

# The Hazardous Waste (England and Wales) Regulations 2005

<b>Lead department</b>	Defra
<b>Summary of proposal</b>	A review of The Hazardous Waste Regulations 2005, as they apply to England.
<b>Submission type</b>	Post-implementation review (PIR) 19 November 2024
<b>Implementation date</b>	16 July 2005
<b>Department recommendation</b>	Amend
<b>RPC reference</b>	RPC-DEFRA-24020-PIR (1)
<b>Opinion type</b>	Formal
<b>Date of issue</b>	6 January 2025

## RPC opinion

Rating <sup>1</sup>	RPC opinion
<b>Fit for purpose</b>	<p>The evidence base provided appears sufficiently robust and proportionate, effectively demonstrating the successes and limitations of the current regulatory framework. The recommendation to amend the regulations is supported by the evidence presented, particularly considering the upcoming introduction of digital waste tracking.</p> <p>The PIR provides a thorough evaluation of the regulations' effectiveness and efficiency, clearly identifying where improvements are needed, while acknowledging the continuing appropriateness of the core objectives around safe management of hazardous waste.</p>

<sup>1</sup> The RPC opinion rating is based only on the robustness of the EANDCB and quality of the SaMBA, as set out in the [Better Regulation Framework](#). RPC ratings are fit for purpose or not fit for purpose.

## RPC summary

Category	Quality <sup>2</sup>	RPC comments
Recommendation	<b>Green</b>	The evidence presented in the PIR provides a robust and proportionate basis for the Department's recommendation to amend the regulations. The combination of qualitative stakeholder interviews, and quantitative analysis of Environment Agency data, has enabled a reasonable assessment of whether the regulations met their objectives, and identified clear areas for improvement.
Monitoring and implementation	<b>Satisfactory</b>	The Department has utilized a range of evidence sources including stakeholder interviews and Environment Agency management information. While data limitations exist, particularly around pre-2017 comparisons, these are acknowledged and the implications for the analysis are well explained.
Evaluation	<b>Good</b>	The PIR provides a reasonable evaluation of how well the regulations have met their objectives, supported by detailed evidence. The analysis effectively considers unintended consequences, particularly around the trade-offs between reducing administrative burden and maintaining regulatory oversight. The evaluation clearly identifies where objectives remain appropriate and where improvements are needed.

<sup>2</sup> The RPC quality ratings are used to indicate the quality and robustness of the evidence used to support different analytical areas. The definitions of the RPC quality ratings can be accessed [here](#).

## Summary of proposal

The Hazardous Waste (England and Wales) Regulations 2005 introduced significant changes to the management of hazardous waste, replacing the Special Waste Regulations 1996. Key changes included incorporating the European List of Wastes (which expanded the definition of hazardous waste), removing the requirement for advance notification of waste movements, introducing quarterly reporting of consignments instead of individual returns, modifying requirements for multiple collections, and extending the requirement to separate hazardous and non-hazardous waste to producers.

The objectives of the regulations were to:

- ensure English law sufficiently transposed the EC Hazardous Waste Directive;
- create an efficient system for the management of hazardous waste, reducing burden on both regulators and operators;
- establish an effective system for managing hazardous waste from production to disposal/recovery;
- shift regulatory focus from administration to compliance assessment; and
- move responsibility up the waste management chain to producers

The PIR considers how the regulations apply to England only, as very few provisions apply to Wales. It recommends amending the regulations, particularly considering the upcoming introduction of mandatory digital waste tracking, which provides an opportunity to address identified shortcomings, while maintaining the regulations' core objectives around safe waste management.

## Recommendation

In its assessment of the evidence base, the Department provides sufficient support for its recommendation to amend the regulations. The PIR clearly demonstrates through qualitative and quantitative evidence that, while the regulations have broadly achieved their objective of enhancing the controlled management of hazardous waste, there are areas where improvements are needed.

