

A summary of existing and forthcoming waste legislation



Micro Business Fact Sheet: Legislation



If your business produces waste, you have a responsibility to ensure that you produce, store, transport and dispose of it without harming the environment. This is called your duty of care.

This fact sheet introduces the existing and forthcoming waste related legislation that is likely to apply to your business and provides links to sources of further information.

Environmental Protection Act and Environmental Protection (Duty of Care) Regulations

This legislation aims to ensure that waste is stored, transported and disposed of safely by placing the responsibility onto the business producing the waste. These regulations cover:

- **storing and transporting** waste appropriately and securely;
- **completing** waste transfer notes and keeping them for two years; and
- **ensuring** that whoever transports and handles the waste is both authorised to do so, and registered with the Scottish Environment Protection Agency (SEPA).



Special Waste Regulations

This legislation applies if you produce, handle, transport, recover or dispose of **waste that is harmful to human health or the environment**.

If you produce special waste you must pre-notify SEPA between one month and three working days before it is moved. The legislation details requirements covering the storage, segregation, security, management (processes, documentation and accountability), handling, transport, recovery and disposal of the waste.

Waste Information (Scotland) Regulations

These regulations came into force on 10 January 2011. The regulations impose a statutory obligation on Scottish businesses which produce or manage waste to provide data requested by SEPA as part of any survey conducted for the purpose of assessing waste arisings in Scotland. Failure to do so may result in fines of up to £5,000.

Legislation

All businesses that use electrical and electronic equipment must comply with the Waste Electrical and Electronic Equipment (WEEE) Regulations.

Zero Waste (Scotland) Regulations

This legislation is due to be implemented in March 2012. The regulations proposed are seen as a key step in Scotland's plan to be one of the highest performing nations for recycling in Europe.

Measures to be included in the Zero Waste (Scotland) Regulations include:

- a requirement for businesses to separate glass, metal, plastic, paper and card waste by end 2013;
- a requirement for small businesses involved in food production, retail or preparation to separate food waste for collection by end 2015 (this applies to businesses with >49 employees by end 2013);
- a ban on the non-domestic use of food waste disposal units and macerators by end 2015;
- a ban on municipal biodegradable waste being disposed of to landfill by 2020 – the first of its kind in the UK;
- a ban on material collected for recycling being disposed of to landfill or incineration by end 2013; and
- new requirements to remove key recyclables from unsorted waste prior to incineration.

Waste Electrical and Electronic Equipment Regulations (WEEE)

These regulations aim to reduce the environmental impacts of electrical and electronic equipment (EEE) when it reaches the end of its life.



You must comply with the WEEE Regulations if you manufacture, import, rebrand, distribute or dispose of EEE, such as household appliances, IT equipment, lighting equipment and power tools.

Waste Management Licensing (Scotland) Regulations 2011

These regulations came into force on 27 March 2011. The regulations introduce the need for all businesses that carry their own waste to be registered as a waste carrier. Businesses must register with SEPA as a Professional Collector and Transporter of Waste. This registration is free of charge and can be completed online.

Producer Responsibility Obligations (Packaging Waste) Regulations



Although this legislation is unlikely to apply to a Micro Business, it is important to be aware of it. These regulations set out the requirements that must be met for all items of packaging before being placed on the UK market. The essential requirements are, in summary:

- **the volume and weight** of the packaging must be the minimum amount to maintain necessary levels of safety, hygiene and acceptance for the packaged product and for the consumer;
- **noxious or hazardous substances** in packaging must be minimised in emissions, ash or leachate from incineration or landfill; and
- **packaging must be manufactured** so as to permit reuse or recovery in accordance with specific requirements.

Packaging (Essential Requirements) Regulations

Although this legislation is unlikely to apply to a Micro Business, it is important to be aware of it. The producer responsibility obligations apply to a business which handles (as opposed to produces) more than 50 tonnes of packaging in a calendar year and has a turnover of more than £2 million (based on the previous financial year). Companies who fall within this threshold are required to pay for a certain proportion of the UK obligation to recycle packaging.



Sources of additional information

This publication has highlighted the key waste legislation that is likely to impact on your business now and in the near future. For more detailed information about these requirements, and advice on how you should respond please refer to the following sources:

- Scottish Environment Protection Agency: www.sepa.org.uk
- Business Gateway (environment and efficiency): www.business.scotland.gov.uk
- Zero Waste Scotland: www.zerowastescotland.org.uk

Further information

If you have a specific query or require more information on an area covered in this fact sheet, please visit www.zerowastescotland.org.uk or contact the free Helpline on **0808 100 2040**.

On Course for Zero Waste

Zero Waste Scotland offers a free online training course for Scottish small and medium-sized enterprises/organisations (SMEs) – On Course for Zero Waste. This training has been designed to give individuals the skills and tools they need to improve the resource efficiency and environmental performance of their organisation – and, of course, save money too. For more information visit <http://smetraining.zerowastescotland.org.uk/>



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First published December 2011

All hyperlinks in this document were checked on 14 December 2011