

# Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales

This code of practice provides practical guidance on how to comply with the separation requirements in Wales for recyclable waste materials from non-domestic premises.

The separation requirements are contained in the Waste Separation Requirements (Wales) Regulations 2023.

This code has been laid before the Senedd pursuant to section 45AB(4)(b) of the Environmental Protection Act 1990.

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## Summary

This code of practice (“this code”) sets out practical guidance on how to comply with the separation requirements contained in the Waste Separation Requirements (Wales) Regulations 2023 (“the Regulations”). The Regulations, which came into force on 6 April 2024, apply to:

- (a) occupiers of non-domestic premises (including businesses, the public sector and third sector) who present specified recyclable waste materials for collection;
- (b) those collecting, or arranging for the collection of, waste from non-domestic premises; and
- (c) those who receive, keep, treat or transport waste from non-domestic premises.

The Regulations set out the separation requirements in Wales for the purposes of section 45AA of the Environmental Protection Act 1990 (“the EPA”) with the aim of ensuring that waste is managed in a manner that promotes high quality recycling. The separation requirements apply in respect of all premises other than domestic properties and caravans. Hospitals had a two-year exemption from the separation requirements but that exemption has expired and, from 6 April 2026, hospitals are now subject to the separation requirements.

The recyclable waste streams that need to be presented separately for collection, collected separately, and kept separate after collection are:

- (a) glass;
  - (b) cartons and similar, metal and plastic;
  - (c) paper and card;
  - (d) food waste from premises that produce 5 kilogrammes or more of food waste in seven consecutive days;
  - (e) small waste electrical and electronic equipment<sup>1</sup>;
  - (f) unsold textiles,
- each comprising of the waste sub-fractions listed in Annexes 1-6 of this code and in Schedule 1 of the Regulations.

Waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005, or containing residues of, or contaminated by, waste or substances categorised as hazardous, should not be included within the recyclable waste streams.

In addition, from 6 April 2024 there are complementary bans on the disposal of food waste to sewer from non-domestic premises, bans on specified separate recyclable waste streams going to incineration plants and landfills, and a ban on all wood waste going to landfill.

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<sup>1</sup> Between 6 April 2024 and 5 April 2026 only ‘unsold’ small waste electrical and electronic equipment was subject to the separation requirements.

Failure to comply with the separation requirements is an offence with no upper limit on the courts' power to fine. A civil sanction may be issued for failure to comply with the separation requirements, in place of criminal prosecution.

This code is admissible as evidence in any legal proceedings and must be taken into account by a court in determining any question to which it appears to the court to be relevant.

The regulator for the separation requirements is the Natural Resources Body for Wales ("Natural Resources Wales").

## 1. Introduction

- 1.1 This code of practice ("this code") sets out practical guidance on how to comply with the requirements contained in and imposed by section 45AA of the Environmental Protection Act 1990 ("EPA") and the separation requirements contained in the Waste Separation Requirements (Wales) Regulations 2023 ("the Regulations"). This code is issued under section 45AB of the EPA in relation to the separate presentation, collection and handling of waste.
- 1.2 Reference is also made to the wider legislative picture and the corresponding complementary legal requirements for those producing and managing controlled waste, for example the ban on the disposal of food waste to sewer, incineration and landfill bans, the waste duty of care and the waste hierarchy. This is to aid understanding of wider legal obligations. This code cannot be taken as a definitive guide to legal obligations other than those contained in section 45AA of the EPA so where applicable you must refer to the relevant legislation and any associated guidance.
- 1.3 The Regulations introduce new requirements to increase the quality and quantity of recycling which are included in the Welsh Government's Circular Economy Strategy for Wales, "*Beyond Recycling, A strategy to make the circular economy in Wales a reality*"<sup>2</sup> and reflect wider duties applied to the Welsh Government. In particular, the separation requirements support the Welsh Government's duties set out in the Waste (England and Wales) Regulations 2011, including those relating to waste management plans and the promotion of high quality recycling including the setting up of separate collections of waste.
- 1.4 The separation requirements in the Regulations require a greater focus on the wastes that are being produced, enabling opportunities for waste prevention. They also ensure high levels of high quality recycling and a reduction in the amount of waste sent to incineration and landfill. Overall, this will help contribute towards each of the well-being goals (including economic, environmental and social outcomes) contained in the Well-being of Future Generations (Wales) Act 2015. In particular, this will make an important contribution to reducing carbon emissions, addressing the global decline in biodiversity, maximising the efficient use of resources, helping Welsh manufacturers become more resilient in securing raw materials and reducing Wales' global environmental footprint. The

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<sup>2</sup> <https://www.gov.wales/beyond-recycling>.

Welsh Government's Beyond Recycling strategy sets out the importance of the circular economy and keeping resources in use as long as possible.

- 1.5 This code is admissible as evidence in any legal proceedings and must be taken into account by a court in determining any question to which it appears to the court to be relevant.
- 1.6 The regulator for the separation requirements is the Natural Resources Body for Wales ("Natural Resources Wales").
- 1.7 The glossary in section 9 provides an explanation of terms used throughout this code.

### **3. The waste hierarchy**

- 2.1 Regulation 12(1) of the Waste (England and Wales) Regulations 2011 provides that:

*An establishment or undertaking which imports, produces, collects, transports, recovers or disposes of waste, or which as a dealer or broker has control of waste must, on the transfer of waste, take all such measures available to it as are reasonable in the circumstances to apply the following waste hierarchy as a priority order:*

- (a) prevention;*
- (b) preparing for re-use;*
- (c) recycling;*
- (d) other recovery (for example energy recovery);*
- (e) disposal.*

### **3. High quality recycling**

- 3.1 The Regulations set out the separation requirements in Wales with the aim of ensuring that waste is managed in a manner that promotes high quality recycling.
- 3.2 The supply of high quality secondary materials derived from the recycling of waste can provide a valuable, resilient and cost effective supply of raw materials to Welsh industries and is more likely to result in "closed-loop" recycling that generally has better environmental outcomes than "open-loop" recycling.
- 3.3 Where waste materials are collected in mixed or "co-mingled" (also referred to as "dry mixed recycling" or "DMR" streams), they can often cross contaminate each other and this can also lead to contamination with high levels of material not targeted for recycling, reducing the quality of the recyclate and the resulting recycled end product. Examples include leftover contents of food and drinks containers soiling waste paper and cardboard, and glass fragments from bottles and jars being trapped in waste paper and cardboard, damaging the equipment

used to recycle the relevant materials. This often leads to less optimal uses of the recyclate, reducing the environmental benefits or removing them altogether. These would be examples of low quality recycling. Sometimes the contamination can be so severe that the load has to be rejected and sent for incineration or landfill.

- 3.4 The generation of poor quality recyclate has lower value end recycling solutions that delay rather than prevent the disposal of the material or can lead to adverse environmental and social impacts in Wales, other parts of the UK or abroad. Beyond Recycling also includes an objective to stop the export of problematic waste from Wales; high quality recycling is a way of achieving this. Separate collection promotes high quality recycling.
- 3.5 The co-collection of recyclable waste plastic, metal, cartons and other similar fibre-plastic based composite packaging in a single stream can still facilitate high quality recycling because separating the waste materials effectively from each other is achievable using simple sorting equipment.
- 3.6 The waste supply chain, from producer through to the design and operation of waste management systems, needs to work together to maximise the provision of high quality waste material capable of meeting the standards required by those that reprocess materials in high quality, closed-loop, applications. There are some quality standards for the acceptability of waste materials for recycling, and, where they exist, these need to be met for the waste material to meet the bar of high quality.