The evidence shows that measures to reduce administrative burden, while successful in making the system more efficient for waste operators, have had unintended consequences for regulatory oversight and enforcement. The introduction of quarterly reporting and removal of pre-notifications has made it more difficult for regulators to track hazardous waste movements and enforce compliance effectively. These challenges are documented through stakeholder interviews and analysis of Environment Agency operations.

The PIR effectively demonstrates that while the objective of shifting responsibility to producers remains appropriate, the current regulatory framework has not fully achieved this goal. The evidence shows producers continue to rely heavily on waste

management contractors due to the complexity of compliance requirements and limited technical expertise.

The Department's recommendation to amend the regulations aligns with the planned introduction of mandatory digital waste tracking. The evidence presented suggests this technological solution could address some of the identified shortcomings, while maintaining the benefits of reduced administrative burden. The recommendation is supported by the evidence presented in the PIR. The Department could explain more what some of the amendments might be.

## **Monitoring and implementation**

### **Proportionate**

The PIR's monitoring approach is proportionate to the scale and impact of the regulations. With annual net costs to business exceeding the £5 million threshold, the Department appropriately conducted a detailed review, combining qualitative research with quantitative analysis.

### **Range of evidence**

The Department gathered evidence through 24 semi-structured interviews with 35 stakeholders, including waste operators throughout the supply chain and regulators. This qualitative data was complemented by quantitative analysis of Environment Agency management information covering hazardous waste tonnage, consignments, fees, and producer numbers. The economic analysis of regulator administrative costs provides insights into operational efficiency.

### **Gaps in evidence justified**

The PIR acknowledges and explains its evidence limitations. The lack of pre-2017 Environment Agency data is well-documented, and the implications for analysis are explored. The absence of compliance data is explained as such data is not collected systematically. The PIR justifies why certain cost comparisons with the original impact assessment were not possible, as some costs were not initially calculated. These regulations were amended in 2016, and a PIR should have been undertaken in 2021. The Department should ensure future PIRs are completed within the 5-year time requirement.

## **Evaluation**

### **Policy objectives considered**

The PIR provides comprehensive evaluation of the original objectives. Each objective is assessed using available evidence, with clear conclusions about the extent to which they were achieved. The analysis effectively demonstrates the mixed success in achieving efficiency gains, while maintaining regulatory oversight, and the partial achievement of shifting responsibility to producers.

## **Unintended effects**

The evaluation examines unintended consequences, particularly around the trade-offs between administrative burden reduction and regulatory effectiveness. The PIR shows how changes intended to make the system more efficient for waste operators (such as quarterly reporting and removal of pre-notifications), have inadvertently made enforcement more challenging and reduced regulatory oversight.

## **Original assumptions**

The PIR effectively compares outcomes against original assumptions where possible. For instance, it shows the impact assessment underestimated the number of producers affected (126,000 actual vs 110,000 estimated in 2005). However, the PIR acknowledges where comparisons were not possible due to data limitations or where original assumptions were not quantified.

## **Small and micro businesses**

The PIR demonstrates that smaller operators face challenges in understanding and complying with the regulations, often lacking resources to develop in-house expertise. This leads to greater reliance on waste management contractors.

## **Intervention required**

The PIR clearly establishes the continuing need for regulation of hazardous waste, while identifying areas where the approach could be improved. The evidence demonstrates that while the regulations have enhanced the controlled management of hazardous waste, there are opportunities to improve effectiveness through better oversight and enforcement capabilities.

## **Improvements or alternative options considered**

The evaluation effectively considers potential improvements, particularly in the context of the planned introduction of digital waste tracking. The PIR identifies areas where the current system could be enhanced, such as improving waste classification guidance, strengthening enforcement capabilities, and increasing producer accountability.

## **Future impacts considered**

The PIR provides consideration of future impacts, particularly in relation to the planned introduction of mandatory digital waste tracking. The evaluation demonstrates how this technological solution could address many of the identified shortcomings in the current regulatory framework, while maintaining reduced administrative burden. The PIR appropriately considers the need to review consignment charges as part of these future changes.

The RPC commends the Department for a detailed and evidenced-based PIR.

## **Regulatory Policy Committee**

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