

PART C: PROJECT AGREEMENT & SCHEDULES

31. SCHEDULE 31:

WASTE LAW LIST

Schedule 31 (Waste Law List)

The following is the Waste Law List identifying those proposed Changes in Law relating to waste management which the Parties have agreed are not foreseeable and accordingly for the purposes of Clause 105 of the Project Agreement (Change in Law) if and when they come into effect they shall be treated and assessed as a Qualifying Change in Law:

1. Kyoto Protocol (approved by Decision 2002/358 of 25/04/02) and Directive 2003/87/EC (as amended by Directive 2004/101/EC) in relation to a national allocation plan for Phase II of the greenhouse gas emissions trading scheme
2. Groundwater Directive 2006/118/EC
3. Proposal for a Directive to amend Directive 2006/12/EEC (the Framework Directive on Waste previously 75/442/EEC) (COM (2005) 667) and the possible inclusion of a proposal for a guidance document on the definition of 'waste' and the DEFRA Consultation on Proposals for a Directive of the European Parliament and the Council on Waste published October 2006
4. 2005/20/EC Amending Directive 94/62/EC on packaging and packaging waste and the DEFRA Consultation Paper of August 2005 on amendments to the Producer Responsibility Obligations (Packaging Waste) Regulations 2005
5. DEFRA's waste strategy for England (published 24 May 2007) and DEFRA's consultation on incentives for recycling by households
6. DEFRA consultation on 2007/08 recycling composting targets under current review of Waste Strategy 2000 and the Household Waste Recycling Act 2003 and DEFRA analysis and Government response to the consultation on options for Local Authority Statutory Performance Standards on recycling and composting in 2007/08
7. Commission communication of 21 December 2005 on a thematic strategy on the prevention and recycling of waste (COM (2005) 666)
8. IPPC Directive: Progress Review (Communication (COM (2003) 354 Final) of 19 June 2003 and European Commission IPPC review (2006-2007))
9. DEFRA proposal for Landfill (England and Wales) Amendment Regulations (following consultation relating to hazardous waste) in relation to pre-treatment of waste and changes to the waste acceptance criteria
10. The Landfill (England and Wales) (Amendment) Regulations 2005 (SI 2005/1640) in relation to pre-treatment of waste and changes to the waste acceptance criteria
11. Communication from Commission on Biomass Action Plan (COM (05) 628 Final) of 7 December 2005

12. The UK Government's Energy Challenge Report published on 11 July 2006
13. DEFRA's first consultation on Options to Create a Streamlined Environmental Permitting and Compliance System (under the Environmental Permitting Programme or EPP) published in February 2006 (closed 15 May 2006).
14. DEFRA's second consultation on Proposals for Creating a Streamlined Environmental Permitting and Compliance System published in September 2006 (closed 6 December 2006).
15. DEFRA's third Environmental Permitting Programme consultation on the related draft guidance relating to the proposed system published in January 2007 as well as the DEFRA consultation on the General Guidance Manual (published on 12 June 2007).
16. DEFRA's fourth consultation on Government Guidance for EU Directives and Waste Technical Competence published on 18 July 2007 (closed 10 October 2007) (including the draft government guidance and proposed operator competence schemes).
17. The Environmental Permitting (England and Wales) Regulations 2007 S.I. 2007 No.3538 (and accompanying explanatory memorandum).
18. DEFRA's final Regulatory Impact Assessment on proposals for creating a Streamlined Environmental Permitting and Compliance System dated September 2007.
19. The Environment Agency's Consultation on Standard Rules and Guidance for the Introduction of the Environmental Permitting Regulations (published on 13 September 2007 and closing on 6 December 2007).
20. The Environment Agency's Consultation on proposed Environmental Protection Charges for 2008/2009.
21. Directive on Batteries and Accumulators (Directive 2006/66/EC), the DEFRA discussion paper on implementation of February 2007 and the DEFRA consultation paper on a new recycling plan for batteries of 20 December 2007.
22. Proposal for a Directive of the European Parliament and the Council on ambient air quality and cleaner air for Europe (COM (2005) 447)
23. Regulation (EC) No. 1907/2006 concerning the registration evaluation and authorisation and restriction of chemicals (REACH) and the DEFRA Consultation on Enforcement of REACH issued in March 2007
24. Communication from the Commission to the Council and the European Parliament: Thematic Strategy on Air Pollution (COM (2005) 446)

