

POLICY NOTE

THE WASTE (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2020

SSI 2020/314

The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative procedure.

Purpose of the instrument.

These Regulations transpose aspects of the European Commission's Circular Economy Package (CEP) into Scottish waste legislation and ensure the relevant legislation will operate following completion of the EU-exit implementation period (i.e. after 11pm on 31 December 2020). The changes are mainly technical, including alignment of definitions, terms and powers. They make provision that the National Waste Management Plan for Scotland is to include a statement of Scottish Ministers' policies in relation to a set of waste prevention measures, such as sustainable production and consumption and reducing waste, and targets for recycling certain materials, and these will be included at the next update of the Plan.

The Regulations also amend the date on which landfill operators must refuse to accept biodegradable municipal waste from 1 January 2021 to 31 December 2025.

Policy Objectives

On 2 December 2015, the EU Commission published a package of proposals on the Circular Economy including measures which amend six existing European Directives relating to waste (Waste Framework, Landfill, Packaging and Packaging Waste, Waste Electronic and Electrical Equipment, End of Live Vehicles and Batteries and Accumulators).

Member States are required to transpose the package into national law and this is being done in respect of Scotland through these Regulations and through The Waste (Circular Economy) (Amendment) Regulations 2020 laid in the UK Parliament on 27 August 2020, as well as through administrative measures. These Regulations amend Scottish waste legislation; the UK Regulations amend the relevant UK-wide legislation, in particular the four producer responsibility regimes.

The Regulations also amend the Landfill (Scotland) Regulations 2003 in line with the Scottish Government's announcement in September 2019 that full enforcement of the ban on biodegradable municipal waste being sent to landfill would be delayed until 2025.

Consultation

In relation to transposing aspects of the Circular Economy Package, given that the bulk of the measures are relatively small technical changes and do not represent any significant change in policy, the Scottish Government has not run a formal consultation on these Regulations. This is in line with the approach taken to the UK Statutory Instrument and set out in the Circular Economy Package policy statement issued jointly by the Scottish, UK, Welsh and

Northern Irish governments in July 2020

(<https://www.gov.uk/government/publications/circular-economy-package-policy-statement/circular-economy-package-policy-statement>).

The Scottish Government has issued a notification letter to relevant stakeholders (including trade bodies and Local Authorities) to provide a brief summary of the amendments being made and to emphasise that the provisions will not have a significant impact on operations.

Scottish Ministers' decision to delay enforcement of the ban on landfilling biodegradable municipal waste until 2025 took account of engagement with public and private sectors managing wastes covered by the ban.

Impact Assessments

Impact assessments have not been prepared as the CEP technical changes do not represent any significant change in policy and have no significant impact on the private or voluntary sectors. In terms of the ban on landfilling biodegradable municipal waste, the necessary impact and cost assessments were carried out prior to the original announcement in 2012 (https://www.legislation.gov.uk/sdsi/2012/9780111016657/pdfs/sdsifia_9780111016657_en.pdf) and were supplemented by a Waste Markets study report published in 2019 (<https://www.gov.scot/publications/waste-markets-study-full-report/>).

Financial Effects

The Cabinet Secretary for the Environment, Climate Change and Land Reform confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Environment and Forestry Directorate

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