

Appendix 15.1

Resource and Waste
Management – Legislation and
Policy

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European Legislation

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

Directive 2008/98/EC, known as the “Waste Framework Directive” came into force on 12th December 2008. It provides for a general framework of waste management requirements and sets the basic waste management definitions for the EU.

The Directive lays down the five-step hierarchy of waste management options, with waste prevention as the preferred option, followed by re-use, recycling, recovery and safe disposal, in descending order. In addition, the Directive deals with the issue of ‘end of waste’ and clarifies the definitions of recovery, disposal and by-product. The directive states that, “*The recovery of waste and the use of recovered material as raw materials should be encouraged in order to conserve natural resources.*”

Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste

This Directive amends Directive 2008/98/EC. It provides a number of updated waste management definitions. The Directive allows Member States to use economic instruments including taxes and levies as an incentive for the application of the waste hierarchy. The Directive was transposed into Irish law in August 2020 by S.I. No. 322 of 2020.

The Directive sets targets for the preparing for re-use and the recycling of municipal waste as follows:

- By 2025, at a minimum 55% (by weight) will be prepared for re-use or recycling
- By 2030, at a minimum 60% (by weight) will be prepared for re-use or recycling
- By 2035, at a minimum 65% (by weight) will be prepared for re-use or recycling

With regard to construction and demolition waste, Member States must take measures to promote selective demolition in order to enable removal and safe handling of hazardous substances, facilitate re-use and high-quality recycling. The Directive obliges Member States to take measures to prevent waste generation including reduction of waste generation in processes related to construction and demolition, taking into account best available techniques.

Commission Decision of 18 December 2014, amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European parliament and of the Council (2014/955/EEC) and Commission Regulation (EU) No 1357/2014 of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives.

This decision (referred to as ‘The List of Waste’ (LoW)) and this regulation consolidate the legislation relating to waste classification and allow the generators of waste to classify the waste as hazardous or non-hazardous and in the process assign the correct List of Waste entry. Each list of waste entry is a six digit code which is closely linked to the list of the main characteristics which render waste hazardous contained in Annex III to the Waste Framework Directive. It is noted that *Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European parliament and of the Council as regards the hazardous property HP 14 ‘Ecotoxic’* provides additional criteria in relation to determining whether the ecotoxicity of wastes would result in a hazardous classification.

National Legislation

Waste Management Acts, 1996 as amended and Regulations Made under the Acts

The Waste Management Act, 1996 sets out the responsibilities and functions of various persons in relation to waste. The 1996 Act has been amended by a number of subsequent acts including the Waste Management (Amendment) Act 2001 and the Protection of the Environment Act 2003. The Act:

- Prohibits any person from holding, transporting, recovering or disposing of waste in a manner which causes or is likely to cause environmental pollution.
- Requires any person who carries on activities of an agricultural, commercial or industrial nature to take all such reasonable steps as are necessary to prevent or minimise the production of waste.
- Prohibits the transfer of waste to any person other than an authorised person (i.e. a holder of a waste collection permit or a local authority).
- Requires the Environmental Protection Agency (EPA) to make a national plan in relation to hazardous waste.
- Requires local authorities to make waste management plans in relation to non-hazardous waste.
- Imposes certain obligations on local authorities to ensure that a service is provided for collection of household waste and to provide facilities for the recovery and disposal of such waste.
- Enables the Minister for Environment, Climate and Communications to make regulations for various purposes to promote better waste management.
- Provides for substantial penalties for offences including fines, imprisonment and/or liability for clean-up measures.

Waste Management (Collection Permit) Regulations, 2007, S.I. No 820 of 2007, as amended

Waste collection permits are granted in accordance with the Waste Management (Collection Permit) Regulations, 2007 as amended. A waste collection permit is required by anyone collecting waste on a commercial basis to ensure that the waste is gathered, sorted and transported correctly. All Waste Collection Permits are now issued by the National Waste Collection Permit Office (NWCPO).

