
WELSH STATUTORY INSTRUMENTS

2019 No. 1165 (W. 203)

ENVIRONMENTAL PROTECTION, WALES

The Hazardous Waste (Wales) (Amendment) Regulations 2019

Made - - - - - 19 July 2019

Laid before the National

Assembly for Wales - - - 24 July 2019

Coming into force in accordance with regulation 1(2)

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽¹⁾ (“the ECA 1972”).

The Welsh Ministers are designated⁽²⁾ for the purposes of section 2(2) of the ECA 1972 in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste⁽³⁾ and the prevention, reduction and management of waste⁽⁴⁾.

These Regulations make provision for a purpose mentioned in section 2(2) of the ECA 1972, and it appears to the Welsh Ministers that it is expedient for references to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast)⁽⁵⁾ to be construed as references to that Regulation as amended from time to time.

Title and commencement

1.—(1) The title of these Regulations is the Hazardous Waste (Wales) (Amendment) Regulations 2019.

(2) These Regulations come into force 21 days after the day on which they are laid.

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- (1) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7); paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 and by S.I. 2007/1388.
- (2) By virtue of section 59(2) of the Government of Wales Act 2006 (c. 32) (“GOWA 2006”) the Welsh Ministers may exercise the power conferred by section 2(2) of the European Communities Act 1972 (“the ECA 1972”) in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose. Paragraph 28(1) of Schedule 11 to GOWA 2006 provides that designations made under section 2(2) of the ECA 1972 by virtue of section 29(1) of the Government of Wales Act 1998 (c. 38) which are in force immediately before the commencement of the repeal of that subsection by GOWA 2006 continue to have effect after the commencement of that repeal as if made by virtue of section 59(1) of GOWA 2006.
- (3) S.I. 2005/850.
- (4) S.I. 2010/1552.
- (5) OJ No. L 169, 25.6.2019, p. 45.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Amendment to the Hazardous Waste (Wales) Regulations 2005

2. For Schedule 8 (form of consignee's return to producer or holder/ffurf ateb y traddodai i'r cynhyrchydd neu'r deiliad) to the Hazardous Waste (Wales) Regulations 2005(6), substitute the new Schedule 8 set out in the Schedule to these Regulations.

Hannah Blythyn
Deputy Minister for Housing and Local
Government, under authority of the Minister
for Housing and Local Government, one of the
Welsh Ministers

19 July 2019

(6) S.I. 2005/1806 (W. 138), amended by S.I. 2015/1417 (W. 141). There are other amending instruments but none is relevant.

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SCHEDULE/ATODLEN

Regulation/Rheoliad 2

“SCHEDULE 8/ATODLEN 8

Regulation/Rheoliad 54

Form of consignee’s return to producer or holder/
Ffurf ateb y traddodai i’r cynhyrchydd neu’r deiliad

Hazardous waste producer returns form

Ffurflen atebion cynhyrchydd gwastraff peryglus

1. Consignee details/Manylion y traddodai

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

2. Waste return/ Atebion ynglŷn â gwastraff

Consignment note number Rhif nodyn traddodi	Date received Dyddiad dod i law	Mode of transport Cyfrwng cudo	Frequency of collection Amlder casglu(2)	Six digit code(s)) Cod(a u) chwe digid(3)	Hazard code(s) Cod(au) perygl(4)	Physical form Ffurff ffisegol(5)	Quantity (kg) Maint (kg)	Mode of disposal/ recovery Dull gwaredu/adler(6)

⁽¹⁾Date of submission of the return by the consignee/ Dyddiad cyflwyno'r ateb gan y traddodai.

⁽²⁾Where relevant/ Pan fo'n berthnasol.

⁽³⁾The six digit code(s) must correspond to the relevant codes in the list of wastes. There may be more than one waste stream for each consignment note. All relevant six digit codes must be recorded/ Rhaid i'r cod(au) chwe digid gyfateb i'r cod perthnasol yn y rhestr o wastraffoedd. Gall fod mwy nag un ffrwd wastraff ar gyfer pob nodyn traddodi. Rhaid cofnodi pob cod chwe digid perthnasol.

⁽⁴⁾Hazard code: the hazard code must correspond to the list below. Each individual six digit code may have more than one hazard code. Each appropriate hazard code for a particular six digit code must be entered. Choose all of the appropriate hazard codes for the particular waste. If a waste contains a substance listed in Annex IV to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast), and the concentration limit in that Annex is exceeded, the code “POP” must be recorded/ Cod perygl: rhaid i'r cod perygl gyfateb i'r rhestr isod. Gall pob cod chwe digid unigol gwmpasu mwy nag un cod perygl. Rhaid cofnodi pob cod perygl priodol ar gyfer unrhyw god chwe digid. Dewiswch bob un o'r codau perygl priodol ar gyfer gwastraff penodol. Os yw gwastraff yn cynnwys sylwedd a restrir yn Atodiad IV i Reoliad (EU) 2019/1021 Senedd Ewrop a'r Cyngor ar lygryddion organig parhaus (ail-iunio), a'r crynodiad yn uwch na'r terfyn uchaf yn yr Atodiad hwnnw, rhaid cofnodi'r cod “POP”.

