

SCHEDULE 1

Regulation 3(2)(a)(i)

ANNEX I OF THE HAZARDOUS WASTE DIRECTIVE

“ANNEX I

CATEGORIES OR GENERIC TYPES OF HAZARDOUS WASTE LISTED
ACCORDING TO THEIR NATURE OR THE ACTIVITY WHICH GENERATED
THEM (*) (WASTE MAY BE LIQUID, SLUDGE OR SOLID IN FORM)

ANNEX I.A.

Wastes displaying any of the properties listed in Annex III and which consist of:

1. anatomical substances; hospital and other clinical wastes;
2. pharmaceuticals, medicines and veterinary compounds;
3. wood preservatives;
4. biocides and phyto-pharmaceutical substances;
5. residue from substances employed as solvents;
6. halogenated organic substances not employed as solvents excluding inert polymerized materials;
7. tempering salts containing cyanides;
8. mineral oils and oily substances (e.g. cutting sludges, etc.);
9. oil/water, hydrocarbon/water mixtures, emulsions;
10. substances containing PCBs and/or PCTs (e.g. dielectrics etc.);
11. tarry materials arising from refining, distillation and any pyrolytic treatment(e.g. still bottoms, etc.);
12. inks, dyes, pigments, paints, lacquers, varnishes;
13. resins, latex, plasticizers, glues/adhesives;
14. chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known (e.g. laboratory residues, etc.);
15. pyrotechnics and other explosive materials;
16. photographic chemicals and processing materials;
17. any material contaminated with any congener of polychlorinated dibenzo-furan;
18. any material contaminated with any congener of polychlorinated dibenzo-p-dioxin.

ANNEX I.B.

Wastes which contain any of the constituents listed in Annex II and having any of the properties listed in Annex III and consisting of:

19. animal or vegetable soaps, fats, waxes;
20. non-halogenated organic substances not employed as solvents;
21. inorganic substances without metals or metal compounds;

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- 22. ashes and/or cinders;
- 23. soil, sand, clay including dredging spoils;
- 24. non-cyanidic tempering salts;
- 25. Metallic dust, powder;
- 26. Spent catalyst materials;
- 27. liquids or sludges containing metals or metal compounds;
- 28. residue from pollution control operations (e.g. baghouse dusts, etc.) except (29), (30) and (33);
- 29. scrubber sludges;
- 30. sludges from water purification plants;
- 31. decarbonization residue;
- 32. ion-exchange column residue;
- 33. sewage sludges, untreated or unsuitable for use in agriculture;
- 34. residue from cleaning of tanks and/or equipment;
- 35. contaminated equipment;
- 36. contaminated containers (e.g. packaging, gas cylinders, etc.) whose contents included one or more of the constituents listed in Annex II;
- 37. batteries and other electrical cells;
- 38. vegetable oils;
- 39. materials resulting from selective waste collections from households and which exhibit any of the characteristics listed in Annex III;
- 40. any other wastes which contain any of the constituents listed in Annex II and any of the properties listed in Annex III.”.

(*) Certain duplications of entries found in Annex II are intentional.

SCHEDULE 2

Regulation 3(2)(a)(ii)

ANNEX II OF THE HAZARDOUS WASTE DIRECTIVE

“ANNEX II

CONSTITUENTS OF THE WASTES IN ANNEX I.B
WHICH RENDER THEM HAZARDOUS WHEN THEY
HAVE THE PROPERTIES DESCRIBED IN ANNEX III (*)

Wastes having as constituents:

C1	beryllium; beryllium compounds;
C2	vanadium compounds;

C3	chromium (VI) compounds;
C4	cobalt compounds;
C5	nickel compounds;
C6	copper compounds;
C7	zinc compounds;
C8	arsenic; arsenic compounds;
C9	selenium; selenium compounds;
C10	silver compounds;
C11	cadmium; cadmium compounds;
C12	tin compounds;
C13	antimony; antimony compounds;
C14	tellurium; tellurium compounds;
C15	barium compounds; excluding barium sulfate;
C16	mercury; mercury compounds;
C17	thallium; thallium compounds;
C18	lead; lead compounds;
C19	inorganic sulphides;
C20	inorganic fluorine compounds, excluding calcium fluoride;
C21	inorganic cyanides;
C22	the following alkaline or alkaline earth metals: lithium, sodium, potassium, calcium, magnesium in uncombined form;
C23	acidic solutions or acids in solid form;
C24	basic solutions or bases in solid form;
C25	asbestos (dust and fibres);
C26	phosphorus: phosphorus compounds, excluding mineral phosphates;
C27	metal carbonyls;
C28	peroxides;
C29	chlorates;
C30	perchlorates;
C31	azides;
C32	PCBs and/or PCTs;
C33	pharmaceutical or veterinary compounds;
C34	biocides and phyto-pharmaceutical substances (e.g. pesticides, etc.);

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

C35	infectious substances;
C36	creosotes;
(*) Certain duplications of generic types of hazardous wastes listed in Annex I are intentional.	
C37	isocyanates; thiocyanates;
C38	organic cyanides (e.g. nitriles, etc.);
C39	phenols; phenol compounds;
C40	halogenated solvents;
C41	organic solvents, excluding halogenated solvents;
C42	organohalogen compounds, excluding inert polymerized materials and other substances referred to in this Annex;
C43	aromatic compounds; polycyclic and heterocyclic organic compounds;
C44	aliphatic amines;
C45	aromatic amines;
C46	ethers;
C47	substances of an explosive character, excluding those listed elsewhere in this Annex;
C48	sulphur organic compounds;
C49	any congener of polychlorinated dibenzo-furan;
C50	any congener of polychlorinated dibenzo-p-dioxin;
C51	hydrocarbons and their oxygen; nitrogen and/or sulphur compounds not otherwise taken into account in this Annex.”.

SCHEDULE 3

Regulation 3(2)(a)(iii)

ANNEX III OF THE HAZARDOUS WASTE DIRECTIVE

“ANNEX III

PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS

H1	“Explosive”: substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
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H2	“Oxidizing”: substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
H3-A	“Highly flammable”: — liquid substances and preparations having a flash point below 21 °C (including extremely flammable liquids), or — substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or — solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or — gaseous substances and preparations which are flammable in air at normal pressure, or — substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
H3-B and	“Flammable”: liquid substances and preparations having a flash point equal to or greater than 21 °C less than or equal to 55 °C.
H4	“Irritant”: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
H5	“harmful”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
H6	“Toxic”: substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
H7	“Carcinogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
H8	“Corrosive”: substances and preparations which may destroy living tissue on contacts.
H9	“Infectious”: substances containing viable micro-organisms or their toxins which are

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

	known or reliably believed to cause disease in man or other living organisms.
H10	“Teratogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
H11	“Mutagenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
H12	Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.
H13	Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.
H14	“Ecotoxic”: substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

Notes

1. Attribution of the hazard properties “toxic” (and “very toxic”), “harmful”, “corrosive” and “irritant” is made on the basis of the criteria laid down by Annex VI, part I A and part II B, of Council Directive [67/548/EEC](#) of 27 June 1967 of the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances **(12)**, in the version as amended by Council Directive [79/831/EEC](#)**(13)**.
2. With regard to attribution of the properties “carcinogenic”, “teratogenic” and “mutagenic”, and reflecting the most recent findings, additional criteria are contained in the Guide to the classification and labelling of dangerous substances and preparations of Annex VI (part II D) to Directive [67/548/EEC](#) in the version as amended by Commission Directive [83/467/EEC](#)**(14)**.