25. Environmental Liability Directive (2004/35/EC) and the DEFRA consultation on options for implementing the Environmental Liability Directive published in November 2006
26. Directive relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (2004/107/EC)
27. Water Framework Directive (2000/60/EC) including the proposed 'daughter directives' (Directives: Proposal issued in July 2006 for a Surface Water Directive (COM(2006)397) and Groundwater Directive (2006/118/EC)) and the DEFRA consultations of December 2006 on Priority Substances and Diffuse Sources (February 2007) as well as the UK Technical Advisory Groups' various sets of proposals relating to the implementation of the Water Framework Directive.
28. The European Commission: Review of Directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE)
29. Proposal for an EU Regulation implementing the UN's Protocol on a Pollutant Release and Transfer Register amending Directives 91/689 and 96/61/EC and DEFRA consultation on the implementation of the European Pollutant Release and Transfer Register (E-PRTR) Regulation and the UN-ECE Protocol on Pollutant Release and Transfer Registers dated 01 August 2007
30. Environment Agency Soil Strategy "Soil: a precious resource. Our strategy for protecting, managing and restoring soil" published in 2007
31. Review of the Animal By-Products Regulations (ABPR) proposal that Regulation 1774/2002 is repealed and replaced entirely and those details in the annexes of 1774/2002 are to be updated.
32. The conclusions of the UK Government in their planning statement on renewable energy PPS22
33. EU thematic strategy for soil protection (COM (2006) 231 Final), including Communication of the Commission "Towards a Thematic Strategy on Soil Protection" (COM (2002) 179), Communication of the Commission on a Thematic Strategy for Soil Protection (COM (2006) 231), and proposals for a Soil Framework Directive (COM (2006) 232 final) and DEFRA consultation on proposed EU Soil Framework Directive and initial Regulatory Impact Assessment
34. EU Commission's Review of Directive 2002/95/EC on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment published on 26 March 2007
35. Consultation on the source segregation requirement in Paragraph 7A OF WML Regulations 1994

36. Waste Electrical and Electronic Equipment (Waste Management Licensing)(England and Wales) Regulations 2006
37. Regulation (EC) (1013/2006) of the European Parliament and of the Council of 14 June 2006 on shipments of waste, Regulation (EC) (1418/2007) of the European Parliament and of the Council 29 November 2007 concerning the export for recovery of certain waste to countries to which the OECD Decision on the control of transboundary movements of waste does not apply, the Transfrontier Shipment of Waste Regulations 2007 (as amended) and the UK Plan for Shipments of Waste 2007
38. DEFRA's consultation on the controls on handling, transfer and transport of waste published on 26 November 2006
39. DEFRA's Consultation of September 2006 on Agricultural Waste Exemptions and the DEFRA Review of Waste Management Licensing published in March 2007
40. Proposed amendment to the Pollution Prevention and Control (England and Wales) Regulations 2000 (the PPC regulations) issued by DEFRA.
41. DEFRA Consultation on a proposal for a Directive of the European Parliament and the Council on Waste
42. DEFRA Consultation on proposals for regulations to amend the Waste Management Licensing Regulations 1994 (as amended), to include further licensing exemptions for agricultural waste.
43. The Barker Report (Nov 2006) on Waste Infrastructure Facilities
44. Reform of the Renewables Obligation and Statutory Consultation on the Renewables Obligation Order 2007 published by DTI/DBERR on 23 May 2007
45. Climate Change Bill introduced in the House of Lords on 14 November 2007 and the Climate Change and Sustainable Energy Act 2006
46. The Control of Asbestos Regulations 2006
47. Regulations (EC) No 1013/2006 of The European Parliament and of the Council of 14 June 2006 on shipments of waste
48. Partial Regulatory Impact Assessment on a proposal for implementing a new national waste data strategy and the "DEFRA/WAG Waste Data Strategy for Waste Streams Across the UK" dated 2006
49. DEFRA Consultation on Construction Site Waste Management Plans of 2 April 2007
50. Proposal for a Directive on the Protection of the Environment through Criminal Law published on 9 February 2007 (2007/0022(COD))

