

**LEAFLET 3**

**CONTROLLED WASTE**

**AMENDMENT RECORD**

Amendment	Date	Text Affected	Authority

**REVISION NOTE:**

**HISTORICAL RECORD:**

Last Update:

This policy has been equality and diversity impact assessed in accordance with Departmental policy. This resulted in a Part 1 screening only completed (no direct discrimination or adverse impact identified). This policy is due for review in February 2015

# WASTE MANAGEMENT

## Contents

### Para

- 1 Introduction
- 10 MOD Policy
- 26 Responsibilities
- 32 Key Requirements Relating to Waste Management in MOD

### Annex

- A – Duty of Care
- B – Hazardous Waste
- C – Transfrontier Shipment of Waste
  - Appendix 1 – Exemption form for imports into the EC of waste generated by Armed Forces in situations of crisis or peacemaking
- D – Catering Waste and Animal by-products
- E – International Catering Waste (including guidance for Dockyards and RAF Stations)
- F – Definitions

## INTRODUCTION

1. This leaflet sets out MOD Policy on the safe management of waste to protect human health and the environment and covers the summary of the main requirements of waste management legislation pertinent to MOD activities. Further specific guidance can be found in the annexes for those who require the detail.
2. MOD produces a significant amount of waste each year and improving our waste management is important in minimising adverse impacts on human health and the environment whilst ensuring the Department complies with the complex waste management legislative framework under which it operates.
3. The requirements of this leaflet are based on the UK environmental legislative framework. The Sustainable MOD Strategy and supporting MOD Waste Strategy cover the efficient use of natural resources.

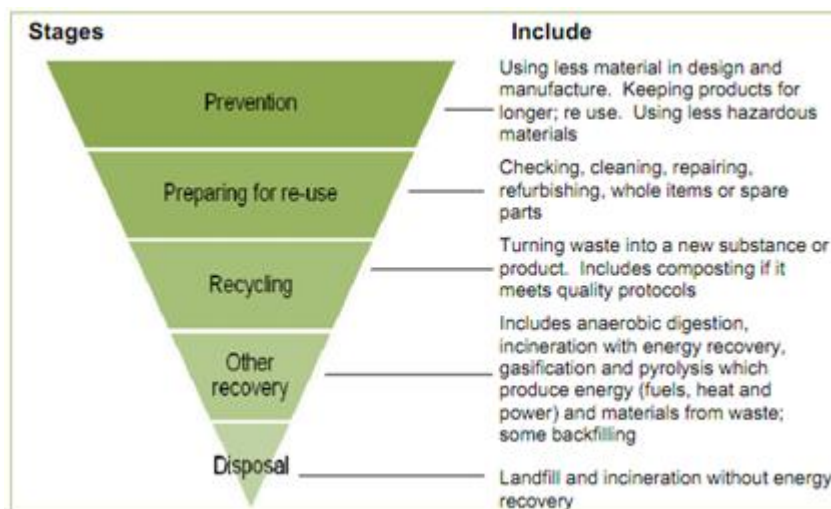
### Waste Framework Directive and Waste Definition

4. The 2008 Waste Framework Directive (Directive 2008/98/EC). Article 3(1) defines “waste” as:-

***“...any substance or object which the holder discards or intends or is required to discard...”***

5. The European Union (EU) revised Waste Framework Directive sets out the Waste Hierarchy as a guiding principle for waste management; see below.<sup>1</sup>

### Waste Hierarchy



Source – DEFRA Waste Hierarchy [Guidance](#) 2011

6. One of the requirements of the Waste Framework Directive is that ‘waste management plans should be drawn up in the Member States’ and to this end the Government and the Devolved Administrations (DAs) have drawn up Waste Strategies.<sup>2</sup>
7. As well as waste strategies, the DAs have their own statutory regimes relating to regulation of waste. The MOD, being UK-wide, needs to take account of the differing regulatory regimes with which it must comply.
8. The MOD Waste Strategy sets out a high level waste vision:

***To be an organisation where resources are fully valued, financially and environmentally and where we continually drive and incentivise improvement to maximise resource efficiency.***

9. This policy leaflet and the MOD waste strategy should be used together to ensure that MOD meets its obligations to UK policies, Government targets and initiatives and Legislative requirements.

---

<sup>1</sup> As set out and defined in Article 4 of the Revised Waste Framework Directive (2008/98/EC)

<sup>2</sup> [Waste Management Plan for England 2013](#)

<sup>2</sup> [Scotland's Zero Waste Plan](#)

<sup>2</sup> [Wales Towards Zero Waste](#)

<sup>2</sup> [Northern Ireland Waste Strategy](#)

## **MOD POLICY**

### General Principles

10. All activities need to be conducted in accordance with all relevant UK and Devolved Administrations' environmental protection legislation including specific waste management requirements.
11. Overseas we apply our UK arrangements where reasonably practicable and, in addition, respond to host nations' relevant HS&EP expectations. The MOD must also comply with international convention and protocol as well as all NATO waste and environmental doctrines and guidelines when on NATO led operations.
12. In line with the Secretary of State's Policy Statement; it is the responsibility of Senior Duty Holders and through them Commanding Officers and Heads of Establishments for ensuring organisational structures and management arrangements are in place to manage HS&EP for their activities. This will include ensuring compliance with all relevant legislation for waste management and meeting Duty of Care obligations
13. Waste (both hazardous and non-hazardous waste) arising from Defence activities must be reduced and minimised. Where the production of waste is unavoidable it must be managed in accordance with the Waste Hierarchy, with, re-use and recycling the preferred options.
14. Equipment, Infrastructure and Estate investment decisions should take account of whole life cycle management to minimise waste and maximise reuse/recyclability. Disposal (Landfill or Incineration without energy recovery) should be considered the last, rather than standard, route

### Waste Management

15. MOD contracting organisations, shall, when letting contracts for waste services, provide assurance that waste service providers, throughout the supply chain, are appropriately licensed. Licences and permits can be verified on the regulatory authorities' web sites ([EA](#); [SEPA](#); [NI-EA](#), [NRW](#)).
16. The DE&S Disposal Services Authority manage a number of mandatory and non mandatory contracts on behalf of the MOD to use for the disposal of equipment and material assets. JSP 886 Vol 3; Part 16 covers *the disposal of material (other than capital equipment) within the UK*, this sets out the process and requirements to use the Disposal Services Authority and details the mandatory and non mandatory contracts
17. Sites shall have a Waste Management Plan in place which is integrated in to the site Environmental Management System. In addition to detailing the carrier and consignee details, the waste management plan must also contain actions to aid the achievement of waste stream reduction targets. An example template for an Integrated Waste Management Plan can be found on the [MOD Waste Management Portal](#).

### Data Management, Collection and Reporting

18. Accurate data on all MOD waste arisings is essential for the effective management of waste, delivery of the MOD Waste Management Strategy and is required for reporting against the Government targets and for informing site level waste management plans
  - Waste data in tonnes is required for all MOD waste; this includes waste produced on the MOD estate by industry partners in direct support of defence activities.
19. To support the collection and reporting of MOD waste data for both corporate reporting and site waste management planning; MOD contracting organisations shall ensure all contracts for waste management services include;
  - Requirements for reporting of waste data in the format set by DIO and provision for site level data as required by HoE's.
  - Requirements for measured accurate waste arisings data in tonnes.
20. DIO is responsible for the collation of MOD waste data; DIO will
  - Collate data for corporate reporting purposes
  - Provide HOEs with high level site waste data to support the delivery of the site waste management plan and monitoring performance. Waste data shall be published [here](#)
21. Where HoEs or TLBs/Executive Agencies require more detailed waste data, this shall be requested through the relevant MOD contacting organisation and/or be collated and recorded locally.

### Recovery

22. Where practicable all sites with new waste management contracts will have the provision for its users to recover surplus material. Recyclates generated on site should stay within MOD ownership (although it may be handled and managed by an Industry Partner). Best value for money should be obtained from any recyclates and MOD should benefit from achieved proceeds.

### Segregation of Waste

23. Waste must be correctly segregated as designated by legislation and to support waste management recovery initiatives.
24. Ordnance, Munitions and Explosives (OME) is at all times to be segregated from other wastes and its disposal undertaken as stated within JSP 482 MOD Explosives Regulations, and JSP 886, The Defence Logistic Support Chain Manual.