#### **4. What are the separation requirements?**

##### The separation requirements

- 4.1 Occupiers of non-domestic premises, including businesses, the public sector and the third sector have a duty, when they present waste for collection, to ensure that each type of specified recyclable waste material is presented for collection in separate recyclable waste streams, separately from other types of waste or other substances or articles. This is referred to in this code as the “occupier’s separation requirements”.
- 4.2 Those collecting, or arranging for collection of, one or more of the specified recyclable waste materials have a duty to collect, or arrange for collection of, the separate recyclable waste streams separately (that is, not to mix a stream with any other waste stream) and from other types of waste or other substances or articles. This is referred to in this code as the “collector’s separation requirements”.
- 4.3 Those who collect, receive, keep, treat or transport waste must not mix the separately collected recyclable waste streams with any other recyclable waste stream or with other types of waste or other substances or articles. This is referred to in this code as the “handler’s separation requirements”.

- 4.4 The nine specified recyclable waste materials that need to be separated for collection, collected separately, and kept separate after collection, in six separate recyclable waste streams, as a minimum, are as follows:
- (a) glass;
  - (b) cartons and similar, metal and plastic;
  - (c) paper and card;
  - (d) food waste from premises that produce 5 kilogrammes or more of food waste in seven consecutive days;
  - (e) small waste electrical and electronic equipment<sup>3</sup>;
  - (f) unsold textiles;

each comprising of the waste “sub-fractions” listed in Annexes 1-6 of this code and in Schedule 1 of the Regulations.

- 4.5 The obligations set out in paragraphs 4.1, 4.2, 4.3 and 4.4 are, collectively, the “separation requirements”.
- 4.6 In order to achieve high quality recycling the items placed in each recyclable waste stream must be empty of their contents and cleaned if necessary. The amount of acceptable residue is likely to vary based on the needs of different reprocessors and their requirements need to be followed as far as possible.
- 4.7 Failure to comply with the separation requirements is an offence with no upper limit on the courts’ power to fine. A civil sanction may be imposed by Natural Resources Wales for failure to comply with the separation requirements, in place of criminal prosecution. The civil sanctions are fixed monetary penalties, variable monetary penalties and non-compliance penalties. The Regulations make provision for the procedures relating to the civil sanctions and the available appeal.

#### What are the “sub-fractions” subject to the separation requirements?

- 4.8 The waste “sub-fractions” listed in Schedule 1 to the Regulations, which are reflected in Annexes 1-6 of this code, in most cases are the typical items commonly found in household waste. They are almost universally collected from domestic premises across Wales.
- 4.9 Annex 2 includes a description of the plastic sub-fractions that must be separated for recycling in terms of polymer type and type of packaging. Polymer identification marks and codes are often provided on packaging (known as the “Resin Identification Code”). The list of acceptable polymers for separation specifically excludes “compostable” plastic items typically made out of polymers such as polylactic acid (PLA), or polyhydroxybutyrate (PHB) or polyhydroxyalkanoate (PHA).

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<sup>3</sup> Between 6 April 2024 and 5 April 2026 only ‘unsold’ small waste electrical and electronic equipment was subject to the separation requirements.

- 4.10 Annex 2 refers to “pumps” and “triggers”. A “pump” is often used in liquid soap dispensers; you normally push it down to pump out the liquid. A “trigger” is used for liquids that you want to spray onto a surface (for example to clean windows). You generally squeeze the trigger to expel the liquid. Both are a mechanism (made out of plastic) attached to the container to easily dispense the contents.
- 4.11 Specific reference is made under the list of plastic sub-fractions to be separated for recycling in Annex 2 to the inclusion of “rigid” and “semi-rigid” plastic lids that are often on plastic pots, tubs and trays. These can be recycled. Lids made out of thin plastic film cannot be recycled, and should be placed in the residual (non-recyclable) waste stream.
- 4.12 “Food waste” has the meaning given by section 34D(5) of the EPA (see subsequent paragraph), but does not include:
- (a) animal by-products comprising Category 1 material as listed in Article 8, or Category 2 material as listed in Article 9, of Regulation (EC) No 1069/2009;
  - (b) food waste from premises that produce less than 5 kilogrammes of food waste in seven consecutive days; or
  - (c) any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations.
- 4.13 The section 34D(5) EPA definition of food waste is:
- “food waste” means controlled waste that—*
- (a) has at any time been food (which for this purpose does not include drink) intended for human consumption, or*
  - (b) is biodegradable waste arising from the processing or preparation of food or drink,*
- but does not include waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any place or equipment used in processing or preparing food or drink”.*
- 4.14 “Cartons and similar” means fibre-based composite packaging, being packaging material which is made of paperboard or paper fibres, laminated with low density polythene or polypropylene plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand, limited to: cartons, paper drinks cups with a low density polythene or polypropylene plastic layer and rigid paper containers (for example stackable potato crisp tubes).
- 4.15 “Unsold” means an unused consumer product, in a factory, retail premises, wholesaler, warehouse or other premises, that has not been sold to a consumer or has been sold and returned by a consumer. “Unsold” does not include second hand goods. However, where a charity shop or second-hand shop receives a donation of new unused stock that has never been sold to a consumer then those items would be considered to be “unsold”. As a result of this, if a shop were to fail to sell such items and decide to dispose of them they would be subject to the separation requirements.

4.16 The specified recyclable waste materials referred to at paragraph 4.4 include those used in a wide range of product and packaging types, not all of which are the same in terms of their nature and composition. It is recognised that some sub-fractions of the waste materials are not readily recyclable at the present time. These include some types of plastic waste (for example compostable plastic packaging and flexible plastic film) and types of glass (for example drinking glasses). In fact, including these difficult to recycle waste sub-fractions in the recyclable waste streams may, at worst, prevent the whole waste stream from being recycled due to contamination, or at best, result in low quality open-loop recycling. Therefore, such items should be placed in the residual waste, although occupiers are encouraged to recycle them where local recycling facilities that accept such materials exist. You should speak to your waste collector to identify any additional items that can be accepted for recycling.

#### What wastes are not covered by the separation requirements?

4.17 The Regulations do not apply to:

- (a) waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous, are excluded from the recyclable waste streams, including any waste items that contain persistent organic pollutants (POPs) if they are above the prescribed concentration limits<sup>4</sup>;
- (b) animal by-products comprising Category 1 material as listed in Article 8, or Category 2 material as listed in Article 9, of Regulation (EC) No 1069/2009 must not be placed in the food waste stream and should instead be disposed of in accordance with the relevant animal by-products legislation.
- (c) controlled waste collected by a local authority as respects any relevant highway in respect of which a local authority has a duty under section 89(1)(a) of the EPA to ensure that the land is, so far as is practicable, kept clear of litter and refuse;
- (d) controlled waste collected by a principal litter authority as respects its relevant land in respect of which a principal litter authority has a duty under section 89(1)(c) of the EPA to ensure that the land is, so far as is practicable, kept clear of litter and refuse.

4.18 Some recyclable waste materials may be hazardous wastes in their own right, or they may be contaminated with hazardous substances (for example aerosol cans containing flammable propellants, or mineral oils or solvents, including discharged aerosols where either the propellant or other constituents would make that aerosol hazardous waste even after use). In which case they should not be placed into the relevant recyclable waste stream and should instead be handled as hazardous waste in accordance with applicable waste legislation. If

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<sup>4</sup> <https://www.gov.uk/guidance/dispose-of-waste-containing-persistent-organic-pollutants-pops>.

in doubt speak to your waste collector to agree how these need to be disposed of. Where wastes are determined to be hazardous, they will need to be disposed of in accordance with the requirements of the Hazardous Waste (Wales) Regulations 2005. Where you have assessed your waste and are unsure whether it is hazardous or not, then you should apply the precautionary principle and class it as hazardous waste and manage accordingly as stipulated above. This particularly applies to sWEEE but should also be considered when dealing with other wastes such as aerosols.