Waste Management (Shipments of Waste) Regulations 2007, S.I. No. 419 of 2007

Where waste is exported from Ireland for recovery or disposal, the National Transfrontier Shipment (TFS) Office within Dublin City Council must be notified. Certain financial guarantees must be in place and a certificate issued by the National TFS Office prior to the waste movement taking place.

European Communities (Waste Directive) Regulations 2011, S.I. No.0126 of 2011

These regulations which were adopted in 2011 significantly changed the provisions of the Waste Management Acts, 1996 to 2008. The Regulations define “waste disposal” and “waste recovery” as well as setting out tests which must be complied with in order for material to be described as a “by-product” or achieve “end of waste” status.

The Regulations formally set out the following waste hierarchy which must be applied as a priority order in waste prevention and management legislation and policy:

- (a) prevention;
- (b) preparation for re-use;
- (c) recycling;
- (d) other recovery (including energy recovery); and
- (e) disposal

The Regulations require that all waste management plans and hazardous waste management plans in existence at the commencement of the Regulations to be evaluated by 31 December 2012 and where appropriate be revised to be brought into line with Directive 2006/12/EC on Waste.

The Regulations also require the Environment Agency to establish a waste prevention programme by December 2013.

European Union (Waste Directive) Regulations 2020 S.I. No. 323/2020

These regulations give effect to Directive 2018/851/EC of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste. Directive 2018/851/EC provides new definitions for a number of key terms including “waste” and “non-hazardous waste”, “bio-waste”, “waste management”, “waste prevention”, “backfilling” and “construction and demolition waste”.

The Regulations give partial effect to the following: Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as amended by Directive (EU) 2018/849, Directive 2000/53/EC on end-of-life vehicles as amended by Directive (EU) 2018/849, Directive 2012/19/EU on waste electrical and electronic equipment as amended by Directive (EU) 2018/849, Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste and Directive (EU) 2018/850 amending Directive 1999/31/EC on the landfill of waste. The Regulations set out additional measures to protect the environment and human health by preventing or reducing the generation of waste, the adverse impacts of the generation and management of waste and by reducing overall

impacts of resource use and improving the efficiency of such use, which are crucial for the transition to a circular economy and long-term competitiveness.

European Policy

7th Environmental Action Programme, European Commission (2014)

The 7th Environmental Action Programme came into force in January 2014 and will guide European environment policy until 2020. A key objective of the programme is to turn the Union into a resource-efficient, green and competitive low carbon economy. There is a special focus on turning waste into a resource, with more prevention, re-use and recycling, and phasing out wasteful and damaging practices like landfilling. By 2020 the European Union and member states are to ensure that:

- The environment and human health are protected by preventing or reducing the adverse impacts of the generation and management of waste.
- Per capita waste generation and waste generation in absolute terms are reducing.
- Landfilling is phased out for recyclables and recoverable wastes and limiting energy recovery to non- recyclable materials.

The European Commission published a proposal for an 8th Environmental Action Programme on 14th October 2020. The proposal supports the environment and climate action objectives of the European Green Deal and will form the EU's basis for achieving the United Nation's 2030 Agenda and its Sustainable Development Goals. It is expected that the 8th Environmental Action Programme will be adopted in 2021 – however, a date is yet to be confirmed.

European Commission Circular Economy Strategy (2015; 2018; 2020)

In December 2015 the European Commission adopted an ambitious Circular Economy Package, which includes revised legislative proposals on waste to stimulate Europe's transition towards a circular economy.

The Circular Economy Package consists of an EU Action Plan for the Circular Economy that establishes a programme of action, with measures covering the whole cycle: from production and consumption to waste management and the market for secondary raw materials. The annex to the action plan sets out the timeline when the actions will be completed.

The proposed actions will contribute to "closing the loop" of product lifecycles through greater recycling and re-use and bring benefits for both the environment and the economy.