### Related Policy and Guidance

25. Further information on MOD waste management policy, strategy and guidance can be found below

#### Sustainable MOD Strategies

- **Sustainable MOD Strategy -**  
<https://www.gov.uk/government/publications/sustainable-mod-strategy-2015-to-2025>
- **MOD Waste Management Strategy -**  
<https://www.gov.uk/government/publications/mod-waste-management-2015-to-2025>

#### Sustainable Procurement

- **MOD Acquisition Safety and Environmental Management System (ASEMS)** please use the following link for external access please register here <https://www.gov.uk/acquisition-operating-framework#access-the-asg> or for Internal access <http://aof.uwh.diif.r.mil.uk/aofcontent/tactical/sd/index.htm>
  - DE&S Sustainable procurement Risk Tool [Sustainable Procurement Assessment of Risk \(SPAR\) Tool](#)
- **MOD Sustainability and Environmental Appraisal Tools (SEAT) Handbook:** <https://www.gov.uk/government/publications/mod-sustainability-and-environmental-appraisal-tool-handbook>

## RESPONSIBILITIES

26. In many cases the responsibility for the provision and management of site waste management services and facilities is transferred out to Industry Partners as part of Facilities Management Contractual Arrangements. Since the formation of the Defence Infrastructure Organisation in 2012 the management of the majority of these contracts has been the responsibility of DIO<sup>3</sup>. However the following responsibilities apply

#### Top Level Budget Holders/Executive Agencies

27. Each TLB or Executive Agency through the appointed Senior Duty Holder has a duty to the Secretary of State to ensure that there are management arrangements in place to protect the safety of personnel, contractors, visitors on their establishments and to protect the environment.

28. In order to discharge their duties in relation to waste management the Senior Duty Holders shall

---

<sup>3</sup> DIO manage the majority but not all waste contracts

- Have organisational structures and management arrangements in place to ensure compliance with legislation, regulations and statutory requirements for waste management and Duty of Care;
- Ensure that personnel have the appropriate level of training, knowledge and awareness of waste management policies, legislation and practices to enable them to contribute to the implementation of this policy

29. TLB CESOs or equivalents are responsible for disseminating waste management policy in their TLB/TFA/BTE, providing assurance of compliance in line with JSP 815 chapter 7 reporting procedures<sup>4</sup>

### Head of Establishment

30. The Head of Establishment shall:

- Work with DIO and Industry Partners to provide assurance that the Waste Duty of Care responsibilities are being met.
- Collaborate with DIO and Industry Partners to reduce waste across the establishment, including educating personnel on site waste management policies and practices to reduce waste and increase recycling.
- Report any contractual/legislative non compliance up through the command structure. Enforcement action by a Statutory Regulator will be reported direct to the Defence Safety Authority – Corporate Policy and Assurance.

### Defence Infrastructure Organisation

31. The Defence Infrastructure Organisation shall:

- Where it holds the funding for facilities management activities, ensure that robust contracts are in place to provide and maintain suitable waste management facilities, which meet legislative requirements and support the delivery of the MOD waste strategy
- Collate MOD waste data for Departmental level performance reporting.
- Provide HOEs with high level site waste data to support the delivery of the site waste management plan and monitor performance. Waste data shall be published [here](#)

## **KEY REQUIREMENTS RELATING TO WASTE MANAGEMENT IN THE MOD**

---

<sup>4</sup> JSP 815 [http://defenceintranet.diif.r.mil.uk/libraries/library1/DINSJSPS/20141216.1/20141218-JSP815-Part1-V3-0\\_Dec14.pdf](http://defenceintranet.diif.r.mil.uk/libraries/library1/DINSJSPS/20141216.1/20141218-JSP815-Part1-V3-0_Dec14.pdf)



32. This section outlines key requirements of waste management applicable to MOD activities that sites should be aware of; however, this is not a definitive list of all requirements.
33. As set out above it is MOD Policy that all activities are conducted in accordance with all relevant UK and Devolved Administrations' environmental management legislation including specific waste management requirements. Annexes H to I provide lists of waste management legislation applicable to MOD sites in England, Scotland, Wales and Northern Ireland.

#### The prevention of unauthorised or harmful deposit, treatment or disposal etc. of waste

34. It is an offence to deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence (now called an Environmental Permit in England and Wales) authorising the deposit is in force and the type of waste being deposited is in accordance with the conditions of the permit. This is specifically covered in **[Section 33 of the Environmental Protection Act \(EPA\)1990](#)**
35. Section 33 of the EPA 1990 may not be applicable to wastes temporarily stored on site prior to disposal. Exemptions can be appropriate for the **temporary storage of waste**; such exemptions are written in to the applicable legislation of the Countries of the United Kingdom. Guidance on the temporary storage of waste exemptions and processes under the differing regulatory regimes are available on the regulatory authorities' web sites [EA](#), [SEPA](#), [NRW](#) and [NI-EA](#).

#### Duty of Care

36. Waste holders (producer, carrier or disposer) have a duty to take all reasonable steps to ensure that there is no unauthorised deposit, treatment, keeping or disposal of controlled wastes, that it does not escape from their control and is only transferred to an authorised person (i.e. holders of waste management licences/environmental permits or registered waste carriers) with a written description of the waste. The legal requirement of Duty of Care is set out in **[Section 34 of the Environmental Protection Act 1990](#)**; further guidance on Duty of Care specifically in respect to waste management can be found in the Defra **Code of Practice**. Further details on Duty of Care requirements in relation to waste management can be found in Annex A

#### Hazardous Waste

37. European Waste Framework Directive (2008/98/EC) this directive provides that additional record keeping, monitoring and control obligations from the 'cradle to the grave' are required when managing hazardous waste over non-hazardous waste.
38. The [Hazardous Waste Regulations](#) 2005 (HWR) set out the rules for assessing if a waste is hazardous or not in England, Wales and through a separate HWR 2005 [Northern Ireland](#) and their amendments. As part of that assessment of waste the HWR refer to the List of Wastes. In Scotland the term Hazardous waste is not applicable and such waste is termed Special Waste; thus the [Special Waste Regulations](#) are applicable for sites in Scotland.

39. The regulators for England, Wales, Scotland and Northern Ireland have produced Technical Guidance WM3 entitled [Interpretation of the definition and classification of hazardous waste](#) which intends to provide guidance on the assessment, classification and management of hazardous waste. A summary of the process of determining if waste is hazardous is contained in Appendix B.
40. Further information including the National Policy statement for Hazardous waste and the England strategy for Hazardous waste can be found [here](#) in appendix 6

#### Notification of Premises Producing Hazardous Waste (Wales only)

41. Under the Hazardous Waste Regulations 2005, it is an offence to produce hazardous waste at a site, or remove that waste from sites unless the sites are registered with the Natural Resources Wales or are exempt from registration (produce less than 500 kg of hazardous waste per annum). Once sites are registered their details are placed on register and given a registration number known as a 'Premises code'.
42. Any Industry Partners producing hazardous waste on any MOD site must register and have their own hazardous waste premises code in operation; this can be done via their Head Office, prior to any work being undertaken. To ensure MOD's Duty of Care no Industry Partner will use MOD site premises codes for the disposal of hazardous waste. Commercial teams/TLBs should ensure that the preferred Industry Partner has the correct waste permits and notifications in place before placing the order and commissioning the work. More information on how to obtain Premises Codes can be found in the Hazardous Waste section later in this leaflet at Para 31 and in Annex B.
43. The duty to notify premises rests with the producer of the waste. Where organisations (such as the MOD) have multiple premises, each site will need to notify NRW to obtain a Premises Code. If single premises are occupied by a number of different organisations (non-MOD) producing hazardous waste, each organisation will require individual notifications; where MOD units are lodgers on other organisations sites they will need their own premises codes.