## **5. Am I obligated?**

### Non-domestic premises

- 5.1 The separation requirements apply to controlled waste from non-domestic premises, including those occupied by public bodies and the third sector. Non-domestic premises covers any premises except a domestic property or a caravan. The separation requirements apply to all controlled waste from non-domestic premises including household, commercial and industrial waste.
- 5.2 Examples of non-domestic premises for the purpose of the Regulations include, but are not limited to, those identified in Annex 7.
- 5.3 The list of non-domestic premises provided in Annex 7 is not intended to be exhaustive. When considering whether a premises falls within the scope of the Regulations the following factors may be of assistance:
- are business rates payable in respect of the premises? The paying of business rates would usually be indicative of the premises being non-domestic;
  - is the current use of the premises, for planning purposes, a domestic use such as C3 (Dwellinghouses, used as sole or main residences) or C4 (Houses in multiple occupation)? If not then this would usually be indicative of the premises being non-domestic;
  - is council tax payable in respect of the premises? This would usually be indicative of the premises being domestic and therefore outside the scope of the Regulations.
- 5.4 Residential flats, even where the waste collection is managed by a management company (including student accommodation), are excluded from the separation requirements.
- 5.5 For mixed use premises, the separation requirements apply only to the wastes produced by the non-domestic component. Where flat complexes have communal integrated facilities such as gyms, laundries, and co-working spaces, the separation requirements apply only to the non-domestic components. Where an individual runs a business or carries out some form of business activity from their home consideration may need to be given as to whether the carrying out of the business renders part of the property non-domestic.

- 5.6 The occupiers of individual caravans that present their waste directly for collection from their caravan by an authorised waste collector do not fall within the scope of the Regulations. However, where caravan parks or sites have communal waste collection arrangements, that waste must be separated in accordance with the Regulations.
- 5.7 “Premises” is a broad term, not restricted to inside buildings. Therefore, it can include land, parks and open spaces where waste is presented for collection from, for example waste collected from a festival site. As explained in paragraphs 4.17 (c) and (d), controlled wastes collected by Local Authorities pursuant to the duties contained in section 89 of the EPA in respect of being: i) a principal litter authority (section 89(1)(c)); or ii) a highways authority (section 89(1)(a)) are excluded from the separation requirements. Therefore, litter collected by the Local Authority in these roles from, typically, publicly accessible streets, pavements and open spaces, does not have to be presented separated when presented for collection. However, for the sake of a consistent approach and good practice it is recommended that separate litter bins for recyclable items are provided at any locations where litter bins are located so that Local Authorities can, wherever possible, arrange for litter to be recycled.

#### Occupiers of non-domestic premises

- 5.8 All occupiers of non-domestic premises must comply with the occupier’s separation requirements.
- 5.9 In most circumstances the occupier for the purposes of the Regulations will be the person who either (a) makes the waste collection arrangements with the Local Authority or private waste collector and/or (b) presents waste for collection from the premises (whether collected by a waste collection authority or by any other business or person).
- 5.10 The individual circumstances of each case will determine who is considered the occupier for the purposes of the occupier’s separation requirements. The following are examples of who would most likely be considered the occupier in the scenarios listed below:

Scenario	Occupier
Business, retail or hospitality parks with multiple units and communal waste collection	Occupier of each individual unit
Events such as festivals, concerts and shows	Event organiser
Construction sites	Primary contractor
Non-residential caravan parks and campsites	Site owner/operator
Hotels	Owner/operator
Bus, coach, train stations	Owner/operator

- 5.11 For a site with multiple business occupancy (for example a business, retail or hospitality park or complex) where there is a single contract for waste collection managed by the owner or a facilities management agency, we would expect the tenancy agreement to include a requirement for the parties to comply with the separation requirements.
- 5.12 The occupier may, for example, own the premises, lease or rent it from the landowner, or temporarily occupy it with the permission of the landowner. This would include sports events – for example running, cycling or swimming events.
- 5.13 Hospitals had a two-year exemption from the separation requirements but that exemption has expired and, from 6 April 2026, hospitals are now subject to the separation requirements.
- 5.14 Whether or not a particular premises is within the scope of the separation requirements is not determinative of whether or not a Local Authority can charge for the collection of that waste.

#### Waste collectors

- 5.15 The collector's separation requirements apply to:
- (a) a waste collection authority in Wales that arranges for the collection of controlled waste from non-domestic premises in its area under section 45 EPA; and
  - (b) a person acting in the course of a business who collects controlled waste from non-domestic premises in Wales.
- 5.16 A person is acting in the course of a business if the person is:
- (a) carrying on any business or undertaking, whether for profit or not; or
  - (b) exercising any functions of a public nature.
- 5.17 This includes (but is not limited to) Local Authorities, private waste collection companies and charities collecting waste from non-domestic premises.
- 5.18 An establishment or undertaking collecting waste from domestic premises is subject to the collection requirements contained in regulation 13 of the Waste (England and Wales) Regulations 2011. It must have regard to the statutory guidance issued under regulation 15 of those regulations in so far as it applies to the separate collection of waste from domestic premises<sup>5</sup>.

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<sup>5</sup> <https://www.gov.wales/separate-collection-waste-paper-plastic-metal-and-glass#description-block>

## Waste handlers

5.19 The handler's separation requirements apply to a waste collection authority and to a person acting in the course of a business who receives, keeps, treats or transports controlled waste in Wales.

5.20 A person is acting in the course of a business if the person is:

- (a) carrying on any business or undertaking, whether for profit or not; or
- (b) exercising any functions of a public nature.

5.21 This includes (but is not limited to) Local Authorities, private waste collection companies, and charities collecting waste from non-domestic premises.

5.22 An establishment or undertaking which collects, transports or receives waste from domestic premises must ensure that where that waste has been separately collected it is not mixed with other material with different properties as set out in regulation 14 of the Waste (England and Wales) Regulations 2011. It must have regard to the statutory guidance issued under regulation 15 of those regulations, in so far as it applies to the separate collection of waste from domestic premises.

## **6. Other complementary legal requirements**

### Bans to landfill or incineration

6.1 The following waste materials separately collected from all sources for the purpose of preparing for re-use or recycling were banned from landfill<sup>6</sup> and incineration<sup>7</sup> from July 2020:

- (a) paper;
- (b) glass;
- (c) metal;
- (d) plastic.

6.2 From 6 April 2024, the Prohibition on the Incineration, or the Deposit in Landfill, of Specified Waste (Wales) Regulations 2023 added the following additional waste materials to the ban identified above:

- (a) card;
- (b) cartons and other fibre-plastic composite packaging;
- (c) food waste;

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<sup>6</sup> Schedule 10, paragraph 5A, the Environmental Permitting (England and Wales) Regulations 2016.

<sup>7</sup> Schedule 9, Part 4, paragraph 1, the Environmental Permitting (England and Wales) Regulations 2016.

- (d) all small waste electrical and electronic equipment (sWEEE);
- (e) unsold textiles.

- 6.3 In addition to the above, from 6 April 2024, all waste textiles separately collected (from all sources) for the purpose of preparing for re-use or recycling are banned from landfill.
- 6.4 This means that any separately collected waste textiles (apart from unsold textiles) that cannot be reused or recycled would need to go to incineration, and not landfill, in accordance with the waste hierarchy.
- 6.5 The landfill and incineration ban applies where they have been separately collected (from any source) for the purpose of preparing for reuse or recycling, regardless of whether the separate presentation and collection was a legal requirement or carried out on a voluntary basis
- 6.6 From 6 April 2024 all waste wood from all sources is banned from landfill, whether that wood has been separately collected or not.

#### Waste duty of care

- 6.7 The separation requirements complement the waste duty of care requirements. The waste duty of care legislation makes provision for the safe management of waste to protect human health and the environment. There is a waste duty of care code of practice that applies to anyone who produces, carries, keeps, disposes of, treats, imports or has control of certain waste in England or Wales. It can be accessed here: <https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>.