The revised legislative proposals on waste set clear targets for reduction of waste and establish an ambitious and credible long-term path for waste management and recycling. Key elements of the revised waste proposal include:

- An EU target for recycling 65% of municipal waste by 2030;
- An EU target for recycling 75% of packaging waste by 2030;
- A target to reduce landfill to maximum of 10% of all waste by 2030;

- A ban on landfilling of separately collected waste;
- Promotion of economic instruments to discourage landfilling;
- Simplified, improved definitions and harmonised calculation methods for recycling rates throughout the EU;
- Concrete measures to promote re-use and stimulate industrial symbiosis - turning one industry's by-product into another industry's raw material;
- Economic incentives for producers to put greener products on the market and support recovery and recycling schemes (e.g. for packaging, batteries, electric and electronic equipment, vehicles).

The Circular Economy Package was updated in 2018 to comprise a new set of measures including:

- A Europe-wide EU Strategy for Plastics in the Circular Economy;
- A Communication on options to address the interface between chemical, product and waste legislation;
- A Monitoring Framework on progress towards a circular economy at EU and national level; and
- A Report on Critical Raw Materials and the circular economy.

Key legislative measures adopted to date under the plan include:

- Directive (EU) 2018/851 amending Directive 2008/98/EC on waste;
- Directive (EU) 2018/850 amending Directive 1999/31/EC on the landfill of waste;
- Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste; and
- Directive (EU) 2018/849 amending Directive 2000/53/EC on end-of-life vehicles, Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and Directive 2012/19/EU on waste electrical and electronic equipment.

European Commission, 2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A new Circular Economy Action Plan For a cleaner and more competitive Europe. COM (2020).

The European Commission has adopted a new Circular Economy Action Plan - which is one of the main blocks of the European Green Deal, Europe's new agenda for sustainable growth.

The new Action Plan announces initiatives along the entire life cycle of products, targeting for example their design, promoting circular economy processes, fostering sustainable consumption, and aiming to ensure that the resources used are kept in the EU economy for as long as possible.

The new Action Plan introduces legislative and non-legislative measures targeting areas where action at the EU level brings real added value.

The new Circular Economy Action Plan presents measures to:

- Make sustainable products the norm in the EU;
- Empower consumers and public buyers;
- Focus on the sectors that use most resources and where the potential for circularity is high such as: electronics and ICT; batteries and vehicles; packaging; plastics; textiles; construction and buildings; food; water and nutrients;
- Ensure less waste;
- Make circularity work for people, regions and cities; and
- Lead global efforts on circular economy.

European Commission (2019) European Green Deal

The European Green Deal, published by the European Commission in December 2019, provides an action plan to boost the efficient use of resources by moving to a clean, circular economy while cutting pollution and restoring biodiversity.

The plan outlines investments needed and financing tools available. It explains how to ensure a just and inclusive transition.

National Policy

Introduction

The first national waste policy statement was published by the Department of Environment and Local Government in 1998. A number of statements have been published since, each of which builds on the objectives of the previous policy statements to improve how waste is managed in Ireland and move waste away from landfill and towards a more sustainable option. The statements published in the past include:

- Department of the Environment and Local Government (1998). ‘Waste Management - Changing Our Ways’ – A Policy Statement.
- Department of the Environment and Local Government (2002). Preventing and Recycling Waste – Delivering Change – A Policy Statement.
- Department of the Environment, Heritage and Local Government (2004). Waste Management - Taking Stock and Moving Forward.
- Department of the Environment, Heritage and Local Government (2006). National Strategy on Biodegradable Waste Management.
- Department of the Environment, Heritage and Local Government (2012). A Resource Opportunity- Waste Management Policy in Ireland.

More recent policy documents and reports are summarised below.

EPA National Waste Statistics and Bulletins

The EPA publishes national statistics and bulletins relating to waste generation, management and disposal in Ireland. The published data provide information on key statistics and trends in waste as well as information on Ireland's progress in meeting EU waste collection, recovery and disposal targets. Key topics include municipal waste generation and management, packaging waste, waste electronic and electrical equipment, end of life vehicles, tyres, hazardous waste, construction and demolition waste and waste infrastructure. The data are available on the EPA website at <http://www.epa.ie/nationalwastestatistics/>.

Environmental Protection Agency (2014). National Hazardous Waste Management Plan, 2014-2020

The Third National Hazardous Waste Management Plan was published by the Environmental Protection Agency in 2014.