#### Premises Producing Hazardous Waste (England only)

44. As of the **1<sup>st</sup> April 2016** producers of hazardous waste in England will no longer need to notify their premises with the Environment Agency; producers will instead need to follow the following requirements;
  - The consignment note code is 11 digits and must be unique and is valid for one consignment
  - The format for the consignment note code must be 'XXXXXX/YYYYY':
  - 'XXXXXX' is the first 6 letters/numbers (not symbols or spaces) of the name of the company entered in part A2 of the consignment note and must be followed by '/'

- The **YYYYY** element of the code is 5 letters or numbers of the sites choosing to create a **unique code for each collection from that site**.
- 'EXEMPT' will no longer be used. All producers of Hazardous Waste must complete consignment notes using the above format.
- For certain wastes an additional letter is required creating a 12 digit unique code. Add:
  - A 'V' to waste removed from ships – **XXXXXX/YYYYYV**
  - An 'F' to fly-tipped waste - **XXXXXX/YYYYYF**
  - A 'D' to waste moving under a consignee derogation – **XXXXXX/YYYYYD**
  - A 'P' to continuous piped waste – **XXXXXX/YYYYYP**

45. As with premise notifications, to ensure MOD's Duty of Care, Industry Partners must use their own site consignment note code format, in line with the EA requirements.

46. For further guidance please go to <https://www.gov.uk/guidance/hazardous-waste-consignment-note-supplementary-guidance>

#### Transfrontier Shipments of Waste

47. Shipments of waste to, from and through the UK are subject to a range of legal controls. The legal controls depend on the nature of the waste being moved, whether the waste is moving for recovery or disposal and where in the world the waste is moving from, to and through.

48. The [Waste Shipments Regulation \(WSR\)](#) is directly applicable in the UK, with the penalties for non-compliance and enforcement set out in the Statutory Instrument, the [Transfrontier Shipment of Wastes Regulations 2007](#) (the TFS Regulations). The WSR has an exemption for imports into the European community for waste generated by Armed Forces, but only in situations of crisis or peacemaking.

#### Shipment of Wastes for Disposal

49. In addition to the WSR and the TFS Regulations, the UK has a statutory document entitled the [UK Plan for Shipments of Waste](#). The Plan sets out Government policy on shipments of waste for disposal to and from the UK and covers the UK Overseas Territories including the Falkland Islands and Ascension Island, but not Gibraltar and the Sovereign Base Areas (SBA) in Cyprus.

#### Imports of Waste for Disposal

50. Imports of waste into the Community for disposal from Parties to the Basel Convention and from non-OECD countries require submission of a Duly Reasoned Request (DRR) from the country of origin to the UK competent authority of destination. The extension

of the UK ratification of the Basel Convention means that waste from the SBAs can now be imported following completion of a DRR.

51. The DRR may relate to a single waste stream or to several types of waste. Once acceded to, shipments will be restricted to the types of waste specified and to the types of operation specified. Shipments of waste from OECD Decision countries and European Free Trade Association (EFTA) countries is the same as the previous paragraph with Parties to Basel Convention outside the community required to submit a DRR to a UK competent authority and assessed on the same grounds.
52. Waste from countries which MOD operates in can be brought back to the UK for disposal if a DRR is submitted and approved.
53. Further information on Transfrontier shipment of waste including from UK Overseas territories and exports for recovery can be found in Annex C

#### Catering Waste and Animal by-products

54. Catering Waste and Animal By-Products are legislated through [Regulation \(EC\) 1069/2009 laying down health rules as regards animal by-products and derived products](#) not intended for human consumption and its accompanying implementing Regulation [\(EC\) 142/2011](#) these applied from 4 March 2011.
55. In England these Regulations are administered and enforced by the Animal By-Products (Enforcement) (England) Regulations 2011
56. Catering waste and waste food of animal origin become animal by-products when they are no longer intended for human consumption.
57. Catering waste is defined as “all waste food including used cooking oil originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens” Catering waste in the main cannot be fed to animals although certain wastes such as bakery and dairy products may be.
58. Catering waste can only be disposed of to landfill or to a composting or biogas plant approved under the [Animal By-Product Enforcement Regulations](#) (ABPR). Catering waste may also be sent to waste incineration facilities that meet the requirement of the Waste Incineration Directive or ABPR.
59. Animal by-products are parts of animals or products of animal origin that are not intended to be eaten by humans. Animal by-products are divided into three categories depending on their potential risk to human and or animal health or to the environment. There are different rules for disposing of waste in each category. Further DEFRA guidance on Animal By products be found following this link [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69458/pb13688-animal-by-products-controls-111130.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69458/pb13688-animal-by-products-controls-111130.pdf)
60. Further details of the categories and the management and disposal of by-products are contained in Annex D.

#### International Catering Waste from landed vessels and aircraft that have visited non-EU countries

61. International Catering Waste (ICW) is defined under the EU Animal By-Products Regulation (142/2011/EC) as “catering waste from means of transport operating internationally”. This includes:

- cruise ships
- airlines
- private or commercial yachts and boats
- armed forces ships and submarines
- ferries

Defra guidance is available at: <https://www.gov.uk/handling-and-disposing-of-international-catering-waste>

62. ICW is a Category 1 by-product under the Animal By-Products regulations; Category 1 products represent the highest risk potential of disease if they enter the human or animal food chain. Such material can only be disposed of by rendering or incineration. International catering waste may also be disposed of by burial in an approved landfill site.

63. Specific Guidance on the management of ICW for MOD establishments including HMNB, Dockyards and RAF Stations can be found in Annex E.

### Healthcare Waste

64. Under the Environmental Permitting Regime there is a requirement for waste disposal operators to ensure that they only accept healthcare waste from producers that have completed a “pre-acceptance audit” of their waste streams.

65. Waste disposal operators are required to check that pre-acceptance audits have been completed and that the producer is in compliance with the Department of Health document [HTM 07-01 Safe Management of Healthcare Waste](#). HTM 07-01 requires producers to separate solid waste into 8 waste streams:

- Infectious and other incineration only wastes (yellow Stream)
- Infectious, non-incineration waste (orange stream)
- Cytotoxic and Cytostatic Waste (Purple Stream)
- Offensive wastes (Yellow/black Stream)
- Anatomical Waste for Incineration (Red Stream)
- Domestic wastes (Back Stream)
- Medicinal Waste for Incineration (Blue Stream)
- Amalgam Waste for Recovery (White Stream)

66. Where a site is not compliant with HTM 07-01 then the waste disposal operator may refuse to accept the waste. To assist Establishments with meeting this requirement two separate audit tools have been devised:

- The Dental Centres Pre-Acceptance Audit Tool, issued by the Defence Dental Service – [SOP Chapter 13, Annex ZZ](#)
- The Medical Facilities Pre-Acceptance Audit Tool; issued by the Surgeon General's Department

Municipal and commercial waste such as sanitary products, nappies, plasters etc is acknowledged to have the potential to cause offence and the guidance therefore recommends that where such waste is produced in bulk it is classified as offensive/hygiene waste and placed in 'Yellow/Black sacks' for separate collection and disposal

## Annex A

### Duty of Care

The Duty of Care (DoC) legislation makes provision for the safe management of waste to protect human health and applies to anyone who imports, produces, carries, keeps, treats, disposes of, or are a dealer or broker that has control of controlled waste.

In March 2016, DEFRA published an updated Waste Duty of Care code of Practice for England and Wales. The code of practice (the Code) sets out practical guidance on how to meet the waste duty of care requirements, including;

- Who it applies to
- What it applies to
- How long Duty of Care lasts
- Duty of Care requirements

Under the Code waste holders (defined in section 2.3 of the code) must take all reasonable steps to

- Prevent unauthorised or harmful deposit, treatment or disposal of waste.
- Prevent a breach (failure) by any other person to meet the requirement to have an environmental permit or a breach of a permit condition
- Prevent the escape of waste from your control
- Ensure that any person you transfer waste the waste to has the correct authorisation
- Provide an accurate description of the waste when it is transferred to another person.

Please follow the attached link to the Duty of Care code of practice (England and Wales) for further information and detailed guidance.