#### Waste items that are hazardous

- 6.8 The handling and management of hazardous waste is regulated separately. Waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations should not be presented for collection in any of the recyclable waste streams referred to in paragraph 4.4. Natural Resources Wales is the regulator for the purposes of the Hazardous Waste (Wales) Regulations 2005. Any of the waste materials covered by the separation requirements can be hazardous if they contain levels of chemicals or other materials that cause the waste to have hazardous properties. There is guidance available on how to classify waste that may contain hazardous properties: <https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/how-to-classify-and-assess-waste/?lang=en>

## Wastes that are animal by-products

6.9 The Animal By-Products (Enforcement) (Wales) Regulations 2014 and Regulation (EC) No 1069/2009 apply strict controls on the way animal by-products are managed.

6.10 The legislation referred to in paragraph 6.9 has a wide scope, covering all animal products also including meat, fish, milk and eggs when they are not intended for human consumption, catering waste and other products of animal origin including hides, feathers, wool, bones, horns, and hoofs. It controls the use of animal by-products for example as feed (including petfood), fertiliser or for technical products and lay down rules for their transformation through composting and biogas and their disposal via rendering and incineration. Catering waste including kitchen scraps (and this includes vegetarian kitchens) cannot be fed to livestock. All animal by-products should be disposed of in accordance with the relevant animal by-products legislation.

## **7. Your obligations as an occupier of a non-domestic premises**

### Occupier's separation requirements

7.1 You must comply with the occupier's separation requirements when you present waste for collection, including if you transport it yourself for presentation to an authorised facility.

7.2 You must from 6 April 2024, present the nine specified recyclable waste materials for separate collection in a minimum of six separate recyclable waste streams specified in paragraph 4.4.

7.3 This means that, where a premises produces all of the types of waste specified, it must be presented for separate collection, as a minimum, in six separate containers. These containers can be bins, bags, boxes, skips or other type of container as appropriate, taking into account the nature of the waste and the requirements of your waste collector. For example, flexible plastic bags may not be suitable for separating items with sharp edges, or that are very heavy. It is acceptable to use containers that are internally subdivided by a permanent physical barrier, for example a bin with two or more physically separate compartments. The containers used must be sufficiently durable to maintain the required separation during subsequent handling and management of the waste.

7.4 It is recommended that compartments in a container are made of a solid construction rather than flexible plastic that is likely to rip open, which increases the risk that the contents will mix with other waste streams. When the separately presented waste streams are collected they must be kept separate and not mixed with other streams, or any other wastes.

7.5 We would advise against using "survival bags" (see Glossary) to place items from another waste stream within the same container. Survival bags are unlikely

to be robust enough not to split open when loaded onto a vehicle, or compressed either through mechanical means or through the weight of sacks on top of them. As a result of this, such practice significantly increases the risk of accidental mixing of the different waste streams. For example, it is not advisable for a survival bag containing plastic to be placed in the container holding the glass stream, or in the container containing the paper and card stream. Survival bags could, however, be used to separate materials that can be co-mingled, subject to agreement with the waste collector and all parts of the management chain. For example, a survival bag containing cartons could be placed in the container holding the cartons, metal, plastic stream. Your waste collector will be able to advise you.

- 7.6 Schedule 1 to the Regulations (as further detailed in Annexes 1-6 of this code) sets out the waste sub-fractions comprising each recyclable waste stream which must be presented separately for collection. Your waste collector will be able to advise you of any additional waste items or materials that can be recycled beyond those specified in Schedule 1 to the Regulations. If this is the case you are encouraged to also recycle these materials.
- 7.7 You must ensure that the packaging items placed in each recyclable waste stream are empty of their contents and are clean. Other non-packaging items need to be free of significant contamination. The degree of acceptable contamination is likely to vary based on the requirements of different reprocessors and their requirements should be followed to avoid waste collectors rejecting contaminated loads. Your waste collector should be able to provide advice on this.
- 7.8 Given that waste containers may need to be stored in publicly accessible locations, it is considered best practice to use lockable containers and to ensure these are kept locked to minimise the risk of accidental or intentional contamination.
- 7.9 Compliance with the separation requirements should be facilitated by providing clear information to staff (including any contractors) and the provision of clear signage explaining what should and should not be put into the different waste containers.
- 7.10 The waste management arrangements for your premises may be serviced by a facilities management company, who may also serve neighbouring premises. You should review these arrangements regularly to ensure that the waste services are sufficient to discharge your responsibilities and that the collection arrangements detailed in any contracts reflect the separation requirements.
- 7.11 Residual non-recyclable waste collections may still be required alongside the collection of recyclable waste as part of an overall integrated waste management solution.

What wastes am I responsible for on the premises I am occupying?

- 7.12 You are responsible for all wastes that are presented for collection from your premises. This includes, but is not limited to, wastes produced by staff, visitors and contractors.
- 7.13 If you are a tradesperson working in a domestic property, any waste you produce will be subject to the separation requirements where this is presented for collection from non-domestic premises, that is, if waste from works undertaken in a domestic property is transported back to a depot or workshop, you must comply with the separation requirements when you present it for collection.

Do I have to provide a separate bin for each recyclable waste stream within my premises?

- 7.14 At the point you present your waste for collection (for example kerbside collection), in order to comply with the separation requirements you will need a separate container for each recyclable waste stream.
- 7.15 This is not the case in respect of internal bins for occupiers, staff, visitors etc as it is recognised that in some circumstances this will not be practical or achievable. It is considered good practice to provide separate containers for each recyclable waste stream wherever waste is collected on your premises. This will help simplify any sorting requirements when that waste is presented for collection and also reduces the risk of contamination between different recyclable waste streams. Providing separate containers for each recyclable waste stream will also deliver a consistent approach across Wales, avoiding confusion for staff and visitors across different premises which will increase the rate of high quality recycling and reduce contamination.
- 7.16 If there are waste bins on your premises where waste from more than one recyclable waste stream is mixed, you will need to separate out the materials into the specified separate streams in accordance with the separation requirements when you present them for collection.

How should I get my waste collected?

- 7.17 All waste presented for collection from non-domestic premises is covered by the separation requirements and therefore includes all waste falling under the descriptions of “commercial waste” and “industrial waste”, and some under the description of “household waste”. You can arrange for collection of your waste from either your Local Authority or a private waste collector.
- 7.18 You do not have to contract with a single waste collection entity to collect the full range of recyclable waste streams from your premises. Your waste collector or broker may sub-contract the separate collection of some of these separate recyclable waste streams, or you may wish to have separate contracts with more than one waste collection entity. This is to enable you to get the most

financially beneficial arrangements for the collection of your recyclable waste streams.

7.19 Local Authorities are under a duty<sup>8</sup>, if requested by the occupier of premises in their area to collect any commercial waste from the premises, to arrange for the collection of that waste. Under the Regulations Local Authorities are required to collect the separated recyclable waste streams separately. Local Authorities may charge for the collection of commercial waste.

7.20 You can take your own recyclable waste streams directly to a waste management facility authorised to receive it as long as you comply with the waste duty of care requirements and are registered with the regulator as a waste carrier. The wastes must be presented separately in accordance with the separation requirements. Most Local Authorities either prohibit commercial or industrial waste being taken to their Household Waste Recycling Centres, or they may accept it and levy a charge.

### Keeping records to demonstrate compliance

7.21 As the regulator responsible for ensuring that waste is being presented for collection, collected and handled in accordance with the requirements of the Regulations, Natural Resources Wales may visit or contact you to check that you are complying with these new requirements.

7.22 You may be asked to provide information and evidence relating to your waste collection arrangements and it is advisable for relevant records to be kept to help demonstrate compliance to the regulator.

7.23 This evidence could be documents that you already have a legal requirement to keep, such as under the waste duty of care which requires you to produce and keep waste transfer notes, which will show when, how and who collected the waste and waste types. The notes must be kept for at least two years. Other evidence could include agreements or contracts that you may have in place with a waste management company, or the contracts you have with your customers if you are a collector, which help demonstrate that waste is being separately collected in a compliant way.

### Food waste

7.24 Any non-domestic premises producing 5 kilogrammes or more of food waste in any week (as a consecutive seven-day period) must separate and present it for separate collection and recycling (which includes anaerobic digestion). This obligation not only applies to food businesses but to all occupiers of non-domestic premises. This includes food waste resulting from staff or visitors bringing their own food into a premises and consuming it there, providing that the premises produces 5 kilogrammes or more a week of food waste.