This Plan set out priority actions to be taken over the six-year life of the plan in relation to:

- Prevention of hazardous waste.
- Improved collection rates for certain categories of hazardous waste.
- Steps required to improve Ireland's self-sufficiency in hazardous waste management.
- Identification and management of certain legacy hazardous wastes such as historic unregulated waste disposal sites and contaminated soil.

The plan included eight key environmental objectives including:

1. To protect water quality (rivers, lakes, marine and groundwater) from hazardous waste;
2. To protect air quality from hazardous waste and/or reduce air pollution or limit to levels that do not damage the natural environment or human health;
3. To minimise greenhouse gas emissions associated with hazardous waste management (including transport);
4. To safeguard soil quality and quantity from hazardous waste and reduce soil contamination;
5. To maximise use of material assets including the built environment, energy and raw materials;
6. To minimise the export of hazardous waste for treatment and/or disposal and reduce emissions due to transportation;
7. To conserve and enhance biodiversity, including flora and fauna, and integrate biodiversity considerations into actions relating to or arising out of any of the recommendations in the National Hazardous Waste Management Plan; and
8. To protect human health from hazardous waste.

EPA (2019) Waste Classification – List of Waste and Determining if Waste is hazardous or Non-Hazardous.

Waste classification is based on:

- Commission Decision of 18 December 2014, amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European parliament and of the Council (2014/955/EEC);
- Commission Regulation (EU) No 1357/2014 of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives; and
- Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex 111 to Directive 2008/98/EC of the European parliament and of the Council as regards the hazardous property HP 14 ‘Ecotoxic’.

This waste classification system applies across the EU and is the basis for all national and international waste reporting obligations. This document consolidates the Decision and Regulations and provides guidance on how to follow them.

There are two main elements:

- List of Waste (LoW) (Appendix 1)
- Determining if waste is hazardous or non-hazardous (Appendix 2)

Government of Ireland (2020) A Waste Action Plan for a Circular Economy Ireland’s National Waste Policy 2020-2025.

The ‘Waste Action Plan for a Circular Economy’ is an action focused plan that reflects the 2020 Circular Economy Action Plan ‘For a cleaner and more competitive Europe’ from the European Commission (see above).

The Waste Action Plan for a Circular Economy fulfils the commitment in the Programme for Government (2020) to publish and start implementing a new National Waste Action Plan. This new national waste policy will inform and give direction to waste planning and management in Ireland over the coming years.

The previous national waste policy, A Resource Opportunity – Waste management policy in Ireland, drove delivery on national targets under EU legislation, but the Irish and international waste context has changed in the years since its launch. The need to embed climate action in all strands of public policy aligns with the goals of the European Green Deal.

The policy document shifts focus away from waste disposal and moves it back up the production chain. To support the policy, regulation is already being used (Circular Economy Legislative Package) or in the pipeline (Single Use Plastics Directive). The policy document contains over 200 measures across various waste areas including Circular Economy, Municipal Waste, Consumer Protection and Citizen Engagement, Plastics and Packaging, Construction and Demolition, Textiles, Green Public Procurement and Waste Enforcement.

The overarching objectives of this action plan are to:

- Shift the focus away from waste disposal and treatment to ensure that materials and products remain in productive use for longer thereby preventing waste and supporting reuse through a policy framework that discourages the wasting of resources and rewards circularity;
- Make producers who manufacture and sell disposable goods for profit environmentally accountable for the products they place on the market;
- Ensure that measures support sustainable economic models (for example by supporting the use of recycled over virgin materials);
- Harness the reach and influence of all sectors including the voluntary sector, R&D, producers / manufacturers, regulatory bodies, civic society; and
- Support clear and robust institutional arrangements for the waste sector, including through a strengthened role for Local Authorities (LAs).

The plan identifies opportunities for the application of circular economy principles across a range of areas in Ireland including:

- Municipal waste;
- Consumer Protection;
- Food waste;
- Plastic and packaging waste;
- Construction and demolition waste;
- Textiles; and
- Procurement.