51. Environment Agency Consultation on the Classification and Coding of Wastes from Treatment Facilities issued October 2007
52. EU Stakeholder Consultations (two) on proposed adaptations and amendments to the End of Life Vehicles Directive (200/53/EC) issued by the EU Commission in October 2006
53. Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register amending Directive 91/689 and 96/61/EC
54. Strategy for Integrated Product Policy (IPP): Communication report (COM (2003) 302 final) of 18 June 2003
55. The EU's 6th Environmental Action Programme: Decision no. 1600/2202/EC of the European Parliament and of the European Council dated 22 July 2002, laying down the Sixth Community Action Programme, was published in OJ L 242, 10/09/2002, p. 0001-0015
56. DEFRA informal consultation in 2007 on the proposed review of exemptions from waste management licensing under Article 11 Waste Framework Directive and Discussion Paper of March 2007 on the same
57. DEFRA consultation on the interpretation of the definition of municipal waste used in the Landfill Allowance Trading Scheme (LATS) in England
58. DEFRA informal consultation on the review of inert waste regulation published 18 December 2007
59. DEFRA consultation on Article 5 of the Energy End Use Efficiency and Energy Services Directive 2006/32/EC published 13 December 2007
60. Environment Agency consultation on the biodegradability of materials from mechanical biological treatment published on 17 December 2007 and running until 8 February 2008
61. Planning Bill published 27 November 2007
62. DCLG Planning White Paper "Planning for a Sustainable Future" published on 21 May 2007
63. Planning and Climate Change – Supplement to PPS1 dated December 2007
64. DCLG consultations of May 2007 on various planning law matters such as improving the appeals process, planning for a sustainable future, planning fees and planning performance agreements
65. Planning and Pollution Control: Improving the way the regimes work together in delivering new development dated September 2007
66. DEFRA consultation on Recycle on the Go of 13 August 2007

67. DEFRA consultation on the composition of solid recovered fuel
68. Environment Agency consultations on and revisions to permit/licence charges and subsistence fees insofar as there are extraordinary future increases in such fees or charges above a predicted annual rate of increase at 4%
69. Environment Agency consultation on a unified charging framework of January 2007
70. Environment Agency consultation on IPPC Alternative Treatment of Clinical Waste: Appendix 5 to Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste (IPPC S5.06)
71. Revisions of the EU Technical Working Groups to IPPC BREF Notes insofar as they affect the waste management industry
72. Proposal for a Directive of the European Parliament and of the Council on Industrial Emissions (Integrated Pollution Prevention and Control) published by the European Commission on 21 December 2007 (COM (2007) 843 final) and European Commission Communication "Towards an Improved Policy on Industrial Emissions" dated 21 December 2007 (COM (2007) 844 final)
73. DTI Energy White Paper: "Meeting the Energy Challenge" published 23 May 2007
74. Energy Bill published on 10 January 2008
75. Consultation on the draft Regulatory Enforcement and Sanctions Bill "Implementing the Hampton Vision" published by the Cabinet Office in May 2007 and the Regulatory Enforcement and Sanctions Bill introduced to Parliament on 08 November 2007
76. Regulators Compliance Code: Statutory Code of Practice for Regulators published 17 December 2007
77. Proposals for the reform of tax incentives for the redevelopment of brownfield land published by HM Treasury on 14 December 2007