

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

### Directive (EU) 2018/851 (amending the Waste Framework Directive) Transposition Note (England and Wales)

Provision of Directive (EU) 2018/851	Provision of Waste Framework Directive	Provision of Regulations	Comment
1(1)	Article 1 <b>Subject matter and scope</b>	Regulation 15(10)(a)(i)	Article 1 of the Waste Framework Directive is transposed by regulations 5(a), 8(2)(a) of and paragraph 1 of Schedule 1 to the Waste (England and Wales) Regulations 2011 (“the Waste Regulations”) (provisions relating to waste management plans and waste prevention programmes).
1(2)	Article 2 <b>Exclusions from the scope</b>	Regulations 2, 5(3)(a)(iii) and (b)(iii), 9(2), 14, 15(2)(a), 16, 17 and 21(2)(d),	The references to Article 2 in the relevant legislation have been updated to the latest version of the Directive, which includes Article 2(2)(e).
1(3)	Article 3 <b>Definitions</b>	Regulations 5(2) and (3), 9(3), 15(2), (3)(b) and 21(2)(d).	Unless specifically defined in the Waste Regulations 2011, the Directive’s definitions are imported into the Waste Regulations by regulation 3(2) of those Regulations. The Regulations make consequential amendments to definitions in other legislation to bring them in line with the Directive definitions.
1(4)	Article 4(3) <b>Waste hierarchy</b>	Regulations 15(2)(a), (4)(b)(iii), (10)(a)(ii) and (c)	Article 4(3) is transposed through the waste management plan and waste prevention programme requirements in the Waste Regulations. See also entry for Annex 4a below.
1(5)	Article 5 <b>By-products</b>	N/A	Article 5(1) is transposed through the definition of waste and by EA non-legislative measures. Articles 5(2) and (3) do not need transposing.

1(6)	Article 6 <b>End of waste</b>	N/A	Does not need transposing. Article 6(1) and (5) measures already in place. Article 6(2) is EU Commission power. Article 6(3) and (4) allows Member States to take measures and decisions on end-of-waste in certain circumstances.
1(7)	Article 7 <b>List of waste</b>	N/A	Amendments do not need transposing. Relevant parts of Article 7 already transposed by the Hazardous Waste (England and Wales) Regulations 2005 and the Hazardous Waste (Wales) Regulations 2005.
1(8)	Article 8 <b>Extended producer responsibility</b>	N/A	Does not need transposing. Extended producer responsibility measures are in other legislation.
1(9)	Article 8a <b>General minimum requirements for extended producer responsibility schemes</b>	N/A	Does not need transposing until, in relation to packaging, 2024 (see Article 7 of the Packaging Waste Directive (94/62/EC).
1(10)	Article 9 <b>Waste prevention</b>	Regulations 15(4)(b)(iii), (5) and (10)(c),	Transposed through waste prevention programme requirements in the Waste Regulations. Article 9(2) and (6) to (9) do not need transposing.
1(11)	Article 10 <b>Recovery</b>	Regulations 15(7)(b) and (8) and 21(5).	Article 10(1) to (3) amendments reflected in regulations 13 and 14 of the Waste Regulations. For Article 10(4), see regulation 22(5). Article 10(5) transposed by non-legislative measures and Article 10(6) does not need transposing.
1(12)	Article 11 <b>Preparing for re-use and recycling</b>	Regulation 15(10)(b),	Article 11(1), first paragraph and Article (2) transposed by amendments to waste management plan requirements in the Waste Regulations. For Article 11(1) second and third paragraphs, see entry for Article 10(1) to (3) above. Article 11(1)

			fourth paragraph transposed by non-legislative measures. Article 11(3) to (7) does not need to be transposed.
1(13)	Article 11a <b>Rules on the calculation of the attainment of the targets</b> Article 11b <b>Early warning report</b>	N/A	Does not need transposing.
1(14)	Article 12 <b>Disposal</b>	N/A	Article 12(1) transposed by existing measures / legislation. Article 12(2) does not need transposing.
1(15)	Article 14 <b>Costs</b>		Does not need transposing. Transposed by existing measures / legislation.
1(16)	Article 18(3) <b>Ban of the mixing of hazardous waste</b>	Regulation 9(5)	Amendments made to regulation 20 of the Hazardous Waste (England and Wales) Regulations 2005.
1(17)	Article 20 <b>Hazardous waste produced by households</b>	N/A	Article 20(3) already transposed by the Hazardous Waste (England and Wales) Regulations 2005 and the Hazardous Waste (Wales) Regulations 2005. Articles 20(1), (2) and (4) do not need transposing.
1(18)	Article 21 <b>Waste oils</b>	Regulation 9(4)	Article 21(1)(c) transposed by amendments to regulation 20 of the Hazardous Waste (England and Wales) Regulations 2011. Article 21(1)(a) and (b) transposed by existing legislation (the Hazardous Waste (England and Wales) Regulations 2005) or guidance. Article 21(4) does not need transposing.
1(19)	Article 22 <b>Bio-waste</b>	Regulation 15(10)(b)	For Article 22(2), bio-waste measures must be included in waste management plans under the Waste Regulations 2011. Article 22(1) and

