

Government Response: *Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales*

Scrutiny point 1.1:

The Code was drafted mindful of how it may be utilised by people in practice. It is recognised that there will be people for whom only a particular section of the Code may be relevant, and who may therefore not read the Code in its entirety. In order to increase the accessibility of the Code it is considered helpful to include information about types of waste in different sections of the Code, where the information is relevant, rather than consolidate this into a single, comprehensive section of the Code. The LJCC's comments are noted, however we do not consider a change to be necessary.

Scrutiny point 1.2:

The definition of 'hazardous waste' under the hazardous waste regime is complex, but we do not think it is possible – for the purposes of the Code – to distil or simplify it without the risk of simplifying it to the risk of inaccuracy. The majority of waste produced by the premises covered by the 2023 Regulations will not be hazardous, and those occupiers who handle or produce hazardous waste on a regular basis should already be familiar with the hazardous waste regime. The LJCC's comments are noted, however we do not consider a change to be necessary.

Scrutiny point 1.3

We agree that the references at paragraphs 6.9 and 7.30 should mirror each other, so each of these paragraphs will be amended to refer to both the 2014 Regulations and Regulation (EC) No 1069/2009. In considering this, amendments will also be made to the references to the 2014 Regulations in paragraph 6.10. In respect of paragraph 7.26, this reference is intended to only be in respect of Regulation (EC) No 1069/2009 as this reflects the 2023 Regulations so no change will be made."

Scrutiny point 1.4:

We agree that the references should mirror each other. The reference in the glossary will be amended to reflect the text in the main body of the Code: "*meat, fish, milk and eggs when they are not intended for human consumption.*"

Scrutiny point 2:

We accept that the legislative reference is incorrect. The text in paragraph 7.31 of the Code will be amended to reflect that the prohibition and associated offence are set out in section 34D of the EPA 1990.

Scrutiny point 3.1:

We agree with the LJCC's observations and will amend the relevant wording as suggested.

Scrutiny point 3.2

We agree with the LJCC's observations and will amend the relevant wording as suggested.

Scrutiny point 3.3

We agree with the LJCC's observations and will amend the relevant wording as suggested.

Scrutiny point 3.4

We note the LJCC's comments and confirm that this sentence was omitted in error. The missing sentence will be inserted into the English text of the Code.

Scrutiny point 3.5

We note the LJCC's comments and confirm that this is an error. The Code will be updated to correct this.

Additional change

In addition to the changes made in response to the report, the Committee will wish to note there is also an additional revision that will be made in respect of the translation of 'unsold'. This has been translated as 'heb ei werthu' or 'heb eu gwerthu' in the Code. In the 2023 Regulations 'unsold' is translated as 'nas gwerthwyd'. The 22 references to 'unsold' in the Welsh text will be updated to 'nas gwerthwyd' in order to align with the 2023 Regulations.