

Annex I – Summary of 2020 CEP measures and proposed approaches to transposition

PB14626a

‘Copy out’ means that the implementing legislation adopts the same wording as that of the Directive. Most of the transposition changes refer to England and Wales only, but geographic extent varies so look at future guidance and legislation to see which changes affect you.

Waste Framework Directive (WFD)

Directive & Article	Subject	Proposed approach to meet requirement	Further information
WFD Article 1 and 2	<p>Amended scope and Exclusions from scope</p> <p>Scope is expanded to include focus on the transition to a circular economy.</p> <p>List of exclusions from scope is expanded to include substances that are destined for use as feed materials that do not consist of or contain animal by-products.</p>	Copy out.	N/A
WFD Article 3	<p>Definitions</p> <p>Adds new definitions (e.g., extended producer responsibility scheme) and changes existing definitions. Link to full list of</p>	See individual entries below	N/A

	definitions in consolidated text of amended WFD		
WFD Article 3(2a)	New definition of non-hazardous waste inserted	No change needed.	Existing definitions in domestic legislation are consistent with new EU definition
WFD Article 3(2b)	New definition of municipal waste inserted	Copy out.	N/A
WFD Article 3(2c)	New definition of construction & demolition waste inserted	Copy out.	N/A
WFD Article 3(4)	Definition of bio-waste is replaced	Copy out.	N/A
WFD Article 3(4a)	New definition of food waste inserted	Copy out.	N/A
WFD Article 3(9)	Waste management definition is replaced	Copy out.	N/A
WFD Article 3(12)	Part of definition of prevention replaced	Copy out.	N/A
WFD Article 3(15a)	New definition of material recovery inserted	Does not need transposing.	The term material recovery does not appear in the Waste (England and Wales) Regulations 2011 as amended by this SI, so does not need transposing.
WFD Article 3(17a)	New definition of backfilling inserted	Transposed by non-legislative measures.	N/A

WFD Article 3(21)	New definition of extended producer responsibility added	Reference to Waste Framework Directive updated in the Waste (England & Wales) Regulations 2011.	N/A
WFD Article 4	Waste Hierarchy Adds a paragraph saying that Member States shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy. (see WFD Annex IVa)	No new measures proposed.	This will be delivered through existing provisions and, where relevant, measures will be included in Waste Prevention Programmes (see entry for Articles 9 and 29 below).
WFD Article 5	By-products Place an emphasis on taking appropriate measures to ensure a substance or object can be classed as a by-product and not waste.	No changes proposed.	These obligations will be delivered through existing provisions.
WFD Article 6	End of Waste Changes aim to provide buyers and sellers of waste-derived products with more certainty as to the waste or non-waste status of products, while promoting a consistent approach.	Non legislative measures proposed.	Defra consider our current non-legislative measures to be sufficient to meet the new wording of the end-of-waste criteria in England. The Environment Agency will take the new wording of Article 6 into account as they conduct their ongoing review of the Quality Protocols and Definition of Waste offer.
WFD Article 9 & 29	Waste prevention Article 9 as amended requires Member States to take measures to prevent waste. It also requires monitoring and assessment of waste prevention measures through establishing quantitative and qualitative indicators on the quantity of waste generated, and monitoring and assessment	Making amendments to existing legislation and developing non-legislative measures which take account of CEP measures, including through modifying Waste Prevention Programmes.	All authorities have either developed or are developing and implementing modified waste prevention programmes. The RWS and the Welsh Government's existing waste management plan and proposed new Circular Economy Strategy outline a range of policies to drive material up the waste hierarchy, which will deliver this objective