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<sup>8</sup> Section 45(1)(b) EPA.

- 7.25 The occupiers of premises who determine that they are not caught by this obligation (on the basis they fall under the weight limit) should periodically review this, especially when there are significant changes on their premises for example increases in the use of a premises, staffing levels, or number of visitors. It is advisable for relevant records to be kept to help demonstrate compliance to the regulator.
- 7.26 For the purposes of the Regulations, food waste does not include animal by-products comprising Category 1 material as listed in Article 8 (this includes international catering waste), or Category 2 material as listed in Article 9, of Regulation (EC) No 1069/2009. This must not be placed in the food waste stream and should instead be disposed of in accordance with the relevant animal by-products legislation.
- 7.27 For surplus food which is still safe for human consumption, opportunities for it to be redistributed to those in food poverty should be taken in accordance with the statutory waste hierarchy guidance<sup>9</sup>. Surplus food that is not safe for human consumption should be presented for separate collection as food waste, in accordance with the Regulations.
- 7.28 Food waste that is still in its packaging should be separated out into food waste and packaging. Each material should then be put into the relevant recyclable waste stream container in accordance with the separation requirements. Where it is not reasonably practicable to de-package food waste in this way, the food waste still in its primary packaging (that is, the immediate packaging layer around the product) may be placed in the food waste stream, provided that (a) your food waste collector agrees to collect the waste on this basis and (b) the packaged food waste will be sent to an appropriate facility for re-use or recycling (which includes composting and anaerobic digestion). Secondary and transit packaging such as cardboard sleeves and boxes should be removed and recycled separately. It is important that occupiers comply with the requirements of their waste collectors. There is no legal obligation on a waste collector to agree to collect packaged food in this way.
- 7.29 The starting point is that all food waste should be properly de-packaged prior to presentation. It is only in limited circumstances where restrictions, for example in terms of space or hygiene requirements etc, make de-packaging not reasonably practicable. Packaged food waste results in a lower quality of recyclate, so in order to maximise high quality recycling, food waste should be de-packaged at source by the occupier where possible. Where an occupier seeks to rely on this exemption it is best practice to keep records of the decision-making process underpinning this, as well as evidence that your food waste collector has agreed to accept the waste on this basis.
- 7.30 You may be able to compost or anaerobically digest your own food waste on your premises provided you meet the requirements of the Environmental Permitting (England and Wales) Regulations 2016 and any relevant

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<sup>9</sup> <https://gov.wales/sites/default/files/publications/2019-12/guidance-on-applying-the-waste-hierarchy.pdf>.

exemptions, and the requirements of the Animal By-Products (Enforcement) (Wales) Regulations 2014 and Regulation (EC) No 1069/2009, and any other relevant regulations.

### Other legal requirements for food waste

7.31 The Prohibition on Disposal of Food Waste to Sewer (Civil Sanctions) (Wales) Order 2023 makes provision, from 6 April 2024, in relation to the prohibition on the disposal of food waste to sewer under section 34D of the EPA. Breach of the prohibition is an offence under section 34D of the EPA. Section 34D makes it an offence for an occupier of non-domestic premises in Wales, to:

- (a) discharge food waste produced on or brought onto the premises; or
  - (b) knowingly cause or knowingly permit food waste produced on or brought onto the premises to be discharged,
- into a public sewer or a sewer or drain communicating with a public sewer.

7.32 The food waste that must not be disposed of into the sewer is controlled waste that:

- (a) has at any time been food (which for this purpose does not include drink) intended for human consumption; or
- (b) is biodegradable waste arising from the processing or preparation of food or drink,

but does not include waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any place or equipment used in processing or preparing food or drink.

7.33 This means that food waste disposal equipment (for example macerators) or other forms of food waste treatment equipment (for example dewatering or enzyme digesters) cannot be used in non-domestic premises to discharge food waste or liquid derived from food waste to a drain or sewer.

7.34 The installation of grease traps may help prevent the accidental discharge of grease and similar food waste into the sewer. Section 111 of the Water Industry Act 1991 makes it illegal to permit any matter, which may interfere with the free flow of the contents of the sewer or drain or to affect prejudicially the treatment and disposal of its contents, to pass down any drain or sewer connecting to a public sewer. This could include fats, oils and grease.

7.35 The Local Authority will be responsible for regulating the food waste to sewer ban.

### Additional information

7.36 Under the legal waste duty of care requirements you have a responsibility to take all reasonable steps to ensure that when you transfer waste to another waste holder that the waste is managed correctly throughout its complete

journey to disposal or recovery. You should ask your waste collector to provide you with information on the final destination of the materials you separate for recycling, and how it has been recycled, composted or prepared for reuse. If you are a public sector body in Wales this could help you calculate some of your Scope 3 carbon emissions in relation to meeting your net zero target for 2030.

A summary of additional key steps you are advised to take:

7.37 As an occupier of non-domestic premises, in addition to complying with the occupier's separation requirements, you are advised to do the following on your premises:

- Take adequate steps to maintain the quality of the specified separated materials presented for separate collection so as to facilitate high quality recycling, such as ensuring packaging containers are empty and items are not significantly contaminated. Avoid mechanical crushing of mixed colour glass at source prior to collection as it results in a significant proportion of fine particles which are too small to be colour sorted. The loss of material which could be used in the glass remelt industry is significant.
- Maintain a good dialogue with your waste collectors, so that you and any staff are aware of any additional sub-fractions that can be separated for recycling, and those which should be placed in the mixed residual waste container.
- Provide training to your staff so that they understand what is required to meet the separation requirements, including the need for packaging items to be empty of their contents and cleaned of any residue, and for other non-packaging items to be free of significant contamination.
- Ensure effective, accessible and inclusive information and clear signage is provided to staff and visitors so that they understand the waste materials that should and should not be separated for recycling.
- Keep a record of the operating procedures and other documentation you have in place for staff, contractors and visitors to ensure the premises you occupy is compliant with the separation requirements when waste

is presented for collection. These records could help when inspected by the regulator.

## **8. Your obligations as someone who collects, receives, keeps, treats or transports controlled waste in Wales**

8.1 As the link between waste producers and the reprocessing sector, you have a crucial role to ensure that recycling services are designed and operated to yield waste of sufficient quality to support the priority high quality recycling outcomes.

### Collector's separation requirements

8.2 Those collecting, or arranging for collection of, one or more of the recyclable waste streams must comply with the collector's separation requirements. This means they must collect each recyclable waste stream separately (that is separately from other recyclable waste streams) and separately from other types of waste or other substances or articles. The means of collection and subsequent handling of the waste must be sufficient to ensure that separation is maintained throughout. This could be within a separate self-contained compartment on a multi-compartment vehicle, or in a single-compartment vehicle using suitable containers, taking into account the nature of the waste. For example, flexible plastic bags may not be suitable for separating items with sharp edges, or that are very heavy. The containers used must be sufficiently durable to maintain the required separation during subsequent handling and management of the waste.

8.3 It is recommended that compartments within a vehicle are made of a solid construction, which decreases the risk that the contents will mix with other waste streams.

8.4 When setting out collection requirements to customers, we would advise against using "survival bags" (see Glossary) to place items from more than one waste stream within the same container. Survival bags are unlikely to be robust enough not to split open when loaded onto a vehicle, or compressed either through mechanical means or through the weight of sacks on top of them. As a result of this, such practice significantly increases the risk of accidental mixing of the different waste streams. For example, it is not advisable for a survival bag containing plastic to be placed in the container holding the glass stream, or in the container containing the paper and card stream. Survival bags could, however, be used to separate materials that can be co-mingled. For example, a survival bag containing cartons could be placed in the container holding the cartons, metal, plastic stream.

