
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend certain Welsh primary and secondary legislation by bringing up to date references in the legislation to two EU Directives that have been amended as part of the European “Circular Economy Package” (“CEP”), so as to refer to the latest versions of those Directives. The CEP consists of the amendment of a number of EU Directives for the purpose of moving towards a more resource efficient, circular economy. There are additional amendments to the Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806 (W. 138)), implementing other EU obligations arising from the Circular Economy Package.

The Directives are Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312 22.11.2008, p. 3) (“the Waste Framework Directive”) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 16.7.1999, p. 1) (“the Landfill Directive”).

The Waste Framework Directive was last amended by Directive (EU) 2018/851 (OJ L 150 14.6.2018, p. 109) and the Landfill Directive, by Directive (EU) 2018/850 (OJ L 150 14.6.2018, p. 100).

These Regulations apply in relation to Wales. In conjunction with UK regulations made by the Secretary of State, they form part of the transposition into domestic law, of the amendments made to the Waste Framework Directive and the Landfill Directive.

Regulation 2 amends the Waste (Wales) Measure 2010 (2010 nawm 8) to bring up to date references to the Landfill Directive and the Waste Framework Directive.

Regulation 3 amends the Landfill Allowances Scheme (Wales) Regulations 2004 (S.I. 2004/1490 (W. 155)), to bring up to date references to the Landfill Directive and the Waste Framework Directive.

Regulation 4 amends the Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806 (W. 138)). Amendments to regulations 2, 47 and 48 bring up to date references to the Waste Framework Directive and Landfill Directive. The amendment of regulation 5 gives effect to changes in the definition of “management” of waste. Amendments to regulations 19 and 20 give effect to changes made by the CEP in relation to the mixing of waste oils and the mixing of hazardous waste, respectively.

Regulation 5 amends the Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 (S.I. 2011/1014(W. 152)), to bring up to date references to the Waste Framework Directive.

Regulation 6 amends the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (S.I. 2017/567 (W. 136)), to bring up to date references to the Waste Framework Directive.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.