	<p>of re-use and food waste prevention measures.</p> <p>Article 29 makes a link between Waste Prevention Programmes and new measures they should set out, including the list of waste prevention measures under Article 9(1). Article 29 also introduces new requirements for waste prevention programmes to, where relevant, describe the contribution of economic instruments and measures, the contribution of existing waste prevention measures and requires specific food waste prevention programmes.</p>		
<p>WFD</p> <p>Article 10(1)-(3)</p>	<p>Recovery</p> <p>Reformulates the current requirements for separate collection of waste. Provides more detail on the conditions or circumstances under which separate collection of waste is not necessary to ensure that waste undergoes preparing for reuse, recycling, or other recovery operations.</p>	<p>Copy out (England and Wales).</p>	<p>In England: Views on separate collection and technical, economic and Environmental considerations were consulted on in 2019</p> <p>In Scotland, there is the Household Recycling Charter</p> <p>In Wales, there is the Collections Blueprint and statutory guidance on the Separate Collection of Waste Paper, Metal, Plastic and Glass.</p> <p>In Northern Ireland, a discussion document on recycling and the separate collection of waste of a household nature was issued in June 2020.</p>
<p>WFD</p> <p>Article 10(4)</p>	<p>Waste separately collected for preparing for re-use or recycling not to be incinerated</p> <p>This is a new addition that requires Member States to ensure that waste materials collected separately for preparing for re-use or recycling must not be not incinerated, except for waste resulting from subsequent treatment operations of the separately collected waste for which incineration</p>	<p>Includes legislative changes to prevent waste separately collected for preparing for reuse or recycling from being accepted at waste incinerators.</p>	<p>This approach will have a positive impact on recycling rates and help to deliver on ambitions ranging from the 25 YEP to climate change commitments.</p> <p>In Wales, the incineration ban is not expected to have any new impacts as incinerators are not authorised to accept separately collected recycle unless it can be demonstrated it is unsuitable for recycling.</p>

	delivers the best environmental outcome. Measures must be taken to achieve this.		Financial costs and benefits: See RTA for full details.
WFD Article 10(5)	Hazardous waste Will require the removal of hazardous substances, mixtures or components from hazardous waste, before or during recovery, if that is necessary to enable preparing for re-use, recycling or recovery of hazardous waste in accordance with the waste hierarchy and to ensure protection of human health and the environment.	Non-legislative measures proposed: Implementation by updating relevant statutory guidance.	Removal of hazardous components includes the removal of chemicals, contributing to the RWS commitment to address barriers to reuse and recycling posed by chemicals. Additionally, in England's RWS, Defra committed to consult on further ways to encourage hazardous waste producers to implement the waste hierarchy. The Welsh Government will also consult on this in due course. This consultation may extend to consideration of further measures that may be necessary to implement the requirements of Article 10(5). Financial costs and benefits: Article 10(5) is consistent with existing practices, but, places a stronger obligation on the industry to streamline their production and treatment of hazardous waste.
WFD Article 11(1)	Preparing for Reuse and Recycling Member states to take measures to promote preparing for re-use activities, encouraging and supporting preparation for re-use and repair networks, and promoting the use of economic instruments. Member States shall take measures to promote high quality recycling and, to this end, subject to Article 10(2) and (3), shall set up separate collection of waste. Member states to take measures to promote selective demolition to enable removal and safe handling of hazardous substances and facilitate re-use and high-quality recycling by selective removal of materials, and to ensure the establishment of sorting systems for construction and demolition waste at least for	Legislative measures and guidance for Industry.	Provisions for the separate collection of designated recyclable waste streams are included in the Environment Bill. Enhance current policy framework on completion of a Zero Avoidable Waste Roadmap by Green Construction Board taskforce. Exploring need for improved industry guidance and amendments to planning guidance, to be taken forward through Waste Prevention Programme.