Test methods

The test methods serve to give specific meaning to the definitions given in Annex III.

The methods to be used are those described in Annex V to Directive [67/548/EEC](#), in the version as amended by Commission Directive [84/449/EEC](#)**(15)**, or by subsequent Commission Directives adapting Directive [67/548/EEC](#) to technical progress.

These methods are themselves based on the work and recommendations of the competent international bodies, in particular the OECD.

SCHEDULE 4

Regulation 35(2)

FORM OF CONSIGNMENT NOTE
HAZARDOUS WASTE (WALES) REGULATIONS 2005

(12) S.I. [2000/1043](#), to which there are amendments not relevant to these Regulations.

(13) S.I. [2000/1973](#); relevant amendments have been made by [S.I.2002/2980](#).

(14) S.I. [2002/1689](#), to which there are amendments not relevant to these Regulations.

(15) S.I. [2002/1959](#); as amended by S.I. [2004/1375](#).

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

Part A NOTIFICATION DETAILS
Rhan A MANYLION HYSBYSLU

Shoe/Dalen of/o

1. **Consignment Note Code/Cod Nodyn Traddodi:** _____
2. **The waste described below is to be removed from (name, address, postcode, telephone, e-mail, facsimile):**
Mae'r gwastraff a ddisgrifir isod i'w gludo o (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):
3. **Premises Code (where applicable):/Cod y Ffongre: (os yn'n gymmys):**
4. **The waste will be taken to (address & postcode):/Cudir y gwastraff i (cyfeiriad a chod post):**
5. **The waste producer was (if different from 2) (name, address, postcode, telephone, e-mail, facsimile):**
Cyhyrchydd y gwastraff oedd (os yn'n wahanol i 2) (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Part B DESCRIPTION OF THE WASTE
Rhan B DISGRIFIAD O'R GWASTRAFF

1. **The process giving rise to the waste(s) was:/ Y broses a roes fod i'r gwastraff(wedd) oedd:**
2. **SIC for the process giving rise to the waste:/ SIC am y broses a roes fod i'r gwastraff:**

WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified).

MANYLION AM Y GWASTRAFF (os ceisgwych chi roeddi uwchlawr holl wybodaeth a nodir isod ar gyfer pob EWC a ddynodiwyd).

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

3. The waste(s) is/are
Dyma'r gwastraff(au):

List of Wastes (EWC) Code (6 digits)	Quantity (kg)	The chemical/biological components of the waste and their concentrations are		Physical Form (gas, liquid, solid, powder, sludge, or mixed)	Hazard code(s)	Container type, no & size
<i>Cod Rhestr y Gwastraff(au) (EWC) (6 digid)</i>	<i>Cyaint (kg)</i>	<i>Dyma gyfansoddiad cemegol/biolegol y gwastraff a'u crynodiadau</i>		<i>Ffurff ffisegol (i.e.: hydif, solid, powder, llwco, neu gymysgfa)</i>	<i>Cod(au) perysg!</i>	<i>Math, rhif a maint y cwrthwylydd</i>
		Component	Concentration (% or mg/kg)			
		<i>Cyfansoddyn</i>	<i>Cryndiad (% neu mg/kg)</i>			

The information given below is to be completed for each EWC identified
 Mae'r wybodaeth a roddir isod i'w chwblhau ar gyfer pob EWC a ddynodwyd

1. Packing Group(s)/ Grwp neu grwpiau pecynnau
2. UN identification number(s)/ Rhif neu rifau adnabod UN
3. Proper Shipping Name(s): Enw(au) priodol y llwyth
4. UN class(es)/ Dosbarth(au) UN
5. Special handling requirements/ Gofynion trafud arbennig

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

PART C CARRIER'S CERTIFICATE
(If more than one carrier is used, please attach Schedule for subsequent carriers)

RHAN C TYSTYSGRIF Y CLUDWR
(Os defnyddir mwy nag un cludwr, atgwaich Atodlen ar gyfer cludwyr dilynol)

If a schedule of carriers is attached, tick here.

Os atgwaich atodlen o gludwyr, ticwch fan hyn.

I certify that I today collected the consignment and that the details in A2, A4, and B3 are correct and I have been advised of any specific handling requirements.

Yr wyf yn arlystio fy mod heddiw wedi casglu'r llwyth a bod y manylion yn A2, A4 a B3 yn gywir a fy mod wedi cael fy hysbysu o unrhyw ofynion trafod arbennig.

1. Carrier name
Enw'r cludwr

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)
Ar ran (cwmni)(enw, cyfeiriad a cod post, ffôn, e-host, ffacs)

2. Carrier registration no/reason for exemption/
Rhif cofrestru'r cludwr /rheswm dros esemptiad

3. Vehicle registration no (or mode of transport if not road)
Rhif cofrestru'r cerbyd (neu'r cyfryngwr cerbyd os nad ar ffordd)

Signature/*Llofnod*

Date/*Dyddiad* at/am hrs/*u'r gloch*.

PART D CONSIGNOR'S CERTIFICATE
RHAN D TYSTYSGRIF Y TRADDODWR

I certify that the information in A, B and C above are correct, that the carrier is registered or exempt and was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been advised of any special handling requirements.

Yr wyf yn arlystio bod yr wybodaeth yn A, B ac C uchod yn gywir, bod y cludwr wedi'i gofrestru neu'n esempt a'i fod wedi cael ei hysbysu o'r mesurau rhagofalon priodol. Cafodd yr holl wastraff ei becynnu a'i labelu yn gywir a chafodd y cludwr ei hysbysu o unrhyw ofynion trafod arbennig.

Name/*Enw*

On behalf of (company name, address, postcode, telephone, e-mail, and facsimile)
Ar ran (enw'r cwmni, cyfeiriad, cod post, ffôn, e-host, a ffacs)

Signature/*Llofnod*

Date/*Dyddiad* at/am hrs/*u'r gloch*

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

PART E CONSIGNEE'S CERTIFICATE
RHAN E TYSTYSGRIF Y TRADDODAI

Where more than one waste type is collected all of the information given below must be completed for each EWC.
Os ceirglir unrhyw nag un math o gwastraff rhaid cwblhau'r holl wybodaeth a roddir isod ar gyfer pob EWC.