8.5 You must, from 6 April 2024, collect the recyclable waste materials separately in the recyclable waste streams set out in section 4. Some of the recyclable waste streams comprise of more than one type of waste material (for example cartons, metal and plastic). Where this is the case, you may choose to collect these

materials separately rather than on a co-mingled basis, however if you wish to do so this will need to be agreed with the occupier of the premises as any further separation is not compulsory under the Regulations.

- 8.6 Food waste from non-domestic premises that produce less than 5 kilogrammes per week (for any consecutive seven-day period) does not need to be collected on a separate basis. In this instance it can instead be collected in the mixed residual waste container. You may still offer a separate food waste collection service to premises which fall under the 5 kilogrammes threshold. However, uptake will be at the discretion of the occupier.
- 8.7 Unless you are a Local Authority, you do not have to collect the full range of recyclable waste streams. You may wish to sub-contract the separate collection of certain recyclable waste streams, or the occupier may wish to have separate contracts with more than one waste collector. Local Authorities have a duty<sup>10</sup>, if requested by the occupier in their area, to arrange for the collection of commercial waste. In doing so they have to comply with the separation requirements set out in the Regulations, under which they must arrange for a separate collection service for all of the recyclable waste streams that the occupier asks them to collect. They may organise the collection directly themselves, or they can make arrangements for these collections via a third party. They do not have to collect all of the recyclable waste streams if not asked to do so by the occupier.
- 8.8 A well operated recycling system should ensure a high capture rate with very little, if any, of the specified recyclable materials left in the residual stream.
- 8.9 You can still provide residual waste collections if required by your customer, but your customer should not put any of the recyclable waste sub-fractions (see Annexes 1-6 of this code and Schedule 1 to the Regulations) into the residual waste stream.
- 8.10 When collecting waste, it may be apparent that the occupier is placing recyclable waste into the residual stream, or placing recyclable items into the incorrect recyclable waste stream. Such practice is not compliant with the requirements set out in the Regulations and you should advise the occupier in writing of their duties under the Regulations and suggest that they should seek further support if necessary. If prompt action is not taken by the customer to rectify compliance problems, you should refuse to collect any waste containers that do not comply with the requirements.

#### Handler's separation requirements

- 8.11 Those who receive, keep, treat or transport waste must comply with the handler's separation requirements. This means they must not mix the separately collected recyclable waste streams with any other recyclable waste stream or with other types of waste or other substances or articles.

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<sup>10</sup> Under section 45(1)(b) EPA.

8.12 You must comply with the handler's separation requirements whilst the waste is in your possession.

8.13 Waste imported into Wales from another UK nation that has been separated in accordance with the separation requirements in those nations does not have to be re-sorted at the point of its arrival into Wales; however the level of separation at the point of arrival should be maintained as a minimum.

#### What if the recyclable waste stream is highly contaminated?

8.14 If a recyclable waste stream is presented for collection that is so contaminated (either if the recyclable materials are significantly contaminated and/or if incorrect items have been placed in the container) that it would be unacceptable for recycling by the reprocessor, you should refuse to collect that waste stream from the occupier and explain to the occupier why you have not collected it.

8.15 It is advisable to have procedures in place for dealing with any contamination in the collected recyclable waste streams. You are advised to keep a record of these procedures to show to the regulator, if asked.

#### Prohibition on mixing separate recyclable waste streams after collection

8.16 You are prohibited from mixing separated recyclable waste streams together, or with other waste types. There are two recyclable waste streams which comprise of more than one material. These are:

- cartons and similar, metal and plastic;
- paper and card.

8.17 Where the individual materials have been presented separately, rather than on a co-mingled basis, these can be subsequently mixed within the same recyclable waste stream. For example, if an occupier presents their cartons, metal and plastic waste items in three separate containers, a collector is permitted to collect these three materials within the same container or vehicle compartment.

8.18 No "mixing" means no physical touching between any waste items in one recyclable waste stream with any waste items from a different recyclable stream. Each recyclable waste stream needs to be sufficiently separated so that they do not come into contact with each other or with other wastes. This applies throughout the whole chain of custody of the wastes from presentation to reprocessing.

8.19 It is of course permissible to mix waste collected from multiple premises where that waste all falls within the same recyclable waste stream.

8.20 The Regulations are not intended to prevent the mixing of food waste with other suitable biodegradable materials during anaerobic digestion or composting provided that all necessary regulatory requirements are met.

## Additional advice

8.21 It is recommended that you provide the occupier with information on the final destination of the materials you collect for recycling, and how they have been recycled. This will also assist them in complying with their waste duty of care obligations. This could particularly help public sector bodies calculate some of their Scope 3 carbon emissions in relation to their net zero by 2030 target.

8.22 You are advised to consider any adverse impacts as a result of the use of compaction in waste collection vehicles. Compaction can reduce the quality of recyclable materials. For example, compaction may have the following effects:

- reduction in particle size, resulting in more fine material that may be difficult to capture for recycling – this can be particularly problematic for the recycling of glass;
- items that are permitted for collection on a co-mingled basis (for example cartons, metal and plastic) being compacted together so that they are difficult to separate;
- where different recyclable waste streams are being transported together in a vehicle which uses compaction, compaction significantly increases the risk of the different recyclable waste streams mixing as common methods of separation (for example plastic bags) are unlikely to be sufficiently robust to withstand compaction.

### A summary of additional steps you are advised to take:

8.23 In addition to complying with the handler's separation requirements, you are advised to provide the following to your customer:

- A collection service tailored to meet the needs of your customer, with reliable and regular collections.
- Information on the types of materials and sub-fractions listed in Schedule 1 to the Regulations making up each recyclable waste stream that can be accepted for recycling in each container.
- Advice of the degree of contamination that is acceptable to you and the reprocessor who recycles the waste materials.
- Information on how to use the service effectively, for example presenting clean and dry materials (such as cardboard getting wet if placed outside uncovered) and recommended steps to take to avoid contamination.

- Clear labelling of collection containers to identify what material should be included and what should be excluded.
- A system of spot checks to assess collected material for non-target and non-recyclable materials and feedback identified problems to the occupier with appropriate advice – in accordance with the procedures you are advised to have in place for dealing with any contamination in the collected recyclable waste streams.
- Advice to customers that if they are not complying with the separation requirements, where prompt action is not taken by the customer to rectify compliance problems, you will refuse to collect any waste that does not comply with the requirements.
- Information on how each recyclable waste stream will be managed, and how it will be recycled.

## 9. Glossary

**Anaerobic digestion** - a process of controlled decomposition of biodegradable materials under managed conditions where free oxygen is absent, at temperatures suitable for naturally occurring mesophilic or thermophilic anaerobe and facultative anaerobe bacteria species, which convert the inputs to a methane-rich biogas and whole digestate. Whole digestate can confer benefits to soils to which it is applied and the plants these soils support.

**Animal By-Products (ABPs)** – have a wide scope, covering many animal products including meat, fish, milk and eggs when they are not intended for human consumption, catering waste and other products of animal origin including hides, feathers, wool, bones, horns, and hoofs. See: <https://www.gov.uk/guidance/animal-by-product-categories-site-approval-hygiene-and-disposal#abp-categories-explained>.

**Beyond Recycling** - the Welsh Government's plan to make the circular economy in Wales a reality where we keep resources in use and avoid waste. It was published in March 2021. <https://gov.wales/beyond-recycling>.

**Cartons** - fibre-based composite packaging, being packaging material which is made of paperboard or paper fibres, laminated with low density polythene or polypropylene plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand, used as packaging for food products such as milk, milk alternatives, fruit juice, soup, chopped tomatoes and pulses.

**Civil sanctions** – used by a regulator as an alternative to bringing a criminal prosecution. The civil sanctions available under the Regulations are fixed monetary penalties, variable monetary penalties and non-compliance notices.

**Closed-loop recycling** – a process where a waste material: (a) is recycled into a new product of similar functionality; (b) replaces the virgin use of the same material in a different new product; or (c) replaces a higher embedded carbon raw material, and where the new product can itself be used, discarded and captured, to be recycled again, continuously cycling the material resource through the supply chain.