	wood, mineral fractions, metal, glass, plastic and plaster.		
WFD Article 11(2)	Municipal Waste Recycling Targets Setting targets for the preparing for re-use and recycling of municipal waste to be 55% by 2025, 60% by 2030 and 65% by 2035.	Wales: Transposing the targets in relation to waste management plan requirements. England: transposing the final 2035 target in relation to waste management plan requirements.	Introducing the targets will not introduce additional impacts to those already identified when introducing the Welsh Government's targets and policies.
WFD Article 11a	Rules on calculation of the attainment of the targets A number of new changes introduced.	Does not need to be transposed.	Commission Implementing Decision (EU) 2019/1004 was adopted on 7 June 2019. This established further rules relating to the calculation, verification and reporting of data relating to the targets in Article 11. This Decision is directly applicable in the UK during the Transition Period.
WFD Article 12	Disposal Member states to ensure that, where recovery is not undertaken, waste undergoes safe disposal operations.	No change needed.	
WFD Article 14	Costs Amended wording makes explicit that costs of waste management include the necessary infrastructure and its operation.	No change needed since measures are already in place.	
WFD Article 18(3)	Ban on mixing hazardous waste Consideration of economic feasibility has been removed when deciding if illegally mixed hazardous waste must be separated.	Copy out.	Removal of hazardous components includes the removal of chemicals, which contributes to England's RWS commitment to address barriers to reuse and recycling posed by chemicals. The Welsh Government's existing waste management plan and new Circular Economy Strategy set out the next steps towards a

	Has added the requirement that where separation is not required under the first paragraph of Article 18(3), the mixed hazardous waste is treated at a facility that is authorised to accept it.		more circular economy, eliminating waste and moving to a society which reuses and recovers products and materials wherever possible.
WFD Article 21(1)(a)	Waste Oils New requirement to take into account good practices when separately collecting waste oils alongside the existing requirement to collect waste oils separately.	Non-legislative approach: Issue new/updated guidance and clarify good practices.	This ties into Defra's aim in the RWS to encourage waste producers and managers to implement the waste hierarchy in respect of hazardous waste in England. This also ties in with the Welsh Government's existing waste management plan and new Circular Economy Strategy.
WFD Article 21(1)(b)	Waste oils regeneration New wording of this article specifically refers to regeneration. Aims to make sure that priority is given to regeneration or other recycling that gives an equivalent or better overall environmental outcome.	No change proposed	Existing arrangements achieve this.
WFD Article 21(1)(c)	Mixing waste oils Removal of caveat that prohibition on mixing waste oils only applies if it is technically and economically viable not to mix waste oils. The text "impedes their treatment" is replaced with: "impedes their regeneration or another recycling operation delivering an equivalent or a better overall environmental outcome than regeneration."	Copy out	Waste oil collectors must already comply with the mixing ban and should already be considering good practice. It also ties in with Welsh Government's existing waste management plan and new Circular Economy Strategy's drive to recover products and materials wherever possible.
WFD Article 22(2)	Bio waste Member States to take measures to encourage - high level of environment protection with bio-waste recycling - home composting	Non-legislative measures to be included in National Waste Management Plan as appropriate.	The Resources and Waste Strategy for England set out measures we will take to increase the amount of recycled food and garden waste available for use as fertiliser or compost and actions to ensure what is recycled is good quality and that materials produced from bio-waste are promoted effectively and biowaste recycling provides a high level of environmental protection.

	- promote use of materials produced by bio-waste.		
WFD Article 28	Waste management plans Changes to the content of waste management plans. Sets out measures that must be included in the plan. These include a requirement to assess investments and financial means for waste infrastructure, indicators and targets on the quantity of waste generated, its treatment and disposal subject to energy recovery, details of measures to combat and prevent all forms of littering and clean up such litter, changes to the existing requirements for assessing existing waste collection schemes and measures to achieve the 2035 65% municipal waste recycling rate and no more than 10% of municipal waste to landfill by 2035.	Copy out	Statutory requirements for waste management plans, that are contained in The Waste (England and Wales) Regulations 2011, are being updated to reflect the changes made to Article 28. In Wales, the Welsh Government has been engaging with a wide range of stakeholders during its consultation on the new Circular Economy Strategy. This will also inform any updates that need to be made to the Waste Management Plan for Wales and the interface with waste planning policy. The Welsh Government is also working with stakeholders to develop a Litter Prevention Plan for Wales.
WFD Article 29	See WFD Article 9.	See WFD Article 9	N/A
WFD Article 35	Record keeping of hazardous waste Records must be kept of the quantity of materials and products resulting from preparing for re-use, recycling or other recovery of hazardous waste. Secondly, all the records required by this Article must be made available to the relevant regulators through the electronic registry required by Article 35(4). That is, records must be submitted actively rather than in response to a request.	Legislative and non-legislative measures proposed	This requirement aligns with the outcome of a 2018 consultation , published jointly by Defra and the Welsh Government, on requiring all exempt site operators to keep additional records. There was strong support for this and for exempt site operators to keep electronic records.
WFD	Enforcement and Penalties	No change needed.	Legislation already in place.

