
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement (except for Article 3) in England Commission Decision [2000/532/EC](#) (“the List of Wastes Decision”, as amended by Decisions [2001/118/EC](#), [2001/119/EC](#) and [2001/532/EC](#)) which adopted the List of Wastes. A consolidated text of the decision is available at http://europa.eu.int/eur-lex/en/consleg/pdf/2000/en_2000D0532_do_001.pdf.

Article 1(a) of the Waste Directive ([75/442/EEC](#)); a consolidated text of which is available at

http://europa.eu.int/eur-lex/en/consleg/main/1975/en_1975L0442_index.html,

and the first indent of Article 1(4) of the Hazardous Waste Directive ([91/689/EEC](#)); a consolidated text of which is available at

http://europa.eu.int/eur-lex/en/consleg/pdf/1991/en_1991L0689_do_001.pdf,

require the drawing up of a list of wastes in accordance with the procedure in Article 18 of the Waste Directive. The European Waste Catalogue comprised the lists in Decisions [94/3/EC](#) and [94/904](#) adopted pursuant to Article 1(a) of the Waste Directive and Article 1(4) of the Hazardous Waste Directive.

The List of Wastes, which replaced the “European Waste Catalogue”, provides for the classification of wastes and determines, subject as follows, whether they are hazardous wastes.

Regulation 6 of the [Hazardous Waste \(England and Wales\) Regulations 2005 \(2005/894\)](#) (“the Hazardous Waste Regulations”) defines hazardous waste for the purpose of implementing the Hazardous Waste Directive in England. Paragraph (a) of that regulation provides that a waste is hazardous if it is listed as a hazardous waste in these Regulations. The definition is also used in other Directives (for instance, Directive [1999/31/EC](#) on the landfill of waste and Directive [1996/61/EC](#) concerning integrated pollution prevention and control). Consequential amendments to incorporate this list in these Regulations in the relevant implementing legislation are included in Schedule 11 to the Hazardous Waste Regulations.

Regulation 3(1) of these Regulations provides that the List of Wastes has effect for purposes connected with the regulation of waste and hazardous waste, and in particular for—

- (a) determining whether a material or substance is a waste or a hazardous waste (sub-paragraph (1)(a)); and
 - (b) the classification and coding of wastes (sub-paragraph (1)(b)).
- Regulation 3(3) provides that the Introduction to the List of Wastes has effect for the purposes of interpreting the list, for determining whether a waste is hazardous and in identifying the waste.

Regulation 3(4) gives effect, for the purposes of the regulation of waste and hazardous waste, to the six digit codes and two and four digit chapter headings in the List of Wastes.

Regulation 3(5) provides that any requirement (or condition) in any legislation that the correct six digit code is to be given is only complied with (or satisfied) if the code in the List of Wastes for the waste concerned is given. Regulation 3(6) provides for the asterisk in the List of Wastes to indicate that the waste concerned is hazardous, and regulation 3(7) provides that, for dangerous substances to be hazardous where a limit value of concentration applies, the waste is only hazardous where the limit value in regulation 4, or Annex III of the Hazardous Waste Directive, is satisfied. Regulation 4 sets out the limit values of concentration contained in Article 2 of the List of Wastes Decision.

Status: This is the original version (as it was originally made).

The List of Wastes refers to substances being hazardous if they contain dangerous substances. A substance is a dangerous substance if it is a dangerous substance pursuant to the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689, as amended by S.I. 2004/3386) which implement the Dangerous Substances Directive (67/548/EEC) in Great Britain.

A transposition note has been prepared setting out the transposition of the Hazardous Waste Directive and the List of Wastes Decision. A regulatory impact assessment has also been prepared. Copies of both the transposition note and the regulatory impact assessment are available in both Houses of Parliament and from WM Hazardous Waste Unit, Department for Environment, Food and Rural Affairs, Zone 7/F15, Ashdown House, 123 Victoria Street, London SW1E 6DE.