<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

Guidance on how to comply with Duty of Care in Scotland and Northern Ireland can be found at:

- Scotland - <http://www.gov.scot/resource/0040/00404095.pdf>
- Northern Ireland - <https://www.doeni.gov.uk/sites/default/files/publications/doe/waste-policy-duty-of-care-code-of-practice-2014.pdf>

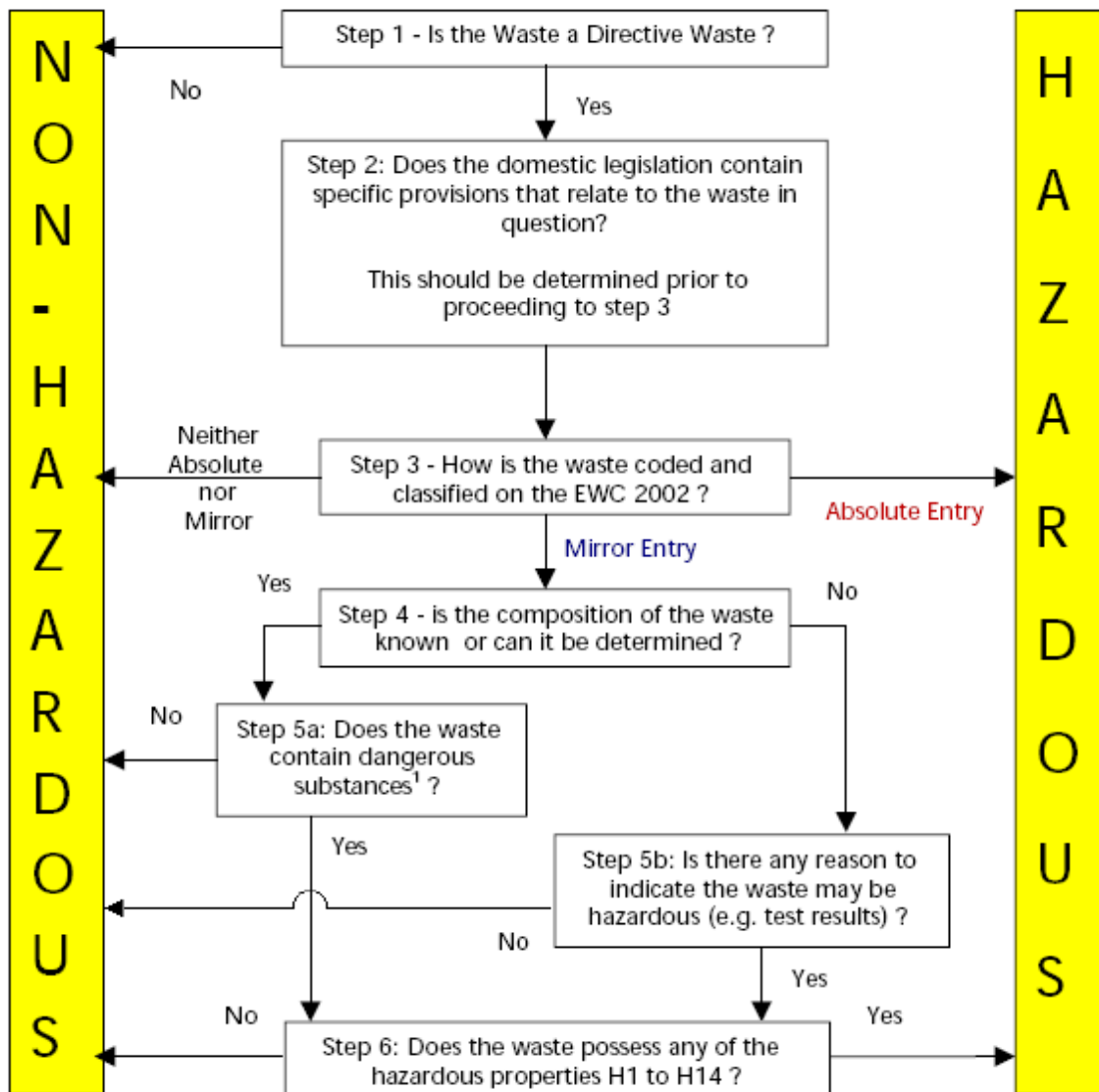


**Annex B**

**Hazardous Waste**

In order to determine if the waste that you have is hazardous the following assessment should be undertaken.

Is my waste hazardous?



Each of the steps in the flow chart above are explained in the Environment Agency's - in Technical Guidance WM3 – Hazardous Waste – Interpretation of the definition and classification of hazardous waste

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/427077/LIT\\_10121.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427077/LIT_10121.pdf)



It also gives full descriptions of the Hazardous Properties (H1 to H14) and the relevant thresholds i.e. the properties and characteristics of dangerous substances classified as hazardous waste.

The flowchart above also shows that the EWC consists of three types of entry:

**“Absolute entries”**: A number of wastes marked with an asterisk (\*) are deemed to be hazardous regardless of their composition or concentration of any “dangerous substance” within the waste. Such entries are termed “absolute entries” and in some documents are coloured red for clarity.

**“Mirror Entries”**: some wastes have the potential to be either hazardous or not, depending on whether they contain “dangerous substances” at or above certain thresholds. These wastes are covered by linked (usually paired) entries, collectively called “mirror entries”, that comprise:

- A hazardous waste entry marked with an asterisk (\*), and in some documents coloured blue for clarity, and
- An alternative non-hazardous waste entry (or entries) not marked with an asterisk.

**“Non-Hazardous Entries”**: Where a waste is not listed in the EWC with an asterisk, then it is not hazardous. However, where the non-hazardous entry forms part of a “mirror entry” assessment is required to determine whether the hazardous or non-hazardous waste entry is applicable.

#### Does the waste contain “dangerous substances”?

Where the composition of a mirror entry is known, it can be assessed to determine if the waste contains “dangerous substances” or not to determine if the substances in a “mirror” entry are dangerous use information from the Safety Data Sheets or other data sources to find out whether the waste contains dangerous substances.

The classification of the substance(s) shows:

- The categories of danger exhibited by the substance; and
- The risk phrase(s), which describe the hazard the substance possess.

The risk phrases are used to set the levels that the dangerous substance must be present at in the waste for it to be classified as hazardous or not. WM3 (<http://www.environment-agency.gov.uk/business/topics/waste/32200.aspx>) identifies all of the risk phrases that are relevant to hazardous waste and provides the thresholds (levels that they must be at in the waste for it to be hazardous) or criteria that relate them to their hazard.

If none of the substances in the waste are classified as “dangerous substances”, the waste will not be hazardous and the non-hazardous EWC code can be used.

#### Notification of Premises Producing Hazardous Waste (Wales only)

As explained in the Hazardous Waste section of this leaflet under the Hazardous Waste Regulations 2005, it is an offence to produce hazardous waste at a site, or remove that waste from sites unless the sites are registered with the Natural Resource Wales or are

exempt from registration (produce less than 500 kg of hazardous waste per annum). Once sites are registered their details are placed on register and given a registration number known as a 'Premises code'.

For further details on how to register as a producer of hazardous waste in Wales please see <https://naturalresources.wales/apply-for-a-permit/waste/register-as-a-producer-of-hazardous-waste/?lang=en>

## England, Scotland and Northern Ireland

Premises in England, Scotland or Northern Ireland are not required to register for a premises code for the production of Special or hazardous waste. Guidance on consigning special and hazardous waste in Scotland and Northern Ireland can be found at these links. [Scotland](#) and [Northern Ireland](#).

## England

As of the **1<sup>st</sup> April 2016** producers of hazardous waste in England will no longer need to notify their premises with the Environment Agency; producers will instead need to follow the following requirements;

- The consignment note code is 11 digits and must be unique and is valid for one consignment from each site.
- The format for the consignment note code must be '**XXXXXX/YYYYY**':
- '**XXXXXX**' is the first 6 letters/numbers (not symbols or spaces) of the name of the company entered in part A2 of the consignment note and must be followed by '/'
- The '**YYYYY**' element of the code is 5 letters or numbers of the sites choosing to create a **unique code for each collection from that site**.
- 'EXEMPT' will no longer be used. All producers of Hazardous Waste must complete consignment notes using the above format.
- For certain wastes an additional letter is required creating a 12 digit unique code. Add:
  - **A 'V' to waste removed from ships – XXXXXX/YYYYYV**
  - An 'F' to fly-tipped waste - XXXXXX/YYYYYF
  - A 'D' to waste moving under a consignee derogation – XXXXXX/YYYYYD
  - A 'P' to continuous piped waste – XXXXXX/YYYYYP

As with premise notifications, to ensure MOD's Duty of Care, Industry Partners must use their own site consignment note code format, in line with the EA requirements.

For further guidance please go to <https://www.gov.uk/guidance/hazardous-waste-consignment-note-supplementary-guidance>

## Annex C

### Transfrontier Shipment of Waste

Shipments of waste to, from and through the UK are subject to a range of legal controls. The legal controls depend on the nature of the waste being moved, whether the waste is moving for recovery or disposal and where in the world the waste is moving from, to and through.