Article 36	Member States shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled management of waste, including littering.		
WFD Annex II	Recovery Operations Changes some of the details of the recovery operations listed in the annex.	Copy out.	N/A
Annex IVa	Examples of Economic Instruments and Other Measures to Provide Incentives for the Application of the Waste Hierarchy referred to in Article 4.	Copy out.	N/A

Landfill Directive (LFD)

Directive & Article	Subject	Proposed approach to meet requirement	Further information
LFD Article 1	Overall objective Changes the text of the overall objective to focus on contributing to the transition towards a circular economy.	Copy out.	N/A
LFD Article 2(a)	Definitions The definitions of “waste”, “hazardous waste”, “non-hazardous waste”, “municipal waste”, “waste producer”, “waste holder”, “waste management”, “separate collection”, “recovery”, “preparing for re-use”, “recycling”	Copy out.	N/A

	and “disposal” laid down in Article 3 of Directive 2008/98/EC shall apply Link to full list of definitions in consolidated text of amended LFD		
LFD Article 2(b), (c), (d) and (n)	Previous definitions for “municipal waste”, “hazardous waste”, “non-hazardous waste” and “holder” removed	Removed.	N/A
LFD Article 2(r)	Outermost regions definition amended	No change needed.	N/A
LFD Article 3	Scope	Copy out.	N/A
LFD Article 5(3)(f)	Waste not acceptable in landfills Waste collected separately for preparation for re-use or recycling must not be accepted in landfill, except for waste resulting from subsequent treatment operations of the separately collected waste for which landfilling delivers the best environmental outcome. Measures must be taken to achieve this.	Includes legislative changes to prevent waste separately collected for reuse/recycling from being accepted at landfills.	For financial costs and benefits see RTA. This change will work in combination with a similar measure targeted at incineration plants. It underpins England’s RWS commitments to drive more waste up the hierarchy ensuring more is re-used/recycled rather than disposed of to landfill. In Wales, the landfill ban is not expected to have any new impacts as landfill operators are not authorised to accept separately collected recyclate unless it can be demonstrated it is unsuitable for recycling. In Wales, the Welsh Government has adopted the target of no more than 5% of total waste to landfill by 2025. The Welsh Government has also proposed a target to halve food waste by 2025. In addition, the Welsh Government consulted on proposals to introduce landfill bans for specified recyclable and recoverable materials.
LFD	Landfill Target	England and Wales: transpose target in relation	N/A

Article 5(5)	Limit municipal waste sent to landfill; no more than 10% by 2035.	to waste management plan requirements.	
LFD Article 6	Waste to be accepted in different classes of landfill A second paragraph has been added to Article 6(a) to ensure that any measures taken in accordance with the first paragraph of Article 6(a) “do not compromise the achievement of the objectives of the WFD, notably on the waste hierarchy and on the increase of preparing for re-use and recycling as set out in Article 11 of that Directive”. This is aimed at making sure the waste hierarchy and municipal waste targets are fully taken account of when allowing waste to be accepted to landfill and that the revised wording of the Landfill Directive does not conflict with the revised WFD.	Existing measures taken already comply with Article 6(a), paragraph 2.	The measures and provisions already in place in relation to the first paragraph of Article 6(a) do not compromise the achievement of the objectives in the WFD. As such, no amendments to those measures or provisions are needed.
LFD Article 15a	Instruments to promote a shift to a more circular economy This new article adds the requirement for Member States to make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy.	Already have many instruments in place.	See RWS for England and the Welsh Government's existing waste management plan and new Circular Economy Strategy

Packaging and Packaging Waste Directive (PPWD)

