

**Provisional transposition table: Directive 2018/851 (CEP) amendments to the Waste Framework Directive 2008/98/EC in the Waste (Miscellaneous Amendments) (Scotland) Regulations 2020.**

The table below describes the amendments in consequence of the CEP amendments to Directive 2008/98/EC above. The Regulations make other amendments to domestic legislation not included in this list.

Directive 2018/851 provision	WFD Provision	SSI provision	Instrument amended	Description
Art 1(3)(a)	Article 2b	Regulation 4(2)(c)	Landfill (Scotland) Regulations 2003 reg 2(1)	Updating definition of 'municipal waste' in the Landfill (Scotland) Regulations 2003 to reflect definition in the WFD
Art 1(3)(g)	Article 3 (17a)	Reg 7(2)(a)	Waste Management Licensing (Scotland) Regulations 2011 reg 2	Added definition of "back-filling" to the 2011 Regulations, as the term appears in the definition of recycling
Art 1(4)	Article 4(3)	Reg 5(7)(a)	National Waste Management Plan for Scotland Regulations 2007 schedule 1 new para 1B	Added a requirement that the National Waste Management Plan for Scotland's objectives include "making use of economic instruments and other measures..."
Art 1(10) and (22) and Annex IV	Article 9 and 29	Reg 5(4)(a)(ii) and 5(8)	National Waste Management Plan for Scotland Regulations 2007 new reg 3(3)(zaa) and new Schedule 2 para 1(a) to (m)	The National Waste Management Plan must now contain a statement of the Scottish Ministers' policies for attaining, as a minimum, the added list of waste prevention measures.
Art 1(11)	Article 10(2)	Reg 7(4)(b)	Waste Management Licensing (Scotland) Regulations 2011 schedule 4 para 6(1)(b)	Aligns language with the WFD: updates relevant objectives in relation to waste – no longer necessary for it to be "technically, environmentally and economically

				practicable” to ensure waste collected separately and not mixed.
Art 1(11)	Article 10(3)	Reg 2(3) and (4)	Environmental Protection Act 1990 s.34(2J) and 45C(4)	Updates language of provisions relating to separate collection of waste to reflect derogations in Article 10(3) WFD: Recyclable Waste may not be co-mingled unless “the output is of comparable quality and quantity to that achieved through separate collection”.
Art 1(12)(b)	Article 11(1)	Reg 5(7)(b) and 5(8)	National Waste Management Plan for Scotland Regulations 2007 schedule 1 para 4A	Aligns the language in para 4A of schedule [1] of the 2007 Regulations with that in the Directive. The provision amended is one paragraph in the schedule which lists objectives which the national waste management plan must state. The rewording is unlikely to have a significant impact on the content of the plan itself.
Art 1(12)(b)	Article 11(1) (para 3)	Reg 5(8)	National Waste Management Plan for Scotland Regulations 2007 and new schedule 2 para 1(n)	Adds a further requirement that the NWMP contains a statement of the Scottish Ministers’ policies for attaining, as a minimum, waste prevention measures in relation to selective demolition and sorting systems to enable appropriate management of construction and demolition waste.
Art 1(16)	Article 18	Reg 3(3)	Special Waste	Removal of the

			Regulations 1996 reg 17A	requirement for economic feasibility to be a consideration in deciding whether illegally mixed hazardous waste must be separated.
Art 1(18)	Article 21	Reg 2(3)(a)	Environmental Protection Act 1990 s.34(a)(ba)	Aligns the language in a provision about separate collection of waste oils with that in the Directive. Instead of being separated “where technically feasible” they must now be separated “unless doing so is not technically feasible, taking into account good practices”.
Art 1(18)	Article 21	Reg 7(3)	Waste Management Licensing (Scotland) Regulations 2011 reg 15(3) and (3a)	Further updates requirements relating to waste oil to provide exceptions to the requirement not to mix waste oils. (and aligns this provision with the PPC Regulations below)
Art 1(18)	Article 21	Reg 8(4)	Pollution Prevention and Control (Scotland) Regulations 2012 reg 31	As above.
Art 1(21)	Article 28(5)	Reg 5(4)(b)	National Waste Management Plan for Scotland Regulations 2007 new reg 3(3A)	Adds a requirement for the Scottish Ministers to “have regard to” the Marine Scotland Plan and River Basin Management Plans for litter purposes when preparing the national waste management plan or any modification of it.