Individual EWC code(s) received: *Cod(au) EWC unigol a dderbyniwyd*
Quantity of each EWC code received (eg) *Cyfrain pob cod EWC a dderbyniwyd (kg)*
EWC code accepted/rejected: *Cod EWC a dderbyniwyd/a wrthodwyd*
Waste management operation (R or D code): *Gweithrediad rheoli gwastraff (cod R neu D)*

- 1. I received this waste at the address given in A4 on **at** **hrs**
Daeth y gwastraff hwn i law yn y cyfeiriad a roddir yn A4 ar **am** **o'r gloch**
- 2. Vehicle registration no: *Rhif cofrestru'r cerbyd:*
- 3. Where waste is rejected, please provide details below/
Os gwrthodir y gwastraff, rhwng y manylion isod:

I certify that waste management licence/permit/authorised exemption no(s) given below authorise(s) the management of the waste described in B at the address given in A4/
Yr wyf yn atystio bod y drwydded rheoli gwastraff/ caniatâd/ esemptiad a awdurdodwyd sy'n dwyn y rhif a roddir isod yn uweluddoli rheoli'r gwastraff a ddisgrifir yn B at y cyfeiriad a roddir yn A4:

Name/*Enw:*

On behalf of (company name, address, postcode, telephone, e-mail, fax/mobile)/
Ar rau (enw'r cwmni, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Signature/*Llofnod*

Date/*Dyddiad* **at/am** **hrs/o'r gloch.**

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

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)/Ar ran (cwmni)(enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Signature/Llofnod:

Date/Dyddiad: at/am hrs/o'r gloch.

1. Carrier registration no/reason for exemption/ Rhif cofrestru'r cludwr/rheswm dros yr esemptiad:
2. Vehicle registration no (or mode of transport if not road)/ Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd):
3. Original consignment note number/ Rhif y nodyn traddodi gwreiddiol:

FOURTH CARRIER'S CERTIFICATE/ TYSTYSGRIF Y PEDWERYDD CLUDWR

I certify that the following carrier: Yr wyf yn arystio bod y cludwr fenter details as appropriate/rhowch y manylion priodol]:

transferred the waste identified in B3 to me today for onward transportation to (delete as appropriate below):
(weddi trosglwyddo'r gwastraff a enwir yn B3 i mi heddiw i'w gludo ymlaen i (dileer fel y bo'n briodol isod):

- a) another carrier/ gludwr arall
- b) the consignee listed in A4/ y traddodai a restrir yn A4

The quantity transferred is/Dyma'r cyfaint a drosglwyddwyd:

Name/Enw:

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)/Ar ran (cwmni)(enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Signature/Llofnod:

Date/Dyddiad: at/am hrs/o'r gloch.

1. Carrier registration no/reason for exemption/ Rhif cofrestru'r cludwr/rheswm dros yr esemptiad:
2. Vehicle registration no (or mode of transport if not road)/ Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd):
3. Original consignment note number/ Rhif y nodyn traddodi gwreiddiol:

SCHEDULE 6

Regulation 35(4)

FORM OF MULTIPLE COLLECTION CONSIGNMENT NOTE

HAZARDOUS WASTE (WALES) REGULATIONS 2005
RHEOLLADAU GWASTRAFF PERYGLUS (CYMRU) 2005

Sheet/Dalen _____ n/o _____

Part A/Rhan A CONSIGNEE DETAILS/ MANYLION Y TRADDODAI

The waste will be taken to (address & postcode): *Cludwr y gwastraff i (cyfeiriad a chod post):*

Part B/Rhan B CARRIER DETAILS/ MANYLION Y CLUDWR

Carrier name: *Enw'r cludwr:*

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile): *Ar ran (cwmni)(enw, cyfeiriad a chod post, ffôn, e-bost, ffacs):*

Carrier registration no/reason for exemption/ *Rhif cofrestru'r cludwr/rheswm dros yr esemptiad:*

Vehicle registration no (or mode of transport if not road): *Rhif cofrestru'r cerbyd (neu'r cyfwrng chudo os nad ar ffordd):*

Signature/*Llofnod:*

Date/*Dyddiad:*

atwm

hŷs/a'r gluch.

Part C/Rhan C SUMMARY OF MULTIPLE CONSIGNMENTS/ CRYNODEB O AMLDRADDODI

Enter every EWC code collected from each collection point and the quantity of each EWC code collected from that collection point. The table below provides 3 EWC codes on each of 6 consignments. This should be amended to appropriately identify the number of EWC codes on each consignment.

Rhowch bob cod EWC a gasgwyd o bob pwynt casglu a chyfaint pob cod EWC a gasgwyd o'r pwynt casglu hwnnw. Mae'r tabl isod yn rhoi 3 chod EWC ar bob un o 6 llythy. Dylid atwnglo hyn er mwyn dynodi'n briodol nifer y codau EWC ar bob llythy.

ANNEX TO MULTIPLE COLLECTION CONSIGNMENT NOTE/ ATODIAD I'R NODYN TRADDODI AMLGASGLIAD

HAZARDOUS WASTE (WALES) REGULATIONS 2005
RHEOLLADAU GWASTRAFF PERYGLUS (CYMRU) 2005

Sheet /Dalen o/0

CONSIGNMENT DETAILS/MANYLION Y LLWYTH:

COLLECTION No (i.e. 1st, 2nd etc)/ Rhif CASGLU (h.y. 1, 2 etc)

I. Notification Details/ Manylion hysbysu

1. Consignment Note Cnwl/ Cod Nodyn Traddodi:

2. The waste described below is to be removed from (name, address & postcode, telephone, e-mail, facsimile): Mae'r gwastraff a ddisgrifir isod i'w gludo a (enw, cyfeiriad a chod post, ffôn, e-bost, ffacs):

3. Premises Code (where applicable)/ Cod y Ffangre (os yw'n gymmys):

4. The waste producer was (if different from above) (name, address, postcode, telephone, e-mail, facsimile) Cynhyrchydd y gwastraff oedd (os yw'n wahanol i'r uchod) (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):

II. Description of the waste/ Disgrifiad o'r gwastraff

1. The process giving rise to the waste(s) was/ Proseses a roes fud i'r gwastraff(audd) oedd:

2. SIC for the process giving rise to the waste/ SIC am y proseses a roes fud i'r gwastraff:

3. WASTE DETAILS/ MANYLION AM Y GWASTRAFF

where more than one waste type is collected all of the information given below must be completed for each EWC identified/ os cesglir mwy nag un math o wastraff rhuid cwblhau'r holl wybodaeth a roddir isod ar gyfer pob EWC a ddynodwyd.

The waste(s) is/are:

Dyma'r gwastraff(audd):

List of Wastes (EWC) Code (6 digits) Cod Rhestr y Gwastraff(audd) (EWC) (6 digid)	Quantity (kg) Cyfaint (kg)	The chemical/biological components of the waste and their concentrations are Dyma gyfansoddion cemegol/biolegol y gwastraff a'u crynodiadau		Physical Form (gas, liquid, solid, powder, sludge, or mixed) Ffurff Ffisegol (nwy, hylif, solid, powder, ffaca, neu gytysgfa)	Hazard code(s) Cod(au) perygl	Container type, no & size Math rhif a maint y cynhwysydd
		Component Cyfansoddyn	Concentration (% or mg/kg) Crynodiad (% neu mg/kg)			

Extra rows should be added for more EWC codes collected/ Dylid ychwanegu rhesi ar gyfer mwy o godau EWC a gasglwyd.