Examples of high quality, closed-loop recycling include:

- (a) the use of recycled glass cullet in re-melt applications to create new glass products rather than for use as aggregate in construction;
- (b) the use of recycled plastic to produce, new food and drinks containers rather than, the production of mixed plastic polymer construction products that cannot practically be recycled at end of life;
- (c) the use of recycled paper for the production of new paper products rather than other uses such as animal bedding.

**Commercial waste** – see section 75 of the EPA and applicable subordinate legislation – for example the Controlled Waste (England and Wales) Regulations 2012.

**Container** – holds or stores waste within a physical barrier that prevents it from spilling or escaping. Waste containers are normally made out of plastic or metal. Containers include, for example, boxes (with or without a lid), wheeled bins, baskets or cages, plastic bags and skips.

**Controlled Waste** - defined at section 75(4) of the EPA as “household, industrial and commercial waste or any such waste”. For further detail see section 75 of the EPA and subordinate legislation – for example the Controlled Waste (England and Wales) Regulations 2012.

**Electrical and electronic equipment (EEE)** – equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current. When EEE becomes waste it is referred to as ‘WEEE’.

**EPA** – Environmental Protection Act 1990.

**High quality recycling** – requires that throughout the recycling collection and processing chain, the distinct characteristics of the material (for example the polymer, or the glass, or the paper fibre or the metal) are preserved or recovered so as to maximise their potential to be re-used in the circular economy in a way that also maximises carbon emission savings.

**Household waste** – see section 75 of the EPA and applicable subordinate legislation – for example the Controlled Waste (England and Wales) Regulations 2012.

**Industrial waste** – see section 75 of the EPA and applicable subordinate) legislation – for example the Controlled Waste (England and Wales) Regulations 2012.

**Open-loop recycling** - where a waste material either (a) replaces the virgin use of a different material in a different new product or (b) replaces the use of a lower embedded carbon material and/or where the new product cannot itself be recycled after use, thus losing the material from the supply chain. Open-loop recycling is often associated with a degradation of the material being recycled. Open-loop recycling is also referred to as downcycling.

**Persistent Organic Pollutants (POPs)** - chemicals with toxic properties that remain in the environment for a very long time, accumulate in food chains and can harm human health and the environment. If released, these pollutants can move across boundaries far from their source – through air, water and migratory species - and they even accumulate in regions where they have never been used or produced. Some are becoming known as “forever chemicals”.

With limited exceptions, POPs are generally no longer used in new products, but they can still be found in waste. If such waste (such as WEEE or textiles) is recycled, POPs may re-enter the economy when the resulting materials are used in new products.

**Reprocessor** – carries out the activity of recycling, that is converting a waste into a product, material or substance that is no longer classified as a waste.

**Resin Identification Code** - codes 1 to 7 identify specific types of plastic polymer as follows:

- 1 - polyethylene terephthalate (PET), for example plastic drinks bottles;
- 2 - high-density polyethylene (HDPE), for example many milk bottles;
- 3 - polyvinyl chloride (PVC), for example pipes and uPVC window frames;
- 4 - low-density polyethylene (LDPE), for example many plastic bags;
- 5 - polypropylene (PP), for example some food containers;
- 6 - polystyrene (PS), for example some plastic utensils;
- 7 – other plastics (OTHER)/(PLA), or a mixture of plastics, for example bioplastics, composite plastics (like crisp wrappers), or polycarbonate.

The Resin Identification Codes are administered by ASTM International, an international standards organization.

**Scope 3 carbon emissions** – The global Green House Gas (GHG) Protocol Corporate Standard classifies a company’s GHG emissions into three “scopes”. Scope 1 emissions are direct emissions from owned or controlled sources. Scope 2 emissions are indirect emissions from the generation of purchased energy. Scope 3 emissions are all indirect emissions (not included in scope 2) that occur in the value chain of the reporting company, including both upstream and downstream emissions.

**Small waste electrical and electronic equipment (sWEEE)** – see “EEE” and Annex 6 for a list of EEE items that are classified as sWEEE.

**Sub-fraction** – see “Waste sub-fraction”

**Survival bag or sack** – a sealed, bag or sack sometimes used to separate different waste streams to enable them to be deposited with other waste materials in the same bin, or collected and transported with other waste streams in a collection vehicle. The survival bags are then removed at the sorting stage, allowing the materials contained in them to be separated out. They are usually made from polythene or polypropylene. However, they are prone to breaking if the filled bags are thrown into the back of a waste collection vehicle, or if they are piled on top of each other or if physical compaction is applied. This then mixes the contents.

**Unsold product** – an unused consumer product, in a factory, retail premises, wholesaler, warehouse or other premises, that has not been sold to a consumer or has been sold to, and returned by, a consumer.

**Waste** - any substance or object which the holder discards or intends or is required to discard.

**Waste material** (see also “waste sub-fraction”, “waste” and “waste stream”) - defined broadly by the type of material it is composed of – for example glass, metal, plastic, paper and food waste. In some instances a waste material can be a type of product –electrical or electronic equipment (EEE) or textiles. Each of these materials has sub-fractions.

**Waste stream** (see also “waste material” and “waste sub-fraction”) – a category, or categories, of waste materials that are considered suitable for collection in a single container.

**Waste sub-fraction** (see also “waste material” and “waste stream”) – refers to the different types of waste items that make up each individual waste stream. For example, plastic comprises of recyclable sub-fractions such as bottles, pots, tubs and trays composed of PET, HDPE or PP (see “Resin Identification Codes”) and non-recyclable sub-fractions such as items composed of PVC or PS. The Schedule to the Regulations and the Annexes to this code set out the waste sub-fractions that form each individual waste stream.

**Annex 1 – The glass sub-fractions that comprise the glass recyclable waste stream**

<b>Glass</b>	
<i>What should be placed in the waste stream</i>	<i>What should NOT be placed in the waste stream includes:</i>
<p>Glass bottles used as packaging Glass jars used as packaging</p> <p>but excluding any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations</p>	<p>Crockery (including ceramics and china) Drinking glasses Glass and ceramic cookware Light bulbs Metal jar lids or bottle tops (which should be placed in the metal stream) Mirrors Nail varnish bottles Sheet glass (including windowpanes, picture frame glass, car windscreens)</p>

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**Annex 2 – The cartons, metal and plastic sub-fractions that comprise the cartons, metal and plastic recyclable waste stream**

<b>Cartons, metal and plastic</b>	
<i>What should be placed in the waste stream:</i>	<i>What should NOT be placed in the waste stream includes:</i>
<p><b><u>Cartons</u></b>            Fibre-based composite packaging, being packaging material which is made of paperboard or paper fibres, laminated with low density polythene or polypropylene plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand, limited to:</p> <ul style="list-style-type: none"> <li>• cartons</li> <li>• paper drinks cups with a low density polythene or polypropylene plastic layer</li> <li>• rigid paper containers (for example stackable potato crisp tubes).</li> </ul> <p>but excluding any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations</p> <p><b><u>Metal</u></b>            Aluminium foil            Aluminium food trays            Aluminium tubes            Steel and aluminium aerosols            Steel and aluminium jar and bottle lids and caps            Steel and aluminium tins and cans</p> <p>but excluding any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations</p> <p><b><u>Plastic</u></b></p>	<p><b><u>Cartons</u></b>            Paper cups with a compostable, biodegradable inner waterproof plastic layer</p> <p><b><u>Metal</u></b>            Metal coffee pods            Paint cans (including aerosol spray paint cans)            Gas canisters            Scrap metal (including cutlery, and pots and pans)</p> <p><b><u>Plastic</u></b></p>

Amorphous polyethylene terephthalate and crystallised polyethylene terephthalate plastic packaging comprising pots, tubs, trays, rigid and semi-rigid lids and clear cups except where the plastic contains carbon black pigment so that it is not near infrared detectable.