Department of the Environment, Climate and Communications (2019) Climate Action Plan

The Government published its Climate Action Plan (to tackle Climate Breakdown) in 2019. The Plan sets out the actions the Government intends to take to address climate breakdown across sectors such as electricity, transport, built environment, industry and agriculture.

The Climate Action Plan provides that the Government will lead the transformation from waste management to circular economy practice through delivery of a new national policy. It is also intended that waste legislation will be revised to incorporate new circular economy requirements, including legally binding waste/recycling targets.

The implementation plan for actions by Government and other actors in relation to waste and the circular economy are as follows:

- Lead the transformation from waste management to circular economy practice through delivery of a new national policy
- Revise waste legislation to incorporate new circular economy requirements, including legally binding waste/recycling targets
- Develop a new National Waste Prevention Programme, and Regional Waste Management Plans that will guide our transition to a circular economy by EPA and Local Authorities
- Support the development of eco-design and circular economy opportunities for Irish enterprises to reduce waste over the full lifecycle of products
- Develop and implement a suite of measures to reduce the impact of single-use plastics.
- Maintain Government leadership in taking responsibility for own resource consumption, particularly single use plastics, energy, waste and water
- Identify opportunities to strengthen the regulatory and enforcement frameworks and structures for the waste collection and management system, to maximise the collection of clean, segregated materials for reuse and/or recycling from all households and businesses, and to incentivise consumers to reduce, reuse and recycle
- Regulate and incentivise producers of waste, particularly packaging, to ensure the prevention of waste and the use of recycled materials in packaging products
- Scope a number of possible environmental levies, including a possible levy on single use plastics, as part of the review of the Environment Fund. Further detailed research would be required prior to the introduction of any new levy
- Identify and commence delivery of measures to address the key regulatory barriers to the development of the bioeconomy, including exploring opportunities to establish “*End of Waste*” criteria for certain bio-wastes.

Regional Policy

The Eastern Midlands Region Waste Management Plan 2015-2021

For the purposes of waste management planning, Ireland is now divided into three regions: Southern, Eastern-Midlands and Connacht-Ulster. The Eastern-Midlands Region comprises the 12 local authority regions of Dublin City, Fingal, Dublin South, Dún-Laoghaire Rathdown, Kildare, Laois, Longford, Louth, Meath, Offaly, Westmeath and Wicklow.

The Eastern Midlands Region Waste Management Plan 2015-2021 was launched in 2015. The strategic approach of the plan places a strong emphasis on preventing wastes and material reuse activities. Three strategic targets have been set in the plan which include:

- 1% reduction per annum in the quantity of household waste generated per capita over the period of the plan,
- Achieve a recycling rate of 50% of managed municipal waste by 2020, and

- Reduce to 0% the direct disposal of unprocessed residual municipal waste to landfill in favour of higher value pre-treatment processes and indigenous recovery practices.

The plan looks to 2030 and includes a long-term goal of reaching a recycling rate of 60%.

Southern Region Waste Management Plan 2015-2021

The Southern Waste Management Region comprises the 10 local authority areas of Carlow, Clare, Cork County and Cork City, Limerick City and County, Kerry, Kilkenny, Tipperary, Waterford City and County and Wexford.

The Southern Region Waste Management Plan 2015-2021 was launched in 2015. The strategic approach of the plan places a strong emphasis on preventing wastes and material reuse activities. Three strategic targets have been set in the plan which include:

- 1% reduction per annum in the quantity of household waste generated per capita over the period of the plan
- Achieve a recycling rate of 50% of managed municipal waste by 2020
- Reduce to 0% the direct disposal of unprocessed residual municipal waste to landfill in favour of higher value pre-treatment processes and indigenous recovery practices

The plan looks to 2030 and includes a long-term goal of reaching a recycling rate of 60%.

RPS (2020) Construction and Demolition Waste Soil and Stone Recovery / Disposal Capacity. Eastern Midlands Region / Connacht Ulster Region / Southern Region. Waste Management Plans 2015 – 2021.

This report was undertaken on behalf of the Irish regional waste management offices to analyse the national waste capacity market for safe treatment of waste soils. A review was undertaken of soil waste generation and available capacity to accept soil waste in authorised facilities within the three waste regions.