Additional carriage information (the information given below must be completed for each EWC identified)/ Gwybodaeth ychwanegol am y cludo (rhaid cwblhau'r holl wybodaeth a roddir isod ar gyfer pob EWC a ddynodwyd).

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

4. Packing Group(s)/ *Grŵp neu grŵpiau pecynnau*
5. UN identification number(s)/ *Rhif neu rifau adnabod UN*
6. Proper Shipping Name(s)/ *Enw(au) priodol y llwyth*
7. ITC class(es)/ *Deddfarth(au) UN*
8. Special handling requirements/ *Gofynion trafod arbennig*

CONSIGNOR'S DECLARATION:

I certify that the information provided for my consignment is correct, that the carrier is registered or exempt and was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been informed of any specific handling requirements.

DATGANIAD Y TRADDODWR:

Yr wyf ar dystio bod yr wybodaeth a roddwyd ar gyfer fy llwyth yn gywir, bod y cludwr wedi'i gofrestru neu'n exempt a'i fod wedi cael ei hysbysu o'r mesurau rhagofatu priodol. Cafodd yr holl wastraff ei hecynnau a'i labelu yn gywir a chafodd y cludwr ei hysbysu o unrhyw ofynion trafod arbennig.

Name (Consignor): *Enw (Traddodwr):*

Signature: *Llofnod:*

Date/Dyddiad:

at/am

hrs/o'r gloch.

CARRIER'S DECLARATION:

I certify that today I collected the quantity of waste given on this part of the form from the address given on this part of the form and will take it to the address given in Part A.

DATGANIAD Y CLUDWR :

Yr wyf yn ar dystio fy nod heiddio wedi casglu'r maint o wastraff a roddir ar y rhan hon o'r ffurflen o'r cyfeiriad a roddir ar y rhan hon o'r ffurflen ac y byddaf yn ei gludo i'r cyfeiriad a roddir yn Rhan A.

Name (Carrier): *Enw (Cludwr):*

Signature: *Llofnod:*

Date/Dyddiad:

at/am

hrs/o'r gloch.

SCHEDULE 7

Regulation 46

UK CROSS-BORDER MOVEMENT OF HAZARDOUS WASTE

Recognition of cross border UK consignment notes

1. Subject to paragraph 4 and paragraph 7, where hazardous waste is removed from premises situated in England, Scotland, Northern Ireland or Gibraltar and is transported into Wales (“a cross-border consignment note into Wales”), no requirement for a consignment note to accompany the waste under Part 6 applies if—

- (a) a consignment note which is completed in England, Scotland, Northern Ireland or Gibraltar accompanies the waste; and

- (b) the note contains the information required by the standard consignment note set out in the Annex to Commission Decision 94/774 of 24 November 1994⁽¹⁶⁾ (“a cross-border consignment note”).
2. Any requirement in Part 6 to complete a consignment note for a cross-border consignment may be satisfied by including the information—
- (a) on the cross-border consignment note; or
 - (b) where that is not possible, on a separate form prepared for that purpose.
3. Any requirement to keep a copy of a consignment note for a cross-border consignment or to give a copy of the note to another person may be satisfied by keeping a copy of the cross-border consignment note or giving a copy of the note to that person.

UK cross-border Consignments into Wales

- 4.—(1) If a cross-border consignment into Wales is rejected wholly or in part, the consignee must—
- (a) indicate on the cross-border consignment note (if he or she has received one) or otherwise provide a written record of his or her rejection of the consignment (or part of it) and the reasons for such rejection;
 - (b) retain a copy of the note or record;
 - (c) give a copy to the carrier; and
 - (d) as soon as reasonably practicable, send a copy to the consignor, and (if different from the consignor) the producer or holder indicated on the cross-border consignment note.
- (2) On being informed that the consignee will not accept delivery of a cross-border consignment into Wales or part, the carrier must—
- (a) inform the Agency; and
 - (b) seek instructions from the hazardous waste producer or holder indicated on the cross-border consignment note and take all reasonable steps to ensure they are fulfilled.
- (3) Before a rejected cross-border consignment into Wales is moved from the original delivery destination, the carrier must ensure that—
- (a) a consignment note is completed in accordance with regulation 43 or 44; and
 - (b) a copy of the note is sent to SEPA (where the waste is transported from Scotland) or the Northern Ireland Department of the Environment (where the waste is transported from Northern Ireland).
- (4) Where a cross-border consignment into Wales from Scotland or Northern Ireland is accepted, the consignee must send a copy of the cross-border consignment note to SEPA (where the waste is transported from Scotland) or the Northern Ireland Department of the Environment (where the waste is transported from Northern Ireland).

UK cross-border Consignments out of Wales

- 5.—(1) Where a cross-border consignment out of Wales is consigned to premises in Scotland or Northern Ireland, the following requirements apply in addition to those in Part 6.
- (2) Before the hazardous waste is removed—
- (a) the hazardous waste producer, or holder, as the case may be, or (in the case of a multiple collection of hazardous waste) the carrier, must ensure that—

⁽¹⁶⁾ S.I. 2003/1941.

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

- (i) a copy of the relevant consignment note is prepared for SEPA (where the waste is to be consigned to a consignee in Scotland), or for the Northern Ireland Department of the Environment (where the waste is to be consigned to a consignee in Northern Ireland); and
 - (ii) an additional copy is provided for the consignee.
- (b) the copies of the relevant consignment note prepared pursuant to paragraph (a) must be completed in accordance with Part 6; and
- (c) the consignor (or the producer or holder, as the case may be) or, in the case of a multiple collection of hazardous waste, the carrier, must send the copy of the note prepared pursuant to paragraph (a)(i) to the relevant authority at least 72 hours before removal of the consignment or if that is not possible, as soon as reasonably practicable thereafter.
- (3) The carrier must ensure the additional copy of the note prepared for consignee travels with the consignment and is given to the consignee on delivery of the consignment.

Multiple Collections in Wales and England

- 6.—(1) This paragraph applies to a journey made by a carrier which meets the conditions set out in regulation 38(1) except that at least one collection is made in England.
- (2) A journey to which this paragraph applies is to be treated as a multiple collection for the purposes of these Regulations but in relation to any collections made in England, the carrier must ensure that the multiple collection consignment note is completed before the waste is delivered to the consignee.
- (3) Where the consignee for a journey to which this paragraph applies is located in England, regulation 38 applies to the collection of any consignments collected in Wales.