Amorphous polyethylene terephthalate plastic bottles except where the plastic contains carbon black pigment so that it is not near infrared detectable.

High density polyethylene and low density polyethylene packaging comprising pots, tubs, trays and rigid and semi-rigid lids except where the plastic contains carbon black pigment so that it is not near infrared detectable.

High density polyethylene and low density polyethylene plastic bottles, pumps and triggers except where the plastic contains carbon black pigment so that it is not near infrared detectable.

Polypropylene plastic packaging comprising pots, tubs, trays, rigid and semi-rigid lids and clear cups except where the plastic contains carbon black pigment so that it is not near infrared detectable.

Polyethylene and polypropylene plastic packaging tubes except:

- where they are less than 50x50mm,
- where they have contained products used in construction works,
- where they have a metal layer, or
- where they are multi-monomer plastic

Polypropylene plastic bottles, pumps and triggers except where the plastic contains carbon black pigment so that it is not near infrared detectable

but excluding any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances

Black plastic food trays containing carbon black pigment so that it is not near infrared detectable.

Blister packaging commonly used for pharmaceuticals and other tablets consisting of pre-formed plastic cavities or pockets usually sealed with a lid seal made of aluminium foil or plastic film.

Bubble wrap

Bulk bags for the delivery of sand, gravel, seed, feed etc

Compostable, biodegradable or oxy-degradable plastic packaging

Crisp packets

Expanded polypropylene packaging such as takeaway containers

Plastic bags (including carrier bags, bread bags, frozen food bags, compost bags, fertiliser bags, feed bags)

Plastic coffee pods

Plastic film (including cling film, food tray film, pallet wrap, shrink wrap, silage wrap, crop cover)

Plastic paint can

Polystyrene, including drinks cup lids, and expandable foam packaging.

Pouches (including for pet food and liquid detergent)

Rigid non packaging hard plastics (including toys, coat hangers, plant pots)

Sachets

Sweet and biscuit wrappers

categorised as hazardous under regulation  
6 of those Regulations

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**Annex 3 – The paper and card sub-fractions that comprise the paper and card recyclable waste stream**

Paper & Card	
What should be placed in the waste stream	What should <u>NOT</u> be placed in the waste stream includes:
<p>All paper and card other than those sub-fractions listed in the right hand column</p> <p>but excluding any waste paper or card categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations</p>	<p>Fibre-based composite packaging, being packaging material which is made of paperboard or paper fibres, laminated with plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand.</p> <p>Hardback books.</p> <p>Padded polyethylene lined envelopes.</p> <p>Paper and card containing glitter or foil.</p> <p>Paper and card contaminated with food, paint, oil or grease.</p> <p>Paper and card that has been laminated.</p> <p>Paper towels, tissues, wet wipes, kitchen roll.</p> <p>Scratch cards.</p> <p>Shredded paper.</p> <p>Stickers and sticky notes.</p> <p>Till receipts.</p> <p>Wallpaper.</p> <p>Wax, silicone, greaseproof papers</p>

**Annex 4 – The food waste sub-fractions that comprise the food waste recyclable waste stream**

<b>Food waste</b>	
<i>What should be placed in the waste stream</i>	<i>What should NOT be placed in the waste stream</i>
<p>“Food waste” means controlled waste that—</p> <p>(a) has at any time been food (which for this purpose does not include drink) intended for human consumption, or</p> <p>(b) is biodegradable waste arising from the processing or preparation of food or drink,</p> <p>but does not include waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any place or equipment used in processing or preparing food or drink; and also does not include—</p> <p>(a) animal by-products comprising Category 1 material as listed in Article 8, or Category 2 material as listed in Article 9, of Regulation (EC) No 1069/2009;</p> <p>(b) food waste from premises that produce less than 5 kilogrammes of food waste in seven consecutive days; or</p> <p>(c) any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005<sup>(11)</sup> or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations.</p>	<p>See the exceptions listed in the left hand column.</p>

<sup>(11)</sup> S.I. 2005/1806 (W. 138), amended by S.I. 2020/1339 (W. 296).

**Annex 5 – The small waste electrical and electronic equipment (sWEEE) sub-fractions that comprise the sWEEE recyclable waste stream**

sWEEE	
What should be placed in the waste stream	What should NOT need to be placed in the waste stream
<p>The following equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current:</p> <p>Electrical and electronic equipment falling within one of the categories of EEE listed in Schedule 3 to the Waste Electrical and Electronic Equipment Regulations 2013, (but excluding items with any external dimension of more than 50 centimetres), including but not limited to:</p> <ul style="list-style-type: none"> <li>Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances</li> <li>Automatic dispensers for products including cold and hot drinks</li> <li>Cameras</li> <li>Clocks, watches and equipment for the purpose of measuring, indicating or registering time</li> <li>Coffee machines and grinders</li> <li>Computers, personal electronic devices and other computer equipment – including laptops and notebooks</li> <li>Electric knives</li> <li>Electronic musical instruments</li> <li>Electronic scales</li> <li>Electronic sports equipment</li> <li>Electronic toys and games</li> <li>Fryers</li> <li>Heating thermostats</li> </ul>	<p>Any WEEE with any external dimension of more than 50 centimetres.</p>

Irons and other appliances for the care of clothing  
Kettles  
Lamps and other lighting equipment  
Locational/GPS devices  
Microwaves  
Monitoring and control instruments used in industrial installations (for example, in control panels)  
Monitors  
Pocket and desk calculators  
Power tools  
Radios  
Smoke and carbon monoxide detectors  
Telephones  
Televisions and screens  
Toasters  
Vacuum cleaners  
Video cameras and recorders

but excluding any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations

**Annex 6 – The unsold textiles sub-fractions that comprise the unsold textiles recyclable waste stream**

<b>Unsold textiles</b>	
<b>What should be placed in the waste stream</b>	<b>What should NOT be placed in the waste stream</b>
<p>Clothing                      Non-clothing textiles including carpets and carpet tiles, leisure textiles (such as tents and tarpaulins), mattresses, rugs, soft furnishings (such as curtains, bedsheets, blankets, duvets, pillows, towels), underlay;                      Packaging made from textiles;</p> <p>but excluding any waste categorised as hazardous under regulation 6 of the Hazardous Waste (Wales) Regulations 2005 or containing residues of, or contaminated by, waste or substances categorised as hazardous under regulation 6 of those Regulations</p>	<p>Anything not included in the left-hand column.</p>

## Annex 7 – Examples of non-domestic premises

- i) agricultural premises;
- ii) bars and public houses;
- iii) bed and breakfasts, hotels;
- iv) bus stations, railway stations, seaports, airports, heliports;
- v) campsites and caravan parks (but not individual caravans);
- vi) care homes, residential care homes and nursing homes;
- vii) cinemas;
- viii) community centres and village halls;
- ix) construction sites;
- x) educational establishments such as universities, colleges and schools;
- xi) entertainment and sports venues, including leisure centres;
- xii) factories;
- xiii) film and television production sets;
- xiv) garages for vehicle servicing and repair;
- xv) garden centres;
- xvi) heritage buildings;
- xvii) holiday parks and resorts;
- xviii) hospices;
- xix) hospitals;
- xx) libraries and museums;
- xxi) offices;
- xxii) outdoor markets
- xxiii) pharmacies, doctors' surgeries, dental surgeries, optometrists, opticians, podiatrists and other primary care facilities;
- xxiv) places of worship;
- xxv) prisons;
- xxvi) restaurants and cafes;
- xxvii) service stations and petrol stations;
- xxviii) shops, shopping centres and other retail premises;
- xxix) showgrounds;
- xxx) sports grounds and stadia;
- xxxi) take aways & mobile food vendors;
- xxxii) theatres and arts venues;
- xxxiii) venues for temporary events such as festivals and shows, including outdoors events;
- xxxiv) warehouses; and
- xxxv) workshops.