Hazard code/ Cod perygl	Description/ Disgrifiad
HP 1	Explosive/ Ffrwydrol
HP 2	Oxidising/ Ocsideiddiol
HP 3	Flammable/ Fflamadwy
HP 4	Irritant – skin irritation and eye damage/ Lliidiog – yn achosi lliid ar y croen a niwed i'r llygad
HP 5	Specific Target Organ Toxicity (STOT)/ Aspiration Toxicity/ Gwenwyndra sy'n Targedu Organ Benodol (STOT)/ Gwenwyndra Anadlol
HP 6	Acute Toxicity/ Gwenwyndra Aciwt
HP 7	Carcinogenic/ Carsinogenig
HP 8	Corrosive/ Cyrydol
HP 9	Infectious/ Heintus
HP 10	Toxic for reproduction/ Gwenwynig ar gyfer atgenedlu

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HP 11	Mutagenic/ Mwtagenig
HP 12	Release of an acute toxic gas/ Rhyddhau nwy gwenwynig aciwt
HP 13	Sensitising/ Sensiteiddiol
HP 14	Ecotoxic/ Ecowenwynig
HP 15	Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste/ Gwastraff a allai amlygu priodwedd beryglus a restrir uchod, nas amlygwyd yn uniongyrchol gan y gwastraff gwreiddiol
POP	Persistent Organic Pollutant/ Llygrydd Organig Parhaus

⁽⁵⁾Physical form: Choose one option from the following list as appropriate.

Ffurff ffisegol: Dewiswch un opsiwn fel y bo'n briodol o'r rhestr ganlynol.

Gas/ Nwy
Liquid/ Hylif
Mixed/ Cymysgedd
Powder/ Powdr
Sludge/ Sltwsh
Solid/ Solid

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

Dull gwaredu/ adfer, neu gwrthodwyd: defnyddier y cod Dxx/Rxx priodol ar gyfer y gweithrediad a gyflawnwyd ar y gwastraff, neu mewnosoder REJ os gwrthodwyd y gwastraff.

Code/ Cod	Disposal operation/ Gweithrediad gwaredu
D01	Deposit into or onto land/ Dyddodi yn y tir neu arno
D02	Land treatment/ Trin tir
D03	Deep injection/Chwistrellu'n ddwfn
D04	Surface impoundment/ Cronni ar yr wyneb
D05	Specially engineered landfill/ Tirlenwi a beiriannwyd yn benodol
D06	Release into a water body except seas/oceans/ Rhyddhau mewn corff dŵr ac eithrio moroedd/cefnforoedd
D07	Release into seas/oceans including seabed injection/ Rhyddhau mewn moroedd/cefnforoedd gan gynnwys mewnosod 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, nas pennir yn unman arall, sy'n creu cyfansoddion neu gymysgeddau terfynol a waredir drwy ddefnyddio unrhyw rai o'r gweithrediadau 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 numbers D01 to D12 Triniaeth ffisegol-gemegol, nas pennir yn unman arall, sy'n creu cyfansoddion neu gymysgeddau terfynol a waredir gan ddefnyddio unrhyw rai o'r gweithrediadau a rifwyd D01 i D12
D10	Incineration on land/ Hylosgi ar y tir
D11	Incineration at sea/ Hylosgi 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 cyflawni unrhyw rai o'r gweithrediadau a rifwyd D01 i D12
D14	Repackaging prior to submission to any of the operations numbered D01 to D12/ Ailbecynnu cyn cyflawni unrhyw rai 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 i gyflawni unrhyw rai o'r gweithrediadau a rifwyd D01 i D14 (ac eithrio storio dros dro, tra'n aros am ei gasglu o'r safle lle'i cynhyrchir)

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Recovery operation/ Gweithrediad adfer	
R01	Use principally as a fuel or other means to generate energy/ Defnyddio'n bennaf fel tanwydd neu ar gyfer 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 sylweddau anorganig nas defnyddir fel toddyddion (gan gynnwys compostio a phrosesau trawsnewid biolegol eraill)
R04	Recycling/reclamation of metals and metal compounds/ Ailgylchu/adennill metelau a chyfansoddion metelau
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 cydrannau a ddefnyddir ar gyfer atal llygredd
R08	Recovery of components from catalysts/ Adfer cydrannau 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 treatment/ Trin tir mewn ffordd sy'n llesol i amaethyddiaeth, neu driniaeth ecolegol
R11	Use of wastes obtained from any of the operations numbered R01 to R10/ Defnyddio gwastraffoedd a geir o unrhyw rai o'r gweithrediadau a rifwyd R01 i R10
R12	Exchange of wastes for submission to any of the operations numbered R01 to R11/ Cyfnewid gwastraffoedd er mwyn cyflawni amynt unrhyw rai 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 i gyflawni unrhyw rai o'r gweithrediadau a rifwyd R01 i R12 (ac eithrio storio dros dro, tra'n aros am eu casglu o'r safle lle'u cynhyrchir)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806 (W. 138)) (“the 2005 Regulations”) in order to supplement Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast) (OJ No. L 169, 25.6.2019, p. 45).

Regulation (EU) 2019/1021 replaces and repeals Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants (OJ No. L 158, 30.4.2004, p. 7).

Regulation 2 substitutes a new Schedule 8 to the 2005 Regulations in order to update references to Regulation (EU) 2019/1021.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.