			(3) do not need transposing.
1(20)	Article 27 <b>Minimum standards</b>	N/A	Does not need transposing.
1(21)	Article 28 <b>Waste management plans</b>	Regulation 15(6) and (10)	Transposed by amendments to regulation 8 of and Schedule 1 to the Waste Regulations (waste management plan requirements).
1(22)	Article 29 <b>Waste prevention programmes</b>	Regulation 15(2)(b), (3) to (5) and (10)(a) and (c)	Transposed by amendments to regulations 4 to 6 of and Schedule 1 to the Waste Regulations (waste prevention programme requirements). See also entry for Article 9 above.
1(23)	Article 30(2) <b>Evaluation and review of plans and programmes</b>	N/A	Article 30(2) does not need transposing. Existing Article 30(1) wording transposed by regulation 10 of the Waste Regulations.
1(24)	Article 33(2) <b>Information to be submitted to the Commission</b>	N/A	Does not need transposing.
1(25)	Article 35 <b>Record keeping</b>	Regulation 21(3)	Existing Article 35 wording transposed by the Hazardous Waste (England and Wales) Regulations 2005. Environmental permit holders also have relevant record keeping requirements as a condition of their permits. Articles 35(4) and (5) do not need transposing.
1(26)	Article 36 <b>Enforcement and penalties</b>	N/A	Does not need transposing – measures already in place.
1(27)	Article 37 <b>Reporting</b>	N/A	Does not need transposing.
1(28)	Article 38 <b>Exchange of information and sharing of best practices, interpretation and adaptation to technical progress</b>	N/A	Does not need transposing
1(29)	Article 38a <b>Exercise of the delegation</b>	N/A	Does not need transposing
1(30)	Article 39 <b>Committee Procedure</b>	N/A	Does not need transposing.

1(31)	Annex 2 <b>Recovery</b>	Regulation 5(3), 7(b), 8(b), 9(2), 10(a)(ii), 14, 15(2)(a), 17, 18(b), 19(2)(b) and 21(2)(d).	Definitions of the Waste Framework Directive updated so that references to recovery as defined in that Directive include Annex II amendments.
1(32)	Annex 4a <b>Examples of economic instruments and other measures to provide incentives for the application of the waste hierarchy referred to in Article 4(3)</b> Annex 4b <b>Implementation plan to be submitted pursuant to Article 11(3)</b>	Regulation 15(10)(c)	Annex 4a is transposed through the waste management plan and waste prevention programme requirements in the Waste Regulations. See also entry for Article 4(3) above.

**Directive (EU) 1999/31/EC (amending the Landfill Directive) Transposition Note (England and Wales)**

Provision of Directive (EU) 2018/851	Provision of the Landfill Directive	Provision of Regulations	Comment
1(1)	Article 1 <b>Overall objective</b>	Regulation 21(2)(c)	Article 1 of the Landfill Directive is transposed by paragraph 5(2) of Schedule 10 to the Environmental Permitting (England and Wales) Regulations 2016 (“the EPRs 2016”).
1(2)	Article 2 Definitions	Regulations 5(2) and (3) and 21(2)(c)	Relevant definitions copied out into the Waste and Emissions Trading Act 2003 (“WETA”). Definitions in the Landfill Directive incorporated into Schedule 10 to the EPRs 2016 by paragraph 2(1)(a) of that Schedule.
1(3)	Article 3 <b>Scope</b>	Regulations 9(6) and (7), 13(3), 15(9), 21(2)(c) and (6)(a)	References to Article 3 of the Landfill Directive and exclusions from the scope of that Directive updated.
1(4)	Article 5 <b>Waste and treatment not acceptable at landfills</b>	Regulations 15(10)(b) and 21(6)(b).	Articles 5(3a) and (6) to (9) do not need transposing. Article 5(5) transposed by waste management plan requirements in the Waste (England and

