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W E L S H   S T A T U T O R Y  
I N S T R U M E N T S

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**2018 No. 721 (W. 140)**

**ENVIRONMENTAL  
PROTECTION, WALES**

**WASTE, WALES**

**The Hazardous Waste  
(Miscellaneous Amendments)  
(Wales) Regulations 2018**

**EXPLANATORY NOTE**

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

These Regulations amend legislation which refers to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ No L 312, 22.11.2008, p. 3).

The amendments made by these Regulations are necessary in order to implement Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic' (OJ No L 150, 14.6.2017, p. 1).

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**ENVIRONMENTAL  
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**WASTE, WALES**

**The Hazardous Waste  
(Miscellaneous Amendments)  
(Wales) Regulations 2018**

*Made* 11 June 2018

*Laid before the National Assembly for Wales*  
14 June 2018

*Coming into force* 5 July 2018

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to—

- (a) measures relating to the prevention, reduction and elimination of pollution caused by waste and the management of packaging and packaging waste<sup>(3)</sup>;
- (b) the prevention, reduction and management of waste<sup>(4)</sup>.

The Welsh Ministers make these Regulations in exercise of the powers conferred upon them by section 2(2) of the European Communities Act 1972.

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- (1) By virtue of section 59(2) of the Government of Wales Act 2006 (c. 32), the Welsh Ministers may exercise the power conferred by section 2(2) of the European Communities Act 1972 (c. 68) in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose.
- (2) 1972 c. 68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (3) S.I. 2005/850.
- (4) S.I. 2010/1552.

### **Title, commencement and application**

**1.**—(1) The title of these Regulations is the Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2018.

(2) These Regulations come into force on 5 July 2018.

(3) These Regulations apply in relation to Wales.

### **Amendment of the Environmental Protection Act 1990**

**2.** In section 62A(2)(b) of the Environmental Protection Act 1990(1) (lists of waste displaying hazardous properties), after “Directive 2008/98/EC”, insert “, as last amended by Council Regulation (EU) 2017/997”.

### **Amendment of the Hazardous Waste (Wales) Regulations 2005**

**3.** For regulation 2(1)(a) of the Hazardous Waste (Wales) Regulations 2005(2) (the Waste Directive and the meaning of Waste), substitute—

“(a) “the Waste Directive” (“*y Gyfarwydddeb Wastraff*”) means Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives, as last amended by Council Regulation (EU) 2017/997;”.

### **Amendment of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007**

**4.** In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(3) (interpretation and notices), in the definition of “the Waste Directive”, at the end, before the semi-colon, insert “, as last amended by Council Regulation (EU) 2017/997”.

### **Amendment of the Waste (England and Wales) Regulations 2011**

**5.** In regulation 3(1) of the Waste (England and Wales) Regulations 2011(4) (interpretation), in the definition of “the Waste Framework Directive”, at the

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- (1) 1990 c. 43, section 62A was inserted by S.I. 2005/894 and amended by S.I. 2015/1360; there are other amending instruments but none is relevant.
  - (2) S.I. 2005/1806 (W. 138), amended by S.I. 2011/971 (W. 141), 2015/1417 (W. 141) and 2016/691 (W. 189).
  - (3) S.I. 2007/871, amended by S.I. 2016/738; there are other amending instruments but none is relevant.
  - (4) S.I. 2011/988, amended by S.I. 2016/691 (W. 189); there are other amending instruments but none is relevant.

end, before the semi-colon, insert “, as last amended by Council Regulation (EU) 2017/997”.

**Amendment of the Environmental Permitting (England and Wales) Regulations 2016**

6. In regulation 3 of the Environmental Permitting (England and Wales) Regulations 2016<sup>(1)</sup> (interpretation: Directives), in the definition of “the Waste Framework Directive”, at the end, before the semi-colon, insert “, as last amended by Council Regulation (EU) 2017/997”.

**Revocations**

7. The following regulations are revoked—

- (a) regulation 3(2) of the Hazardous Waste (Miscellaneous Amendments) (Wales) Regulations 2015<sup>(2)</sup>;
- (b) regulation 3(2) of the Waste (Meaning of Recovery) (Miscellaneous Amendments) (Wales) Regulations 2016<sup>(3)</sup>.

*Lesley Griffiths*

Cabinet Secretary for Energy, Planning and Rural  
Affairs, one of the Welsh Ministers  
11 June 2018

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(1) S.I. 2016/1154; there are amending instruments but none is relevant.  
(2) S.I. 2015/1417 (W. 141).  
(3) S.I. 2016/691 (W. 189).