Directive & Article	Subject	Proposed approach to meet requirement	Further information
PPWD	Overall Objective	Legislative measures.	The measures we have previously consulted on are to meet the RWS and the Welsh Government's Circular Economy Strategy

Article 1	Changes the text of the overall objective to focus on contributing to the transition towards a circular economy.		commitment to introduce extended producer responsibility for packaging. Consultation outcome: Packaging waste: changing the UK producer responsibility system for packaging waste
PPWD Article 3 (2)	Definitions Updates definitions in the PPWD. See full details of revised definitions with consolidated text of PPWD	References to Packaging Waste Directive and Waste Directive updated where relevant in the Producer Responsibility Obligations (Packaging Waste) Regulations 2007	N/A
PPWD Article 3 (2a)	Definition for “reusable packaging” inserted.	Not transposed as the term is not used in the Regulations.	N/A.
Article 3 (2b)	Definition for “composite packaging” inserted.	Not transposed as the term is not used in the Regulations.	N/A
Article 3 (2c)	Definitions of “waste”, “waste management”, “collection”, “separate collection”, “prevention”, “reuse”, “treatment”, “recovery”, “recycling”, “disposal”, and “extended producer responsibility scheme” laid down in Article 3 of Directive 2008/98/EC shall apply.	References to the PPWD which refer to the Waste Directive are updated where those terms are used in the Regulations.	N/A
PPWD Article 4	Prevention Place further responsibilities on Member States to implement preventative measures in order to prevent the generation of packaging and to minimise the environmental impact of packaging. E.g., national programmes, incentives through extended producer responsibility schemes.	These requirements can be delivered through existing provisions.	N/A

<p>PPWD Article 5</p>	<p>Re-use Places an enhanced duty on Member States to take steps to encourage an increase in the share of reusable packaging placed on the market and of systems to reuse packaging. E.g., use of deposit return schemes, setting of targets, use of economic incentives.</p>	<p>These requirements can be delivered through existing provisions.</p>	<p>N/A</p>
<p>PPWD Article 6a</p>	<p>Rules on the calculation of attaining the targets in Article 6 The amount of packaging waste recycled will now be calculated as <i>“the weight of packaging that has become waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances”</i>. This is effectively the point at which a Packaging Waste Recovery Note (PRN) is currently issued and as such the proposals should not have a significant impact.</p>	<p>These obligations can be delivered through existing provisions.</p>	<p>N/A</p>
<p>PPWD Article 7</p>	<p>Return, collection and recovery systems Member states to take necessary measures to ensure that systems are set up to provide for the return and/or collection of used packaging and/or packaging waste Member states to take necessary measures to ensure that systems are set up to provide for the reuse or recovery including recycling</p>	<p>Systems already in place and additional measures have been proposed</p>	<p>N/A</p>

	of the packaging and/or packaging waste collected.		
PPWD Article 12	Information systems and reporting Interpreting this as meaning data needs to be provided on: The total amount of packaging placed on the UK market, amount of packaging by material placed on the UK market, and the trends of packaging placed on the UK market (by material and overall).	Can be delivered through existing provisions.	N/A
PPWD Annex II	Composition and manufacture of packaging Changes regarding the composition and manufacture of packaging.	Copy out in the Essential Requirements Regulations.	N/A

ELV/WEEE/Batteries (BAWBA)

Directive & Article number	Subject	Proposed approach to meet requirement	Further information
ELV Article 6	Measures to ensure all ELV are stored/treated in accordance with the Waste Hierarchy.	Transposed by existing legislation.	N/A
BAWBA Article 22a	Incentives for the application of the waste hierarchy Adds a paragraph saying that Member States shall make use of economic instruments and other measures to provide incentives for the	No new measures proposed.	See WFD Art 4 and Annex IVa.

	application of the waste hierarchy. (see WFD Art 4 and Annex IVa).		
WEEE Article 16a	Incentives for the application of the waste hierarchy Adds a paragraph saying that Member States shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy. (see WFD Art 4 and Annex IVa).	No new measures proposed.	See WFD Art 4 and Annex Iva.