The Waste Shipments Regulation (WSR) is directly applicable in the UK, with the penalties for non-compliance and enforcement in the Statutory Instrument, The Transfrontier Shipment of Wastes Regulations 2007 (the TFS Regulations).

The WSR has an exemption for imports into the community of waste generated by Armed Forces in situations of crisis or peacemaking. Article 1 (3) (g) states that:

*“Imports into the community of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or peacekeeping operations where such waste is shipped, by the Armed Forces or relief organisations concerned or on their behalf, directly or indirectly to the country of destination. In such cases, any competent authority of transit and the competent authority of destination in the Community shall be informed in advance concerning the shipment and its destination”.*

Where waste is required to be moved in this manner the form in Appendix 1 of this annex should be completed and sent to the necessary competent authorities of transit and destination if required.

In addition to the WSR and the TFS Regulations, the UK has a statutory document entitled the UK Plan for the Shipments of Waste. The Plan sets out Government policy on shipments of waste for disposal to and from the UK. The Plan was written to meet the requirement of regulation 11 of the TFS Regulations which requires SofS Defra to prepare a waste management plan containing his policies in relation to the shipment of waste disposal into and out of the UK.

### Shipments of Waste for Disposal

Shipments of waste **to and from** the UK for disposal are prohibited, except for a couple of MOD exceptions:

- Emergency situations<sup>5</sup> that may require the shipment of hazardous waste **to** the UK from any country;
- Emergency situations that may require shipment of hazardous waste **from** the UK to other Member States and European Free Trade Association (EFTA) countries.

It should be noted that even when these situations apply, shipments of waste for disposal to and from the UK are still subject to the procedure of prior written notification and consent using a TFS form. All MOD movements of hazardous waste for disposal outside of

---

<sup>5</sup> An emergency situation exists when there is clear and immediate risk to human health and/or the environment which cannot be removed without a shipment of hazardous waste taking place. If the waste can be stored or disposed of in an environmentally sound manner in the country of dispatch, this exception does not apply. Ammunition can be disposed of in this manner.

the UK must also be notified to the EA and Defra, where Ministerial approval for the shipment will be sought. This notification must also be undertaken on a TFS form.

- Shipments of hazardous waste to economically developing countries (those non-EU countries outside the OECD) are prohibited even if being sent for recovery.
- Shipments of non-hazardous waste into or out of the UK for disposal are prohibited except for shipments of trial runs<sup>6</sup>.

### Imports of Waste for Disposal

Imports of waste into the Community for disposal from Parties to the Basel Convention and from non-OECD countries require submission of a Duly Reasoned Request (DRR) from the country of origin to the UK competent authority of destination. This request should contain details which explain why the exporting country does not have and cannot reasonably acquire the technical capacity and necessary facilities in order to dispose of the waste in an environmentally sound manner.

The DRR may relate to a single waste stream or to several types of waste. Once acceded to, shipments will be restricted to the types of waste specified and to the types of operation specified.

Shipments of waste from OECD Decision countries and EFTA countries is the same as the previous paragraph with Parties to Basel Convention outside the community required to submit a DRR to a UK competent authority and assessed on the same grounds. However, given their level of economic development, it is unlikely that a DRR would be accepted by a UK competent authority.

Waste from countries which MOD operates in can be brought back to the UK for disposal if a DRR is submitted and approved.

### UK Overseas Territories

For the purposes of Transfrontier Shipment of Wastes and the UK Plan for the Shipments of Waste, UK Overseas Territories include Falkland Islands and Ascension Island (for a full list see

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69546/pb13770-waste-shipments.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69546/pb13770-waste-shipments.pdf)

These Overseas Territories are listed as Annex IA to Council Decision 2001/882/EC of 27 Nov 01 on the association of overseas countries and territories within the EU ("Overseas Association Decision") and are as defined in Art 2 (26) of the EU WSR. The list does not include Gibraltar or the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus.

The EU WSR seeks to reflect the rules regarding exports and imports of waste to and from Overseas Territories laid down in the Overseas Association Decision. In summary these rules are:

---

<sup>6</sup> Shipments of trial runs to the UK are allowed from any country in order to assess the suitability of a specific of a specific specialised treatment technology which results in the disposal of waste.

- A prohibition on the exports of waste for disposal and of hazardous waste for recovery to Overseas Territories;
- The export of non-hazardous waste for recovery to Overseas Territories to which OECD Decision C(2001) 107/Final does not apply, is potentially allowed, subject to the provisions of Art 36 and Title II of the EU WSR (Shipments within the Community with or without transit through third countries);
- Imports to the UK from UK Overseas Territories are also allowed, subject to Title II of the EU WSR.

Following the extension of the UK ratification of the Basel Convention to the Sovereign Base Areas in Cyprus, imports between these areas and the UK for disposal are subject to the agreement of a duly reasoned request as required by the EU WSR.

Gibraltar is covered by EC environmental legislation and therefore the provisions of the Community Regulation apply.

### Exports for Recovery

These are potentially permitted under notification controls:

- Hazardous waste for recovery in EU Member States and OECD<sup>7</sup> countries
- Non-hazardous waste for recovery in the 'new' EU member states – Latvia, Poland, Slovakia, Bulgaria or Romania
- Some types of non-hazardous waste for recovery in some non-EU countries outside the OECD.

Refer also to 'Moving notified waste between countries – a guide at:

<https://www.gov.uk/guidance/importing-and-exporting-waste>

Exports are also potentially permitted under green list controls:

- Some exports of certain types of non-hazardous waste to be recovered are subject to green list controls. The situation obviously varies depending on the type of waste being exported and the particular country where the recovery is to take place. Waste being exported under green list controls must be accompanied by a completed Annex VII form specified in the EU WSR. A blank copy of the form is available at:

<https://www.gov.uk/importing-and-exporting-waste#page-navigation>

### The type of Waste being exported

EU legislation setting out the rules on moving waste to and from the UK includes a number of different annexes containing lists of wastes.

In broad terms annexes III, IIIA and IIIB of the Regulations specify different types of non-hazardous waste, whilst annexes IV and IVA of the Regulations specify different types of hazardous waste. It is therefore necessary to determine in which annex the code that best describes the waste being moved appears. To do this, you must take into account any contamination that may either make the waste more hazardous so that it should be

---

<sup>7</sup> A list of OECD countries is available at: <http://www.oecd.org/about/membersandpartners/list-oecd-member-countries.htm>

classified by another code or prevent it being recovered in an environmentally sound manner.

If there is no appropriate code for the waste being exported, it is classed as 'unassigned'. Exports of unassigned waste to be recovered are also subject to notification controls. In summary:

**Recovery in EU Member States** – generally potentially allowed and will be subject to either notification or green list controls depending on the type of waste being exported and the particular EU country where the recovery is to take place

- Waste listed in annex IV and IVA and unassigned waste – notification controls apply
- Waste listed in annexes III, IIIA or IIIB – Generally green list controls apply except when the waste is to be recovered in a 'new' member state namely Latvia, Poland, Slovakia, Bulgaria or Romania. In this case notification controls apply.

**Recovery in OECD countries outside the EU** – generally potentially allowed and will be subject to either notification or green list controls depending on the type of waste being exported.

- Waste listed in annexes IIIB, IV and IVA and unassigned waste – notification controls apply
- Waste listed in annexes III or IIIA – generally green list controls apply.

**Recovery in a non-OECD country outside the EU** – Exporting almost all types of hazardous waste even for recovery is prohibited. For non-hazardous waste the controls depend upon the type of waste being moved and the particular non-OECD country. Please see <https://www.gov.uk/guidance/importing-and-exporting-waste> for further information

Further information on shipments of waste is available at: <https://www.gov.uk/importing-and-exporting-waste#page-navigation>



(a)				
(b)				
<b>11. Exporter's / producer's declaration:</b>				
I certify that the above information is complete and correct to my best knowledge.				
Nam		Dat		Signatu
e:		e:		re:

- (1) For completing this document, see also the corresponding specific instructions as contained in Annex IC of Regulation (EC) No 1013/2006.
- (2) In cases where the quantity in tonnes is not known before the start of the shipment, an indication on the quantity should be given, e. g. the number of barrels or containers and their volume in cubic meters (e. g. 12 barrels of 0.25 m<sup>3</sup>). In this case, the units in block 4 should be crossed out. In addition, the actual quantity in tonnes should be provided in due time after arrival in the disposal or recovery facility.
- (3) See list of abbreviations and codes as contained in Annex IA of Regulation (EC) No 1013/2006.