SCHEDULE 8

Regulation 54

FORM OF CONSIGNEE'S RETURN TO PRODUCER OR HOLDER

Hazardous waste producer returns form
Ffurflen atebion cynhyrhydd gwastraff peryglus

1. Consignee details/ *Manylion y traddodai*

Name of Consignee/ <i>Enw'r traddodai</i>	Postcode/ <i>Cod Post</i>	Consignee hazardous waste ID code <i>Cod adnabod gwastraff peryglus y traddodai</i>	Date/ <i>Dyddiad</i> (1)

2. Waste return/ *Atebion ynglyn â gwastraff*

Consignment Note number <i>Rhif nodyn traddodi</i>	Date Received <i>Dyddiad dod i law</i>	Mode of Transport <i>Cyfrwng cludo</i>	Frequency of collection <i>Amledd casglu</i> (2)	EWC code(s) <i>Cod(au) EWC</i> (3)	Hazards <i>Peryglon</i> (4)	Physical form <i>Ffurff ffisegol</i> (5)	Quantity (kg) <i>Maint</i> (kg)	Mode of disposal /recovery <i>Dull gwaredu /adfer</i> (6)

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

- (1) Date of submission of the return by the consignee/ *Dyddiad cyflwyno'r ateb gan y traddodai*
(2) Where relevant/ *Pan fo'n briodol*
(3) There may be more than one waste stream for each consignment note. All relevant EWC Codes must be recorded./ *Gall fod mwy nag un ffrwd wastraff ar gyfer pob nodyn traddodi. Rhaid cofnodi pob cod EWC sy'n berthnasol.*
(4) **Hazard:** each individual EWC code may have more than one hazard. Each appropriate hazard for a particular EWC code must be entered. Choose all of the appropriate hazards for the particular waste:
Perygl: *gall pob cod EWC unigol gwmpasu mwy nag un perygl. Rhaid cofnodi pob perygl priodol ar gyfer cod EWC penodol. Dewiser pob un o'r peryglon priodol ar gyfer y gwastraff penodol:*

- H1 Explosive/ *Ffrwydrol*
H2 Oxidising/ *Ocsideiddiol*
H3A Highly flammable/ *Tra fflamadwy*
H3B Flammable/ *Fflamadwy*
H4 Irritant/ *Llidiol*
H5 Harmful/ *Niweidiol*
H6 Toxic/ *Gwemwynig*
H7 Carcinogenic/ *Carsinogenig*
H8 Corrosive/ *Cyrydol*
H9 Infectious/ *Heintus*
H10 Toxic for Reproduction/Teratogenic
Gwemwynig ar gyfer Atgenhedliad/Teratogenig
H11 Mutagenic/ *Mwtagenig*
H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid
Sybveddau a chymysgeddau sy'n golbwng nwyon gwemwynig neu wemwynig iawn wrth gyffwrdd â dŵr, aer neu asid
H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate,
which possesses any characteristics listed above
Sybveddau a chymysgeddau sy'n gallu drwy unrhyw fodd, ar ôl eu gwaredu, cynhyrchu sybvedd arall, e.e. trwytholch, sy'n meddu ar unrhyw un o'r nodweddion a restrir uchod
H14 Ecotoxic/ *Eowemwynig*

- (5) **Physical form:** Choose one option from the list as appropriate.
Ffurffisegol: *Dewiswch un opsiwn o'r rhestr fel y bo'n briodol.*

Gas/ *Nwy*
Liquid/ *Hylif*
Mixed/ *Cymysgedd*
Powder/ *Powdwr*
Sludge/ *Llaca*
Solid/ *Solid*

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

⁽⁶⁾ Mode of disposal/recovery or rejected : use the appropriate Rxx/Dxx code for the operation performed on the waste or insert REJ if the waste has been rejected

Dull gwaredu/adfer neu wedi'i wrthod : defnyddier y cod Rxx/Dxx priodol ar gyfer y gweithrediad y parwyd i'r gwastraff fynd drwyddo neu mewnosoder REJ os yw'r gwastraff wedi'i wrthod

Code/Cod Disposal operation/ Gweithrediad gwaredu

- D01 Deposit into or onto land/ *Dyddodi i mewn neu ar dir*
D02 Land Treatment/ *Trin tir*
D03 Deep injection/ *Chwistrellu'n ddwfn*
D04 Surface impoundment/ *Cronni ar y wyneb*
D05 Specially engineered landfill/ *Tirlenwi wedi'i beiriannu'n unswydd*
D06 Release into a water body except seas/oceans/ *Rhyddhau i gorff dŵr ac eithrio moroedd/cefnforoedd*
D07 Release into seas/oceans including seabed insertion/ *Rhyddhau i foroedd/cefnforoedd gan gynnwys doddi yng ngwely'r môr*
D08 Biological treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
Triniaeth fiolegol nad yw wedi'i phennu yn unman arall ac sy'n arwain at gyfansoddion neu gymysgeddau terfynol y ceir gwared arnynt drwy unrhyw un o'r gweithrediadau sydd a rifwyd D01 i D12
D09 Physic-chemical treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
Triniaeth ffisegol-gemegol nad yw wedi'i phennu yn unman arall ac ac sy'n arwain at gyfansoddion neu gymysgeddau terfynol y ceir gwared arnynt drwy unrhyw un o'r gweithrediadau a rifwyd D01 i D12
D10 Incineration on land/ *Hyllogi ar dir*
D11 Incineration at sea/ *Hyllogi ar y môr*
D12 Permanent storage/ *Storio'n barhaol*
D13 Blending or mixing prior to submission to any of the operations numbered D01 to D12
Blendio neu gymysgu cyn peri i'r gwastraff fynd drwy unrhyw un o'r gweithrediadau a rifwyd D01 i D12
D14 Repackaging prior to submission to any of the operations numbered D01 to D12/ *Ailbecynnw cyn peri i'r gwastraff fynd drwy unrhyw un o'r gweithrediadau a rifwyd D01 i D12*
D15 Storage pending any of the operations numbered D01 to D14 (excluding temporary storage, pending collection, on the site where it is produced).
Storio tra'n aros am unrhyw un o'r gweithrediadau a rifwyd D01 i D14 (heb gynnwys ei storio dros dro, tra'n aros iddo gael ei gasglu, ar y safle lle mae'n cael ei gynhyrchu).

