations 2004 (“the 2004 Regulations”). The direct amendments to the 2002 Regulations come into force on 16th July 2005, while the amendments to the 2004 Regulations come into force on 15th July 2005, the day before those Regulations have effect. The result, therefore, is that all the relevant changes in requirements brought about by both the 2004 Regulations and these Regulations come into effect on 16th July 2005.

Regulations 2 to 6 make amendments to the 2002 Regulations. The transitional provisions for existing landfills in the 2002 Regulations are amended so as to impose additional conditions in the landfill permits or waste management licences of existing landfills prohibiting the acceptance of certain types of waste at those landfills from specified dates (regulation 6). The additional conditions prohibit the acceptance by such landfills of whole and shredded used tyres from 16th July 2006 and the acceptance of other specified types of waste from 30th October 2007.

Regulation 3 defines a technical term, while regulation 4 amends the exemption concerning the deposit of non-hazardous dredging sludges alongside small waterways so as to reflect the exact wording of that part of Article 3(2) of the Landfill Directive which this provision implements. Regulations 5 and 6(2) remove cross-references to a redundant provision inserted in the 2002 Regulations by the 2004 Regulations, which is itself removed by the amendment made to the 2004 Regulations by regulation 8.

The main amendments to the 2004 Regulations concern the setting of criteria for the acceptance of monolithic waste at landfills to provide the same level of environmental protection given by those set for granular waste. They re-enact, with amendments, the waste acceptance criteria to be met by granular waste and set new waste acceptance criteria for monolithic waste, both in respect of stable non-reactive waste and non-hazardous waste deposited in the same cell with such waste (regulation 13) and waste acceptable at landfills for hazardous waste (regulation 14). Regulations 15 and 16 make provision for the sampling and testing of those wastes, while regulation 12 makes a consequential amendment.

The Regulations also amend the 2004 Regulations to set the limit value for waste acceptable at landfills for inert waste in respect of polycyclic aromatic hydrocarbons (regulations 10 and 11) and to correct a drafting error (regulation 9).

As these Regulations implement parts of the Landfill Directive and Council Decision [2003/33/EC](#), a transposition note has been prepared setting out how the Government is transposing the relevant elements of those instruments into UK law. A full regulatory impact assessment has also been prepared. Copies of both the transposition note and regulatory impact assessment are available in the libraries of both Houses of Parliament, and on the Defra website at <http://www.defra.gov.uk/corporate/consult/landfill-regs/index.htm>. Hard copies are available from the following address:

**Status:** *This is the original version (as it was originally made).*

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Copies of the publications referred to in the provisions substituted in the 2004 Regulations by regulations 14 and 15 of these Regulations may be obtained from any of the outlets operated by the British Standards Institution, or from The Stationery Office (TSO) at PO Box 29 Norwich NR3 1GN (telephone 0870 600 5522, fax 0870 600 5533).