**Supporting Information on imports into the Community of waste generated by armed forces or relief organisations according to Article 1(3) (g) of Regulation (EC) No 1013/2006 on shipments of waste**

1. These correspondents' guidelines represent the common understanding of all Member States on how Regulation (EC) No 1013/2006 on shipments of waste should be interpreted. The guidelines were agreed by the correspondents at a meeting on 14/15 June 2007 organised pursuant to Article 57 of Regulation (EC) No 1013/2006. They are not legally binding. The binding interpretation of Community law is the exclusive competence of the European Court of Justice. The guidelines apply from 12 July 2007 and should be reviewed at the latest five years from the above date and, if necessary, revised.

2. Pursuant to Article 1(3) (g) of Regulation (EC) No 1013/2006, any competent authority of transit and the competent authority of destination in the Community shall be informed in advance concerning a waste shipment and its destination in case of imports into the Community of waste generated by armed forces or relief organisations in certain situations.

3. It is unclear which information is to be provided according to Article 1(3) (g). There is a need to seek to achieve a Community-wide approach in order to ensure that different competent authorities in Member States require the same information. An example is the situation of imports of waste generated by armed forces e.g. by road from Kosovo via Bosnia and Herzegovina, Croatia, Slovenia and Austria to Germany. The information to be provided should serve two purposes, namely to receive sufficient information in case inspections of establishments or undertakings which treat such waste are carried out (cf. Article 13 of Directive 2006/12/EC on waste) and to be able to fulfil the reporting requirements of the Basel Convention (for this purpose, the information in boxes No 3, 4, 7, 9, without OECD and EC code, and 10 of the attached document is necessary).



4. *As a common understanding of the correspondents* it was agreed to recommend that the information set out in the document should be provided, to the extent possible in advance of the shipment (with regard to providing the actual quantity, see also footnote 2 in the annex). If it is not possible to provide the full information in advance, e.g. in cases of urgency, only the fact that a shipment will take place (including date of shipment) and the first place of destination (the disposal or recovery facility or, if not known at the time of the shipment, e.g. a military area or an airport) should be given in advance. It is recommended that the information is provided using the attached document in due time after arrival in the disposal or recovery facility or, if not known at the time of the shipment, before the waste is moved from the first place of destination.
5. In urgent cases where the disposal or recovery facility is not known at the time of the shipment, the competent authority responsible for the area of the first place of destination (e.g. a military area or an airport) should be informed. In addition, only one competent authority in a country should be informed in urgent cases, e.g. the competent authority of transit which would then inform the competent authority of destination.
6. With regard to the format of the communication, post, fax or e-mail may be used.
7. In addition to sending the information in advance to competent authorities, the information sent should also accompany the shipment. In case of checks on shipments it would then be clear to the authorities that the shipment concerns waste for which Article 1(3) (g) applies.

## Annex D

### Catering Waste and Animal by-products

Catering waste and waste food of animal origin become animal by-products when they are no longer intended for human consumption.

Catering waste is waste food from catering facilities such as restaurants, bars and cafes and kitchens. It includes all food waste that is no longer intended for human consumption and includes used cooking oil. Catering waste in the main can not be fed to animals although certain wastes such as bakery and dairy products may be. While it is possible for catering waste to be macerated and placed in the foul sewer it MOD's preference that this should only be the practice where no suitable alternative is possible.

Catering waste can only be disposed of to landfill or to a composting or biogas plant approved under the animal By-Product Regulations.

Animal by-products are parts of animals or products of animal origin that are not intended to be eaten by humans. Animal by-products are divided into three categories depending on their potential risk to human and or animal health or to the environment. There are different rules for disposing of waste in each category.

All three categories of animal by-products must be kept **separate** at all times. If material from one category is mixed with material from another category, then the whole **mixture** must be treated as being in the **higher risk category**.

Those categories which may be relevant to MOD are:

**Category 1** – Very high risk material includes:

- International catering waste from aircraft and ships.
- Animals that have been experimented on.
- Specified risk material i.e. cattle that may be infected with BSE.

**Category 2** – High risk material which includes:

- manure or animal by-products that could be contaminated with animal diseases.

**Category 3** – low risk material which is fit, but not intended for human consumption. This includes:

- raw meat and fish from food manufacturers and retailers
- former food wastes, other than catering waste, this includes manufacturing or packaging defects
- eggs and other by-products that do not show signs of transmissible disease
- raw milk
- fish and other sea animals
- shells

Further details are available in JSP 456 Pt2, Vol 3– [Defence Catering Manual](#).

## Annex E

### International Catering Waste (including guidance for Dockyards and RAF Stations)

International Catering Waste (ICW) is defined under the EU Animal By-Products Regulation (EC/1069/2009) as “catering waste from means of transport operating internationally”. Defra guidance is available at: <https://www.gov.uk/handling-and-disposing-of-international-catering-waste>

ICW is a Category 1 by-product which represents the highest risk potential of disease if they enter the human or animal food chain.

Under the animal by-products Regulation, Category 1 material can only be disposed of by rendering or incineration. International catering waste may also be disposed of by burial in an approved landfill site.

Any catering waste from a vessel that has landed in a non-EU port is subject to these controls after returning to the EU. This includes all vessels that have docked/landed in non-EU countries even if the vessel has been provisioned in the EU, as there is no reliable method for establishing that non-EU stores were not taken on-board. Catering waste from vessels operating within the EU should be handled in the same way as domestic catering waste as should catering waste from countries normally treated as Member States such as Andorra, Norway, San Marino, the Channel Islands, Isle of Man and Gibraltar.

#### Specific guidance for dockyards

The captain of the ship has the initial responsibility for the waste generated on the vessel under their Command. The person responsible for offloading the waste from the ship is responsible for ensuring that the waste is put into the correct waste stream in the dockyard. As soon as the waste has been deposited in the ICW skip provided, the dockyard takes on responsibility for ensuring that the waste is collected, stored and taken to either an approved landfill site, incinerator or rendering plant by a registered waste carrier. Responsibility for the facilities may lie with the dockyard or an appointed waste Industry Partner operating on the site.

Vessels arriving from outside the EU are required to make a declaration about the waste they are carrying under Schedule 2 of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003, as amended.

The Animal By-Products Regulations (EC/1069/2009) requires that a record is kept of the waste disposed of, in order to create an audit trail.

The detailed policy on Management of Waste from MOD Shipping and the Department's requirements are set out in **JSP430 MOD Management of Ship Safety and Environmental Protection, Part 2, Leaflet E2** [Management of Ship Safety and Environmental Protection](#)

## Specific Guidance for Flying Stations

The pilot of an aircraft or the contracted waste management/facilities management company has responsibility for ensuring that ICW is disposed of correctly. They are the person responsible for ensuring that the waste is taken from the aircraft and placed in the category 1 waste disposal stream.

### General Requirements

ICW must be kept separate and identifiable and must be marked 'Category 1 By-Product for Disposal only'. Any skips, containers, compactors must be cleansed and disinfected after each use. Regulation 1069/2009 and its implementing regulation EC 142/2011 details the conditions for storage and transport of by-products.

When ICW is dispatched from a dockyard or flying station a commercial Document (CD) must accompany the ICW. The CD must include the following information:

- Date of Dispatch
- Description of material including the category
- Quantity
- Place of origin of the material
- Name and address of carrier
  
- Name and address of receiver

The CD must be produced in triplication; the original must accompany the consignment and be retained by the receiver, the site should retain a copy with the carrier retaining the other copy so that an auditable chain of disposal can be established.

A copy of the CD must be retained for at least two years and can act as the record required by legislation.

The EWC code is 20 01 08 biodegradable/canteen kitchen waste.

Like other waste streams the regulations require that a clear and verifiable audit trail must exist from the point of production to the point of disposal. Traceability requirements are laid down in Art 22 of EC Regulation 1069/2009.