Recovery operation/ Gweithrediad adfer

- R01 Use principally as a fuel or other means to generate energy/
Defnyddio'r gwastraff yn bennaf fel tanwydd neu fel dull arall o gynhyrchu ynni
R02 Solvent reclamation/regeneration
Adennill/Atgynhyrchu toddyddion
R03 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
Ailgylchu/adennill sybuddau organig nad ydynt yn cael eu defnyddio fel toddyddion (gan gynnwys compostio a phrosesau trawsnewid biolegol eraill)
R04 Recycling/reclamation of metals and metal compounds/
Ailgylchu/adennill metelau a chyfansoddion metel
R05 Recycling/reclamation of other inorganic materials/ailgylchu/adennill deunyddiau anorganig eraill
R06 Regeneration of acids or bases/atgynhyrchu asidau neu fasau
R07 Recovery of components used for pollution abatement/Adfer cyfansoddion a ddefnyddir ar gyfer atal llygredd
R08 Recovery of components from catalysts/Adfer cyfansoddion o gatalyddion
R09 Oil refining or other re-uses of oil/ *Puro olew neu ddulliau eraill o aildefnyddio olew*
R10 Land treatment resulting in benefit to agriculture or ecological improvement
Trin tir sy'n arwain at les i amaethyddiaeth neu at welliant ecolegol
R11 Use of wastes obtained from any of the operations numbered R01 to R11
Defnyddio gwastraffoedd a geir drwy unrhyw un o'r gweithrediadau a rifwyd R01 i R11
R12 Exchange of wastes for submission to any of the operations numbered R01 to R11
Cyfnewid gwastraffoedd er mwyn iddynt fynd drwy unrhyw un o'r gweithrediadau a rifwyd R01 i R11
R13 Storage of wastes pending any of the operations numbered R01 to R12 (excluding temporary storage, pending collection, on the site where it is produced)
Storio gwastraffoedd tra'n aros am unrhyw un o'r gweithrediadau a rifwyd R01 i R12 (heb gynnwys eu storio dros dro, tra'n aros iddynt gael eu casglu, ar y safle lle mae'n cael ei gynhyrchu)

SCHEDULE 9

Regulation 59

TRANSITIONAL CHARGES BY THE AGENCY

1. The following paragraphs have effect in relation to the charges payable to the Agency under these Regulations.
2. The charge to be paid on the notification of premises pursuant to regulation 26 is—
 - (a) £28 for each set of premises notified in writing;
 - (b) £23 for each set of premises notified by telephone; and
 - (c) £18 for each set of premises notified in electronic form.
3. The charge to be paid by a consignee in respect of any consignee quarterly returns made pursuant to regulation 53 is—
 - (a) for any return made in writing, the sum of the following amounts for each consignment accepted by the consignee during the quarter—
 - (i) £10 for each consignment forming part of a multiple collection; and
 - (ii) £19 for any other consignment; and
 - (b) for any return made in electronic form, the sum of the following amounts for each consignment accepted by the consignee during the quarter—
 - (i) £5 for each consignment forming part of a multiple collection; and
 - (ii) £10 for any other consignment.
4. The charge to be paid by a producer in respect of any self disposal return made pursuant to regulation 53 is—
 - (a) for any return made in writing, £19; and
 - (b) for any return made in electronic form, £10.
5. The time for payment of the fee required under paragraph 3 and 4 is the later of 30 days following—
 - (a) the last day of the quarter to be covered by the return if a return is not submitted in accordance with regulation 53; or
 - (b) submission of the return in accordance with regulation 53.
6. A consignee may recover from a consignor any fees paid under paragraph 3 in relation to consignments sent by that consignor.

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

SCHEDULE 10

Regulation 70(7)

FORM OF FIXED PENALTY NOTICES

HAZARDOUS WASTE (WALES) REGULATIONS 2005, SCHEDULE 10
RHEOLIADAU GWASTRAFF PERYGLUS (CYMRU) 2005, ATODLEN 10

Notice Number/ Rhif Hysbysiad:
Name of alleged offender/ Enw'r trangwyddwr honedig:
Address/ Cyfeiriad:

I, /Mae gennyf fi _____ (1)
an authorised person acting on behalf of the Environment Agency, / sy'n berson awdurdodedig sy'n gweithredu ar ran
Asiantaeth yr Angylchedd,
have reason to believe that on or between/ le i gredu eich bod ar neu rhwng _____ (2),
you committed the offence of/ wedi cyflawni trangwydd, sef _____ (3).
This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
Mae'r hysbysiad hwn yn rhoi cyfle i chi fodloni unrhyw atebolrwydd i gollfarn am y trangwydd hwnnw drwy dalu cosb benodedig.

The circumstances alleged to constitute the offence are as follows/ Mae'r amgylchiadau yr honnir eu bod yn creu'r trangwydd
fel a ganlyn:

No proceedings will be taken for this offence before the expiration of 28 days from the date of this notice. You will not be liable
to conviction for the offence if you pay the fixed penalty during that period of 28 days.
Ni ddygir achos am y trangwydd hwnnw cyn pen 28 niwrnod ar ôl dyddiad yr hysbysiad hwn. Ni fyddwch yn agored i gollfarn am
y trangwydd os byddwch yn talu'r gosb benodedig yn ystod y cyfnod hwnnw o 28 niwrnod.

The amount of the fixed penalty is £300. /£300 yw swm y gosb benodedig.
It may be paid to/ Gellir ei dalu i _____ (4)
at the following address/ yn y cyfeiriad canlynol:

_____ (5).
Payment may be made by pre-paying and posting to/ Gellir gwneud y taliad drwy ragdalu ac anfon
at: _____ (4)

at the address shown above a letter containing the amount of the penalty/ yn y cyfeiriad a welir uchod lythyr yn cynnwys swm
y gosb.
Payment may also be made by cash, or by cheque, postal order or money order made payable to/ Gellir talu hefyd ag arian
parod, neu â siec, archeb bost neu archeb arian yn daladwy i: _____ (4).

If you are sending cash, you are advised to send it by registered post. Payment made in this way will be regarded as having
been made at the time at which the letter would be delivered in the ordinary course of post. Alternatively, payment may be
made in person or by any other method.
Os byddwch yn anfon arian parod, fe'ch cynghorir i'w anfon drwy'r post cofrestredig. Bernir bod taliad a wnaed fel hyn wedi'i
wneud ar yr amser y byddid yn traddodi'r llythyr hwnnw yn nhrefn arferol y post. Fel arall, gellir talu'n bersonol neu drwy unrhyw
ddull arall.

Signature of authorised person/ Llofnod y person awdurdodedig: _____
Date of notice/ Dyddiad yr hysbysiad: _____

Notes/ Nodiadau:
(1) Insert name of authorised person/ Mewnosoder enw'r person awdurdodedig.
(2) Insert date on or dates between which offence is alleged to have taken place. ~
Mewnosoder y dyddiad yr honnir bod y trangwydd wedi digwydd neu'r dyddiadau yr honnir ei fod wedi digwydd rhyngddynt.

(3) Insert regulation of the Hazardous Waste (Wales) Regulations 2005 which is alleged to have been contravened
Mewnosoder y rheoliad yn Rheoliadau Gwastraff Peryglus (Cymru) 2005 yr honnir ei fod wedi'i dorri.

(4) Insert title or name of the person to whom the fixed penalty is to be paid.

Mewnosoder teitl neu enw'r person y mae'r gosb benodedig i'w thalu iddo.

(5) Insert address at which payment is to be made.

Mewnosoder y cyfeiriad lle mae'r taliad i'w wneud.