The report identifies that the future authorised capacity available to recover soil and stones is an issue in each waste region in the context of likely strong construction activity. Possible options recommended include expanding capacities at existing sites and the use of Article 27 By-Product notifications.

Guidance

Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects

These guidelines were published by the DoEHLG in July 2006. The guidelines were developed in conjunction with the National Construction and Demolition Waste Council (NCDWC) as part of the Voluntary Construction Industry Initiative and to give advice on planning for C&D waste management. The guidelines also give guidance on source separation of waste and the diversion of waste from landfill and encourage construction companies to work towards achieving the national recycling target of 85% as outlined in the Government Policy Document Changing Our Ways (DoEHLG, 1998).

EPA (2019) Guidance on Soil and Stone By-products in the context of Article 27 of the European Communities (Waste Directive) Regulations 2011

Article 27 of the European Communities (Waste Directive) Regulations, 2011, as substituted by Article 15 of the European Communities (Waste Directive) Regulations, 2020, S.I. No. 323 of 2020, states the following:

“27. (1) the Agency shall take appropriate measures to ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met:

(a) further use of the substance or object is certain;

(b) the substance or object can be used directly without any further processing other than normal industrial practice;

(c) the substance or object is produced as an integral part of a production process; and

(d) further use is lawful in that the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

(2) (a) Where a natural or legal person holds a substance or object in accordance with paragraph (1) which he or she believes is to be considered as a by-product, he or she shall notify the Agency and seek a determination on the matter from the Agency

(b) He or she shall comply with relevant Agency guidance and submit information in a form and format as may be prescribed by the Agency in order to establish that the conditions in paragraph (1) are met.

(c) Where there is no notice given to the Agency under subparagraph (a) in respect of a substance or object and the substance or object, as the case may be, is discarded or otherwise dealt with as if it were waste, the substance or object, as the case may be, shall be presumed to be waste until the contrary is proved.

(3) The Agency—

(a) may determine, in consultation with the relevant local authority and the natural or legal person concerned, whether a substance or object notified to it as a by-product in accordance with paragraph (2)(a) should be considered as a by-product or as a waste, and

(b) shall notify the local authority and the natural or legal person concerned of the determination made.

(c) may attach reporting conditions to a determination, pursuant to regulation 31a.

(4) Nothing in this Regulation shall relieve a natural or legal person from his or her responsibilities under the Act of 1992 or the Act of 1996.

(5) The Agency shall establish and maintain a register of by-products to record substances or objects notified to it as by-products under paragraph (2)(a).

(6) Where the Agency makes a determination in accordance with paragraph (3) that a substance or object should be considered as waste and not as a by-product, the determination shall be final.

(7) Where criteria have not been set at Union level, the Agency may establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects. The Agency shall notify the Commission of those detailed criteria in accordance with Directive (EU) 2015/153513 of the European Parliament and of the Council where so required by that Directive.”

Economic operators, who hold a substance, which they believe to be a by-product under Article 27, must notify the Environmental Protection Agency. Conditions (1)(a) to (1)(d) must be satisfied for an Article 27 notification to be successful.

The EPA has produced guidance on the notification process. The purpose of the guidance is to inform economic operators how to prevent waste soil and stone by classifying it as a by-product in accordance with the legislation and the EPA’s regulatory approach to determinations on soil and stone by-products. This guidance document covers soil and stone only.

The guidance is aimed at local authorities, developers, the construction sector, the waste management sector and consultants.

Its environmental objective is that, by making certain excess uncontaminated soil and stone is beneficially used with no overall adverse impacts on the environment or human health, a material producer will ensure that the material is regarded as a by-product rather than a waste.

Environmental Protection Agency (2020) Draft End of Waste Guidance Part 1 and Part 2

The EPA has published guidance on the ‘end-of-waste’ concept under Article 28 of the European Communities (Waste Directive) Regulations, 2011. Part 1 of the guidance describes the context and benefits, and introduces the end-of-waste test, under Article 28, to potential applicants. Part 2 provides guidance for applicants on how to address the requirements of the end-of-waste test.