The legislation directly concerning the statutory controls for dealing with international catering waste is:

- Regulation EC 1069/2009 which sets out Community requirements for the control, importation and disposal of animal by-products. Under the Regulation ICW is Category 1 material and must be disposed of as such.
- The Animal by-Products Enforcement Regulations 2011 – these regulations transpose Regulation EC 1069/2009, in England. The Devolved Administrations will have similar transposing regulations

- The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 – these regulations have been updated following the EU Directive on port waste facilities for ship generated waste and cargo residues. They provide a mechanism for landing waste from shipping for appropriate disposal and control the provision of appropriate facilities.

Further details are available in JSP 456 Vol 3 – Defence Catering Manual.

## ANNEX F

### DEFINITIONS

**‘best available techniques’** means best available techniques as defined in Article 2(11) of Directive 96/61/EC.

**‘broker’** means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

**‘closed loop recycling’** is where the waste or by-product of one process or product is used in the production of another or preferably the same product type;

**‘collection’** means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

**‘cradle-to-cradle design’** means the design of a product to ensure it can be easily dismantled and or the majority of embedded materials quickly identified to be recycled for reuse and material/resource recovery, ideally with a zero to landfill approach;

**‘dealer’** means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

**‘disposal’** means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Annex I sets out a non-exhaustive list of disposal operations;

**‘eco-design’** is a design with specific consideration given to the environmental impacts of the product during its whole lifecycle;

**‘preparing for re-use’** means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

**‘prevention’** means measures taken before a substance, material or product has become waste that reduces:

- the quantity of waste, including through the re-use of products or the extension of the life span of products;
- the adverse impacts of the generated waste on the environment and human health; or
- the content of harmful substances in materials and products;

**‘recovery’** means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II of the Waste Framework Directive sets out a non-exhaustive list of recovery operations;

**'recycling'** means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

**'regeneration of waste oils'** means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;

**'re-use'** means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

**'separate collection'** means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

**'treatment'** means recovery or disposal operations, including preparation prior to recovery or disposal;

**'waste'** means any substance or object which the holder discards or intends or is required to discard;

**'waste holder'** means the waste producer or the natural or legal person who is in possession of the waste;

**'waste management'** means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker;

**'waste oils'** means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

**'waste producer'** means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

## Annex G

### **WASTE MANAGEMENT LEGISLATION** **(ENGLAND)**

1. Waste legislation for England controls the generation, transportation and disposal of waste within the European Union and the shipment of waste into and out of the EU. It covers controlled waste, duty of care, registration of carriers and brokers, environmental permitting, landfill, hazardous waste, producer responsibility, packaging waste, end of life vehicles, waste electrical and electronic equipment and the transfrontier shipment of waste. Please note that this list is a guide to key environmental legislation that may apply to your site, business, activity or operation. There may be additional legislation affecting your particular area or individual circumstance so you should check in the first instance with your CESO office to determine whether any more legal requirements may apply.

#### Environmental Protection Act (1990)

- Defines within England, Scotland and Wales the legal Framework for the duty of care for waste with Pt II of the Act dealing specifically with the deposit of waste on land. Many of the provisions of the EPA 90 have been implemented by regulations made by SofS Defra.  
<http://www.legislation.gov.uk/ukpga/1990/43/contents>

The principal offences of the EPA 90 and those most relevant to MOD waste producers are s.33 and s.34.

#### Environment Act 1995

- Section 33, which replaced s.33 & 4 of COPA, describes the offences of unauthorised storage, treatment and disposal whilst s.34 establishes the duty of care for all those who produce, handle or dispose of waste.
- Established the Environment Agency and SEPA as the regulating bodies for waste management legislation and other areas of environmental protection legislation. Waste is defined in Schedule 2 of the EA 95 and amended s.75 of the EPA 90 to define waste as any substance or object listed in a new Schedule 2B to the EPA 90, which the holder discards, or intends to, or is required to discard.  
<http://www.legislation.gov.uk/ukpga/1995/25/contents>

#### Control of Pollution (Amendment) Act 1992

- Requires carriers of controlled waste to register with the Environment Agency or SEPA and outlines the penalties (including seizure and disposal) for vehicles shown to have been used for illegal disposal. Its aim was to curtail fly-tipping. <http://www.legislation.gov.uk/ukpga/1989/14/contents>



Clean Neighbourhoods and Environment Act 2005

- Introduces additional noise, litter and waste controls including site waste management plans and classifies artificial lighting and insects as statutory nuisances. It also introduced a £300 fixed penalty notice (FPN) to anyone who refuses to produce their waste transfer note at the request of the regulatory authorities. <http://www.legislation.gov.uk/ukpga/2005/16/contents>
- The Regulations transpose the revised Waste Framework Directive 2008/98/EC which provides the legislative framework for the collection, transport, recovery and disposal of waste, and includes a common [definition of waste](#). The directive requires all member states to take the necessary measures to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment and includes permitting, registration and inspection requirements. <http://www.legislation.gov.uk/uksi/2011/988/contents/made>

The Waste (England and Wales) Regulations 2011

#### Amendments

- 2012 (SI 1889) – Amended to accurately reflect requirements for the separate collection of waste. Since 1 January 2015, waste collection authorities must collect waste paper, metal, plastic and glass separately. <http://www.legislation.gov.uk/uksi/2012/1889/contents/made>
- 2014 (SI 656) – Amended to in order to clarify that the transfer of controlled waste may be recorded on alternative documentation, such as invoices, instead of waste transfer notes and to make other amendments relevant to the registration of waste carriers, brokers and dealers <http://www.legislation.gov.uk/uksi/2014/656/contents/made>

Controlled Waste (England and Wales) Regulations 2012 (SI 811)

- Defines household, industrial and commercial wastes for waste management licensing purposes and also lists the types of waste for which local authorities may make a charge for collection and disposal <http://www.legislation.gov.uk/uksi/2012/811/contents/made>

#### Amendment

- 2012 (SI 2320), Amended to clarify and correctly reflect policy in England. <http://www.legislation.gov.uk/uksi/2012/2320/contents/made>

Controlled Waste

- Introduces a registration scheme for carriers of controlled waste. Certain carriers are exempt from

(Registration of Carriers and Seizure of Vehicles) Regulations 1991 SI 1624

registration:

- Waste carriers carrying their own waste, **except** where it is building or demolition waste.

<http://www.legislation.gov.uk/ukxi/1991/1624/contents/made>

Environmental Permitting (England and Wales) Regulations 2010 SI 675

- Provide a consolidated system of environmental permitting in England and Wales, including waste. They replaced the Environmental Permitting (England and Wales) Regulations 2007

<http://www.legislation.gov.uk/ukxi/2010/675/contents/made>

### Amendments

There have been several amendments to the Environmental Permitting Regulations; for the latest information on permitting requirements please see either [Environment Agency](#) or [Natural Resource Wales](#)

Waste Management (England and Wales) Regulations 2006 SI 937

- Extends controlled waste to cover mine, quarry and agricultural waste. Categorises waste as household, industrial or commercial. Prohibits householders from treating, keeping, disposing of controlled waste if it could pollute the environment.

<http://www.legislation.gov.uk/ukxi/2006/937/contents/made>

Hazardous Waste (England and Wales) Regulations 2005 SI 894

- Details requirements for the controlling and tracking the movement of hazardous waste and prohibits mixing different types of hazardous waste. Requires that every site that produces hazardous waste be registered and given a 'Premises Code' which requires renewing annually.

<http://www.legislation.gov.uk/ukxi/2005/894/contents/made>

### Amendment

- 2009 (SI 507) Amends the previous regulation (2005/894) by increasing the maximum limit of hazardous waste that can be produced in any year without registering with the regulator from 200kg – 500kg. Parts of the 2005 Regulations that were not clear are also explained.

[http://www.opsi.gov.uk/si/si2009/ukxi\\_20090507\\_en\\_1](http://www.opsi.gov.uk/si/si2009/ukxi_20090507_en_1)

List of Wastes (England) Regulations 2005 SI 895

- Provides the European Waste Catalogue (EWC) list of codes to classify wastes.

<http://www.legislation.gov.uk/ukxi/2009/507/contents/made>

### Amendment

Waste Electrical and  
Electronic Equipment  
2013 SI 3113

- 2005 (SI 1673) Amends the above regulation (2005/895) to correct minor errors.  
<http://www.legislation.gov.uk/uksi/2005/1673/contents/made>
- This Directive aims to the quantity of waste from electrical and electronic and increase its re-use, recovery and recycling, and puts the responsibility on the distributors of electronic equipment to provide a means for customers to dispose of old EEE.