Letter which may be used for payment by post

Llythyr y gellir ei ddefnyddio i dalu drwy'r post

I enclose with this letter the amount of £300 being the fixed penalty for the offence described in Fixed Penalty Notice number/
Yr wyf yn angáu gyda'r llythyr hwn y swm o £300 sef y gosb benodedig am y tramgwydd a ddisgrifir yn Hysbysiad Cosb
Benodedig rhif: _____ (1)
under Schedule 10 of the Hazardous Waste (Wales) Regulations 2005/ o dan Atodlen 10 i Reoliadau Gwastraff Peryglus
(Cymru) 2005.

Signature/*Llofnod:* _____

Name in capitals/*Enw mewn priflythrennau:* _____

Address/
Cyfeiriad: _____

Notes/*Nodiadau:*

(1) Insert Notice number that appears in the fixed penalty notice above/*Mewnosoder rhif yr Hysbysiad sy'n ymddangos yn yr hysbysiad cosb benodedig uchod.*

SCHEDULE 11

Regulation 73

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO PRIMARY LEGISLATION

The Environmental Protection Act 1990

1. The Environmental Protection Act 1990 is amended as follows.
2. In section 75 (as amended by the Hazardous Waste (England and Wales) Regulations 2005(1)—
 - (a) in subsection (8A) for paragraph (b) substitute—
 - “(b) in the application of this Part to Wales, means any waste which is a hazardous waste for the purposes of the Hazardous Waste (Wales) Regulations 2005.”;
 - (b) subsection (8B) is omitted.

(1) OJ No L 196, 16. 8. 1967, p. 1.

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

The Waste and Emissions Trading Act 2003

3. The Waste and Emissions Trading Act 2003(2) is amended as follows.
4. In section 25(2), for “for the purpose of Council Directive 91/689/EEC” substitute “within the meaning of regulation 6 of the Hazardous Waste (Wales) Regulations 2005”.

PART 2

AMENDMENTS TO SECONDARY LEGISLATION

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

5. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(3) are amended as follows.
6. At the end of Schedule 1 insert “The Hazardous Waste (Wales) Regulations 2005”.

The Environmental Protection (Duty of Care) Regulations 1991

7. The Environmental Protection (Duty of Care) Regulations 1991(4) are amended as follows.
8. In regulation 2(3), for “special waste” substitute “hazardous waste”, and for “Special Waste Regulations 1996” substitute “Hazardous Waste (Wales) Regulations 2005”.

The Environmental Protection (Prescribed Processes and Substances) Regulations 1991

9. The Environmental Protection (Prescribed Processes and Substances) Regulations 1991(5) are amended as follows.
10. In Section 5.1 of Chapter 5 of Schedule 1—
 - (a) in the definition of “exempt hazardous waste incineration plant”—
 - (i) in paragraph (ii) for “Annex II to Directive 91/689/EEC on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (Wales) Regulations 2005”;
 - (ii) in paragraph (iii) for “Annex III to Directive 91/689/EEC on hazardous waste” substitute “Schedule 3 of the Hazardous Waste (Wales) Regulations 2005”;
 - (b) in the definition of “hazardous waste”—
 - (i) in the opening words, for “Article 1(4) of Directive 91/689/EEC” substitute “regulation 6 of the Hazardous Waste (Wales) Regulations 2005”; and
 - (ii) in sub-paragraph (i)(b) and paragraph (v), for “in Annex II to Directive 91/689/EEC” substitute “in Schedule 2 to the Hazardous Waste (Wales) Regulations 2005”.

Waste Management Licensing Regulations 1994

11. The 1994 Regulations are amended as follows.
12. In regulation 1(3), for the definition of “special waste”, substitute

(2) OJ No L 259, 15. 10. 1979, p. 10.
(3) OJ No L 257, 16.9.1983, p.1.
(4) OJ No L 251, 19.9.1984, p.1.
(5) OJ No. L310, 03.12.1994 p.70.

““hazardous waste” has the meaning given by regulation 6 of the Hazardous Waste (Wales) Regulations 2005”.

13. In regulation 3, at the end add “(q) the Hazardous Waste (Wales) Regulations 2005”.
14. In regulation 10(1)(j) for “special waste” substitute “hazardous waste”.
15. In regulation 10(1)(k) at the end insert “or regulation 47(5) or 48(6) of the Hazardous Waste (Wales) Regulations 2005”.
16. In regulation 14(1) and 14(2), for “toxic and dangerous waste” substitute “hazardous waste”, and in regulation 14(3) for the definition of “toxic and dangerous waste” substitute ““hazardous waste” has the meaning given by regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”.
17. In regulation 17(3) and 17(3A) for “special waste” substitute “hazardous waste”.
18. In paragraph 5 of Schedule 1, for subparagraph (d) to the end of paragraph 5, substitute—

“(d) every record made relating to the site pursuant to regulation 14 of the Control of Pollution (Special Waste) Regulations 1980, regulation 16 of the 1996 Regulations, or regulation 47 of the Hazardous Waste (Wales) Regulations 2005;

and any estimate under paragraph 4 of the total quantities of the different types of waste dealt with at the site shall, in particular, differentiate between biodegradable waste, non-biodegradable waste and hazardous waste.”.
19. In paragraph 2(1) of Schedule 1A, for the definition of hazardous waste substitute ““hazardous waste” means such waste as defined in Regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”
20. In schedule 3, in paragraphs 3(a)(ii), 3(c), 18(2)(b), 28, 36(1), 36(2), 38, 39(1), 39(2), 41(2), and in tables 4, 4A and 4B, on each occasion that it appears, for “special waste” substitute “hazardous waste”.
21. In paragraph 9 of Schedule 4, omit subparagraphs (9) and (10).
22. In paragraph 13(1) of Schedule 4 delete “, and producers of special waste,”.
23. In paragraphs 14(1)(b) and 14(1A) of Schedule 4 for “special waste” substitute “hazardous waste”.
24. For paragraph 14(5) of Schedule 4, substitute—

“(2) Paragraph (a) of regulation 66 of the Hazardous Waste (Wales) Regulations 2005 (defence in case of emergency) shall apply to a person charged with an offence under paragraph (4) above as it applies to a person charged with an offence under regulation 65 of those Regulations.”.
25. For paragraph 14(8) of Schedule 4, substitute—

“(8) Regulations 67 and 69(2) of the Hazardous Waste (Wales) Regulations 2005 shall apply to an offence under this paragraph as they apply to an offence under regulation 65 of those Regulations.”.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999

26. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(6) are amended as follows.

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

27. In paragraph 9 of Schedule 1, for “hazardous waste (that is to say, waste to which Council Directive [91/689/EEC](#) applies).” substitute “hazardous waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”.

Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances)(England and Wales) Regulations 2000

28. The Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000(7) are amended as follows.

29. For regulation 11(3), substitute the following—

“(3) Subject to paragraphs (5) and (7), the Agency shall keep a register specifying the quantity, origin, nature and PCB content of used PCBs in respect of which—

- (a) copies of consignment notes specifying that information are furnished to it under regulations 5(4), 8(7) or 9(3) of the Special Waste Regulations 1996; or
- (b) quarterly returns specifying that information are furnished to it under regulation 53 of the Hazardous Waste (Wales) Regulations 2005,

and which in either case have been furnished by a person in the course of a business concerned with the disposal of PCBs.”

Pollution Prevention and Control (England and Wales) Regulations 2000

30. The Pollution Prevention and Control (England and Wales) Regulations 2000(8) (which extend to England and Wales) are amended as follows.

31. In Chapter 5 of Schedule 1—

(a) in the definition of “hazardous waste” in the paragraph headed “Interpretation of Section 5.1” of Section 5.1—

- (i) in the opening words for “Article 1(4) of Directive [91/689/EEC](#) on hazardous waste” substitute “regulation 6 of the Hazardous Waste (Wales) Regulations 2005”; and
- (ii) in paragraph (a)(ii) for “Annex II to Directive [91/689/EEC](#) on hazardous waste” substitute “Schedule 2 of the Hazardous Waste (Wales) Regulations 2005”;

(b) in paragraph 1 of the paragraph headed “Interpretation of Part A(1)” of Section 5.3 for the definition of “hazardous waste”, substitute ““hazardous waste” means any waste as defined for the time being in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”; and

(c) in the paragraph headed “Interpretation of Part A(1)” of Section 5.4 insert the following after paragraph 3—

“4. In this Part, hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”.

Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

32. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(9) are amended as follows.

(7) [2003 c. 33](#).

(8) S.I. [1991/1624](#); Schedule 1 was amended by S.I. [1994/1137](#), [1996/972](#), [2000/1973](#).

(9) S.I. [1991/2839](#); as amended by S.I. [2002/1559](#), [2003/63](#).

33. In regulation 3(3)(e), for “Special Waste Regulations 1996” substitute “Hazardous Waste (Wales) Regulations 2005”.

Landfill (England and Wales) Regulations 2002

34. The Landfill (England and Wales) Regulations 2002(**10**) are amended as follows.

35. In Regulation 7(2) for “Hazardous waste means any waste as defined in Article 1(4) of Directive [91/689/EEC](#) (hazardous waste).” substitute “Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.”.

36. For paragraph 2(a) of Schedule 1, substitute “(a) it is a hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005; and”.

37. For paragraph 3(1)(a) of Schedule 1, substitute “(a) it is a hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005; and”.

38. For paragraph 3(1)(b) of Schedule 1, substitute “(b) it is a non-hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005.”.

39. For paragraph 5(1)(g) of Schedule 1, substitute—

“(g) in the case of hazardous waste, the relevant properties which render it hazardous as listed in Schedule 3 of the Hazardous Waste (Wales) Regulations 2005;”.

Packaging (Essential Requirements) Regulations 2003

40. The Packaging (Essential Requirements) Regulations 2003(**11**) are amended as follows.

41. In regulation 3(2), for the words “or the provisions of Council Directive [91/689/EEC](#) on hazardous waste.” substitute “or the provisions of the Hazardous Waste (Wales) Regulations 2005.”

SCHEDULE 12

Regulation 74

TRANSITIONAL PROVISIONS

PART 1

PROVISIONS OF THESE REGULATIONS

1.—(1) This paragraph applies to any notification of premises made for the purposes of these Regulations from the day after the day on which they are made and before 16 July 2005.

(2) Where it is proposed to remove waste from any premises after 16 July 2005, a producer, and, in the circumstances provided for in regulation 25, a consignor, may notify premises to the Agency in advance in accordance with regulation 26.

(3) The effective time may not be on a date earlier than 16 July 2005 or on a date later than 16 September 2005.

(4) The Agency must, where notification is duly given pursuant to this paragraph, issue a premises code in accordance with regulation 27.

(10) S.I. [1991/472](#); relevant amendments are contained in [S.I.1998/767](#).

(11) S.I. [1999/293](#), to which there are amendments not relevant to these Regulations.

(5) Expressions used in this paragraph have the same meanings as in Part 5.

2.—(1) This paragraph applies to any action taken by a producer or consignor before this paragraph comes into force but which would, if taken after it comes into force, have been a notification which complied with regulation 26, (“a pre-notification”).

(2) A pre-notification is to be regarded as notification given upon the coming into force of this paragraph.

(3) Regulation 28(1) does not apply to a notification arising out of a pre-notification and that notification takes effect, instead:

- (a) where the person who gave the pre-notification requested a date for commencement, at the beginning of the date so requested;
- (b) where no such request was made, at the beginning of the fourth day following the day on which the pre-notification took place;
- (c) when payment of the relevant fee is received by the Agency;
- (d) upon the coming into force of this paragraph;

whichever is the later.

(4) Where the Agency issues a premises code in respect of premises which are the subject of a pre-notification given pursuant to this paragraph, that code is to be regarded as having been issued on the coming into force of this paragraph.

(5) Where the relevant fee is paid to the Agency in respect of a pre-notification, that fee is to be regarded as having been paid for the purposes of regulation 26(7) on the coming into force of this paragraph.

3. Where the removal of waste by pipeline from any premises commenced before 16 July 2005 but continues thereafter, regulation 41 has effect as if the first day on which the waste was piped was 16 July 2005.

PART 2

PERMITTING REGIMES

4.—(1) Subject to the following provisions of this Schedule, a reference in a waste permit to special waste, or to special waste of any description (howsoever framed), is a reference to hazardous waste, or hazardous waste of that description, as the case may be.

5.—(1) This paragraph applies in relation to waste which was not special waste immediately before these Regulations come into force if that waste becomes hazardous waste as a result of these Regulations (“changed status waste”).

(2) Any general prohibition or restriction contained in a waste permit relating to the disposal or recovery of special waste under that permit immediately before these Regulations came into force does not apply to the disposal or recovery of changed status waste insofar as the permit specifically authorises the disposal or recovery of that type of waste.

(3) A waste permit holder who would no longer be authorised to continue to dispose or recover that waste under his or her permit by reason of the change in its status, may continue to dispose or recover that waste in accordance with the permit despite the change in status until the prescribed date.

(4) Regulation 17(3) of the 1994 Regulations does not apply to the carrying on of an exempt activity involving changed status waste at any place by a person who was carrying on that activity

at that place immediately before these Regulations come into force (“a changed status waste exempt person”).

(5) A changed status waste exempt person who would no longer be authorised to carry on an exempt activity involving such waste by reason of the change in its status, may continue to carry on that activity at that place in accordance with the 1994 Regulations despite the change in status until the prescribed date.

(6) The prescribed date is—

- (a) where an application for a waste permit or a variation to a permit is duly made in relation to the activity before 16 July 2006, the date on which the application is granted or if the application is (or is deemed to be) rejected, the date on which the period for appealing expires without an appeal being made or any appeal is withdrawn or finally determined; or
- (b) in any other case, 16 July 2006.