

## Regulatory Position Statement 193

### Changes to waste classification - Transitional Provisions

**This RPS allows you to adopt the new European waste classification and assessment criteria from 1 June, prior to domestic Regulations being formally adopted in England. We will allow you to classify waste as set out in WM3 from 1 June 2015.**

**This is designed to support companies who have already taken steps for the transition to the new regulations from 1 June. It also allows movements of waste across internal borders, without the need for two waste classification systems to be run in parallel.**

**This regulatory position ceases to apply when proposed amendments to the Hazardous Waste legislation in England implement the new system in June/July 2015**

#### Background

The legislative system for the classification and assessment of waste is being replaced in summer 2015. The date on which it is replaced is expected to differ between Scotland, Northern Ireland, Wales and England. This will create the situation where the system of waste classification differs from one part of the UK to another, for a period of time.

The use of two different systems could produce two different answers, meaning that a waste may change status, classification or properties as it crosses an internal border. However the risks of this are low and the primary impact is on business trying to comply with two parallel systems.

This regulatory position seeks to reduce the burden on national businesses, and for cross-border movements of waste between parts of UK, until all four countries have implemented the new system.

#### Our approach

We will accept movements of waste within, into, and out of England under the new classification system (as explained in Technical Guidance WM3) from 1 June. This allows English Businesses to accept waste movements from Scotland and Northern Ireland without any additional burdens arising from those countries adopting the new system before England. This also allows those businesses to export waste to Scotland and Northern Ireland using the new system.

To address the additional burden on national businesses of operating two different systems, we will also accept voluntary adoption of the new system within England from 1 June and prior to amendments to domestic legislation.

Once amendments to English legislation apply, all movements of waste into and out of England must be classified using the new system. Waste moved into England from Wales would need to be classified using the new system.

#### Enforcement

In allowing waste to be classified using the new classification system from 1 June 2015, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement.

This statement is based on our understanding of the relevant legislation. It applies to England only. You can get advice on the approach being taken in Wales from Natural Resources Wales.

This regulatory position ceases to apply when amendments to the Hazardous Waste (England and Wales) Regulations 2005 are introduced in 2015.