Please note that these regulations do not apply to EEE which is—

*(a) necessary for the protection of the essential interests of the security of Member States, including arms, munitions and war material intended for specifically military purposes;*

Please see JSP 418 leaflet 5 for further information

Waste Electrical and  
Electronic Equipment  
Regulations 2006 SI 3289

- Regulation has been revoked with the exception of

\* Regulation 4 of the Waste Electrical and Electronic Equipment Regulations 2006 (SI 2006/3289) will continue to have effect.

\* Regulation 66 and Schedule 11 of the Waste Electrical and Electronic Equipment Regulations 2006 will continue to have effect in respect of appeals commenced on or before 31st December 2013.

<http://www.legislation.gov.uk/uksi/2006/3289/contents/made>

Waste Batteries and  
Accumulators  
Regulations 2009 SI 890

- Establishes a legal framework and schemes for collecting, treating and recycling portable, industrial and vehicle batteries. Applies to all types of batteries except when used for military and space equipment (although it is MOD Policy to comply with the letter and spirit of the legislation wherever practicable). [http://www.legislation.gov.uk/uksi/2009/890/pdfs/uksi\\_20090890\\_en.pdf](http://www.legislation.gov.uk/uksi/2009/890/pdfs/uksi_20090890_en.pdf)

Amendment

EU Regulation on  
Shipments of Waste

- 2015 (SI 1935) – Amended the parent regulation to ease regulatory burden on business, primarily through the removal of the requirements to provide operational plans and to submit independent audit reports.
- Establishes procedures and control regimes for shipping waste depending on its origin, destination and route and the type of waste treatment that will be applied. Although imports into the Community of waste generated by armed forces or relief organisations in situations of crisis, peacemaking or

1013/2006

peacekeeping, any competent authority of transit and the competent authority of destination **must** be informed. The Commission have designed a special proforma for these instances.

- [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_190/l\\_19020060712en00010098.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_190/l_19020060712en00010098.pdf)

Transfrontier Shipment of  
Waste Regulations 2007  
SI 1711

- Sets out rules for shipping waste for disposal and recovery, including within the EU and importing and exporting to and from countries outside the EU.

<http://www.legislation.gov.uk/uksi/2007/1711/contents/made>

#### Amendments

- 2008 (SI 8) Amends the previous regulation (2007/1711) by introducing new penalties for failing to provide proper documentation when exporting waste for recovery.

<http://www.legislation.gov.uk/uksi/2008/9/contents/made>

- 2014 (SI 861) Amends the previous regulation to transfer, by SoS, certain powers to regulators and HMRC for enforcement of the regulation

<http://www.legislation.gov.uk/uksi/2014/861/introduction/made>

Transfrontier Shipment of  
Radioactive Waste and  
Spent Fuel Regulations  
2008 SI 3087

- Establishes a system of authorisation and approval for shipping radioactive waste and spent nuclear fuel between member states and into and out of the EU.

<http://www.legislation.gov.uk/uksi/2008/3087/contents/made>

Packaging (Essential  
Requirements)  
Regulations 2015 SI 1640

- Sets out essential requirements for packaging which apply to packaging producers, sellers and distributors, including enforcement, offences and penalties

<http://www.legislation.gov.uk/uksi/2015/1640/contents/made>

Producer Responsibility  
Obligations (Packaging  
Waste) Regulations 2007  
SI 871

- Requires producers to recover and recycle packaging waste to achieve EU targets.

<http://www.legislation.gov.uk/uksi/2007/871/contents/made>

#### Amendments

- 2008 (2) - <http://www.legislation.gov.uk/uksi/2008/1941/contents/made>
- 2010 – Inclusion of provisions to increase the transparency associated with revenue from Packaging

Recovery Notes (PRNs) and a number of technical changes to improve the clarity of the Regulations  
<http://www.legislation.gov.uk/uksi/2010/2849/regulation/23/made>

- 2012 – Amended to include including packaging waste recovery and recycling targets for 2013-7  
[http://www.legislation.gov.uk/uksi/2012/3082/pdfs/uksiem\\_20123082\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/3082/pdfs/uksiem_20123082_en.pdf)
- 2013 - corrects an error in the formula for calculating the glass re-melt recycling target for producers of glass packaging [http://www.legislation.gov.uk/uksi/2013/1857/pdfs/uksiem\\_20131857\\_en.pdf](http://www.legislation.gov.uk/uksi/2013/1857/pdfs/uksiem_20131857_en.pdf)
- 2014 – Amends Glass re-melt targets <http://www.legislation.gov.uk/uksi/2014/2890/contents/made>
- Administers and Enforces EC Regulation 1069/2011 laying down health rules as regards animal by-products and derived products not intended for human consumption  
<http://www.legislation.gov.uk/uksi/2013/2952/made>

The Animal By-Products  
(Enforcement) (England)  
Regulations 2013 SI 2952

#### Amendment

- 2015 (SI 1980) – amends the parent regulation to operators to dispose of small quantities of former foodstuffs without the normal controls that apply to other animal by-products (ABPs)

## Annex J

### **WASTE MANAGEMENT LEGISLATION (WALES)**

Welsh waste management legislation mirrors that of England except in the following circumstances; further details can be found by following the links.

Environmental Protection  
(Duty of Care) (Wales)  
Regulations 1991 SI 2839  
The Waste (Miscellaneous  
Provisions) (Wales)  
Regulations 2011 SI  
W.141

Hazardous Waste (Wales)  
Regulations 2005 SI 1806

Hazardous Waste (Wales)  
(Amendment) Regulations  
2009 SI 2861

List of Wastes (Wales)  
Regulations 2005 SI 1820

The Animal By-Products  
(Enforcement) (Wales)  
Regulations 2014 SI W.60

- Imposes a duty of care on any person who imports, produces, carries, treats or disposes of controlled waste to ensure there is no unauthorised depositing, treatment or disposal of the waste.  
<http://www.legislation.gov.uk/uksi/2005/894/contents/made>
- Supplementary legislation to make several amendments to Welsh legislation to enable transposition of The Waste (England and Wales) Regulations 2011. A full list of all amended legislation is available here -<http://www.legislation.gov.uk/wsi/2011/971/introduction/made>
- Details requirements for controlling and tracking the movement of hazardous waste and prohibits mixing different types of hazardous waste. All sites that produce hazardous waste must be registered with the Environment Agency Wales and obtain a 'Premises Code' which requires renewing annually.  
<http://www.legislation.gov.uk/wsi/2005/1806/contents/made>
- Amends the previous regulation (2005/1806) by increasing the maximum limit of hazardous waste that can be produced in any year without registering with the regulator from 200 kg to 500 kg and clarifies other aspects of the previous regulation. <http://www.legislation.gov.uk/wsi/2009/2861/contents/made>
- Provides the European Waste Catalogue list of codes used to classify wastes.  
<http://www.legislation.gov.uk/wsi/2005/1820/contents/made>
- Administers and Enforces EC Regulation 1069/2011 laying down health rules as regards animal by-products and derived products not intended for human consumption  
<http://www.legislation.gov.uk/wsi/2014/517/contents/made>

## Annex I

### **WASTE MANAGEMENT LEGISLATION** **(SCOTLAND and NORTHERN IRELAND)**

#### Scotland

Waste management legislation in Scotland remains subtly different from that of England and Wales. The main areas in which the legislation differs are in the control of special waste (Hazardous Waste in England and Wales) and the continuation of waste management licensing rather than the change to environmental permitting regulation.

The following pieces of legislation apply specifically to Scotland and further details can be found at [http://www.netregs.org.uk/legislation/scotland/current/waste\\_legislation.aspx](http://www.netregs.org.uk/legislation/scotland/current/waste_legislation.aspx)

#### Northern Ireland

Waste management legislation in Northern Ireland is substantially different from that of England, Wales and Scotland with only a small proportion of legislation (principally producer responsibility legislation) mirroring that of the other Devolved Administrations.

Waste management legislation applicable to Northern Ireland can be found at [http://www.netregs.org.uk/legislation/northern\\_ireland/current/waste\\_legislation.aspx](http://www.netregs.org.uk/legislation/northern_ireland/current/waste_legislation.aspx)