			Wales) Regulations 2011.
1(5)	Article 5a <b>Rules on the calculation of the attainment of the targets</b> Article 5b <b>Early warning report</b> Article 5c <b>Exchange of information and best practices</b>	N/A	Do not need transposing.
1(6)	Article 6 <b>Waste to be accepted in the different classes of landfill</b>	N/A	Does not need transposing. Existing measures already comply with additional text.
1(7)	Article 11(2) <b>Waste acceptance procedures</b>	N/A	Does not need transposing.
1(8)	Article 15 <b>Reporting</b>	N/A	Does not need transposing.
1(9)	Article 15a <b>Instruments to promote a shift to a more circular economy</b> Article 15b <b>Determination of the permeability coefficient for landfills</b> Article 15c <b>Union standard for sampling of waste</b>		Do not need transposing.
1(10)	Article 16 <b>Review of the Annexes</b>	N/A	Does not need transposing.
1(11)	Article 17 <b>Committee procedure</b>	N/A	Does not need transposing.
1(12) to (14)	Minor amendments to Annexes 1, 2 and 3	N/A	Do not need transposing.
1(15)	Annex 4 <b>Implementation plan to be submitted pursuant to Article 5(6)</b>	N/A	Does not need transposing.

**Directive (EU) 2018/852 (amending the Packaging Directive) Transposition Note (England, Wales and Scotland for regulation 10, England, Wales, Scotland and Northern Ireland for regulation 20)**

Provision of Directive (EU) 2018/851	Provision of the Packaging Directive	Provision of Regulations	Comment
1(1)	Article 1 <b>Objectives</b>	N/A	Does not need transposing.
1(2)	Article 3 <b>Definitions</b>	Regulations 10 and 19(2)	Relevant definitions copied out into the Producer Responsibility Obligations (Packaging Waste) Regulations 2007. Existing definitions in regulations which cross refer to the

			Waste Framework Directive or the Packaging Directive now refer to the most recent versions of those Directives.
1(3)	Article 4 <b>Prevention</b>	N/A	Does not need transposing. These requirements can be delivered through existing provisions.
1(4)	Article 5 <b>Reuse</b>	N/A	Does not need transposing. These requirements can be delivered through existing provisions.
1(5)	Article 6 <b>Recovery and recycling</b>	N/A	Does not need transposing. [Relates to targets that fall outside the transition period.]
1(6) and (7)	Article 6a <b>Rules on the calculation of the attainment of targets</b> Article 6b <b>Early warning report</b>	N/A	Does not need transposing.
1(8)	Article 7 <b>Return, collection and recovery systems</b>	N/A	Does not need transposing. [Where required such systems are already in place.]
1(9)	Article 9(5) <b>Essential requirements</b>	N/A	Does not need transposing.
1(10)	Article 11(3) <b>Concentration levels of heavy metals present in packaging</b>	N/A	Does not need transposing.
1(11)	Article 12 <b>Information systems and reporting</b>	N/A	Does not need transposing.
1(12)	Article 17 deleted	N/A	Does not need transposing.
1(13)	Article 19 <b>Adaptation to scientific and technical progress</b>	N/A	Does not need transposing.
1(14)	Article 20 <b>Specific measures</b>	N/A	Does not need transposing.
1(15) and (16)	Article 21 <b>Committee Procedure</b> Article 21a <b>Exercise of the delegation</b>	N/A	Do not need transposing.
1(17)	Annex 2 <b>Essential Requirements on the composition of reusable and recoverable, including recyclable, nature of packaging</b> Annex 3	Regulation 19(3)	Schedule 1 to the Packaging (Essential Requirements) Regulations 2015 has been updated in line with the amendments to Annex 2 of the Directive.

	<b>Data to be included by member states in their databases on packaging and packaging waste (in accordance with tables 1 to 4)</b>		Amendments to Annex 3 do not need transposing.
1(18)	Annex 4 <b>Implementation plans to be submitted pursuant to point (D) of Article 6(1A)</b>	N/A	Does not need transposing.

**Directive (EU) 2018/849 (amending the ELV Directive, the Batteries Directive and the WEEE Directive) and Commission Delegated Directive (EU) 2020/362 and Commission Delegated Directive (EU) 2020/363 (amending the ELV Directive)**

A transposition note has not been prepared for these three amending Directives. Existing references to the amended Directives in domestic legislation are updated by this SI, but otherwise the amendments to those Directives do not need transposing.