

# Legal Update

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## COP 29 - UN CLIMATE CHANGE CONFERENCE

The 29th session of the Conference of the Parties (COP29) to the UN Framework Convention on Climate Change (UNFCCC) was held from 11<sup>th</sup> to the 24<sup>th</sup> of November 2024 in Baku, the capital city of Azerbaijan.

The key outcome of the conference was the agreement of a new global climate finance target, the 'new collective quantified goal' (NCQG), finalised on the last day.

Climate finance is provided by developed countries to support developing countries to respond and adapt to the impacts of climate change. At COP29, countries agreed to work towards an aspirational goal of \$1.3 trillion per year. This comprised an agreed target of "at least £300 billion" a year in international climate finance from 'developed' countries from 2035 (with the remainder of funding made up from wider sources of finance, such as private investment). The \$300 billion target is significantly less than the estimated need for developing countries and resulted in 'walkouts' during negotiations.

COP29 also finalised technical rules for international carbon markets under the Paris Agreement. Countries are seeking financing to deliver on the Paris Agreement goal of limiting global temperature rise to 1.5C (2.7F) above pre-industrial levels, beyond which catastrophic climate impacts could occur.

The world is currently on track for as much as 3.1C (5.6F) of warming by the end of this century, according to the 2024 UN Emissions Gap report, with global greenhouse gas emissions and fossil fuels use continuing to rise.

COP29 also provided a forum for countries to discuss increasing national ambitions on emissions reductions ahead of the submission of new 'nationally determined contributions' (NDCs) in 2025. The UK announced its new NDC at COP29: to cut emissions by 81% by 2035.

The official host nation for COP30 is Brazil, with the 2025 conference to be held in Belém from the 10<sup>th</sup> to 21<sup>st</sup> of November 2025. COP30 will be held close to the Amazon rainforest and billed as the 'nature COP'.

Sources: House of Commons Library, and The Independent. November 2024

## ELECTRICAL WASTE, REFORMING THE PRODUCER RESPONSIBILITY SYSTEM - SUMMARY OF RESPONSES AND GOVERNMENT RESPONSE

The Department for Environment, Food & Rural Affairs (Defra) report, summarises responses to a consultation on reforming the UK's Waste Electrical and Electronic Equipment (WEEE) producer responsibility system, and outlines the government's response.

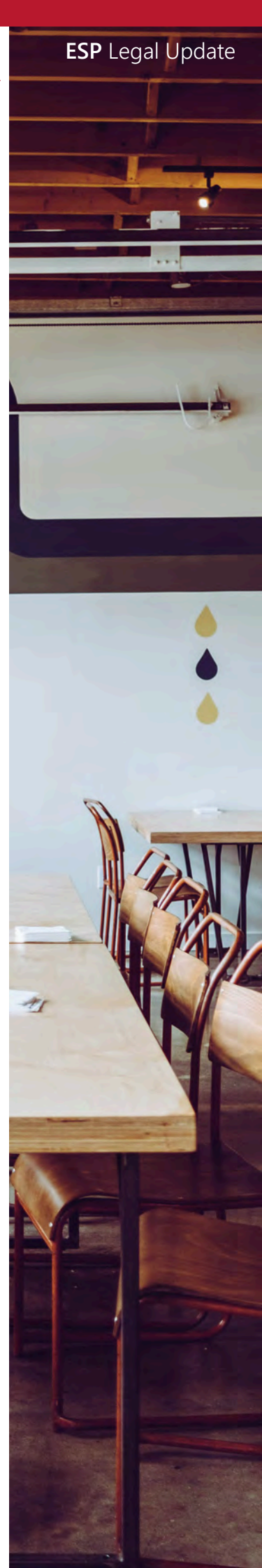
Key changes include:

- **New Vape Category:** Considering the news article on 8.2 million vapes incorrectly discarded each week, a new WEEE category will be created specifically for vapes and related products, requiring producers to report their weight placed on the market. Regulations will be introduced in 2025 with separate collection targets set from 2026.
- **Online Marketplace Obligations:** Online marketplaces will be obligated to contribute to WEEE collection, treatment, reuse and recycling costs for equipment sold by their overseas sellers. They will be required to join approved compliance schemes, pay registration fees, and report data on sales by overseas sellers, including reporting within the new vape category. Transitional reporting begins in 2025, with financial obligations starting in 2026. New charges will also be introduced to cover compliance monitoring costs.

The report also emphasises a shared commitment across the UK to drive a circular economy. While Scotland, and Wales have circular economy strategies, England will publish its strategy in 2025, developed with input from a UK-wide Circular Economy Taskforce. Further discussions between the four nations on WEEE policy will continue, with wider reform plans reflecting strategic priorities for a UK-wide circular economy to be published in 2025.

Find the report [here](#).

Source: Defra. December 2024



## **INTRODUCTION OF A UK CARBON BORDER ADJUSTMENT MECHANISM FROM JANUARY 2027 – GOVERNMENT RESPONSE TO THE POLICY DESIGN CONSULTATION**

The report presents the UK Government's response to the consultation on proposals for the design and administration of the UK carbon border adjustment mechanism (CBAM).

A CBAM is a mechanism implemented by governments to account for the carbon cost of producing imported goods, with the ultimate aim of reducing greenhouse gas emissions and supporting global progress towards net zero.

As reported in our July 2024 publication, CBAMs require information on emissions embedded in products to be collected, reported, and verified so that the applicable carbon tariff can be applied by customs authorities when the goods are brought into the country. This process can create administrative costs in the exporting country. Any economic impact is likely to be concentrated in countries and regions where carbon-intensive industries are concentrated.

To be consistent with world trade rules, CBAMs must be designed to not treat imported goods less favourably than the same goods produced domestically. CBAMs must also consider any charge already applied to goods in the exporting country, to avoid imported goods being charged twice for their carbon emissions.

The first CBAM is the EU CBAM, currently in a transition period, will be fully operational from the 1st of January 2026.

The UK CBAM consultation ran for 12 weeks and received over 340 responses from a variety of domestic and international stakeholders, including from UK and overseas industry, trade associations, importers, and academics.

The report confirms that a UK CBAM will be introduced on the 1st of January 2027. The UK CBAM will place a carbon price on some of the most emissions intensive industrial goods imported to the UK. The goods will be from sectors that are at high risk of carbon leakage; the aluminium, cement, fertiliser, hydrogen, and iron & steel sectors.

Products from the glass and ceramics sectors will not be in scope of the UK CBAM from 2027. The scope of the UK CBAM will be kept under review beyond 2027.

Source: HM Treasury/HM Revenue & Customs. October 2024

## **UK EV SALES REACHED RECORD HIGHS IN 2024**

In 2024, electric vehicles (EVs) represented nearly 20% of all new car registrations in the UK, with a record 382,000 units sold, according to the Society of Motor Manufacturers and Traders (SMMT).

The SMMT reported that EV registrations saw growth for the fifth straight month in December 2024. This resulted in electric cars making up a record 19.6% of all cars registered during the year, also setting a new sales volume record.

As electric and hybrid vehicles gained popularity, registrations of purely petrol and diesel cars decreased by 4.4% and 13.6% year-on-year, respectively. This shift led to a 6.2% reduction in average new car emissions, down to 102.1g of CO<sub>2</sub>e per kilometre.

Fleet sales were the primary driver of electric and hybrid car demand. While only 10% of private car buyers chose fully electric vehicles and another 16% selected hybrids, petrol cars remained the top choice for private buyers at 60%.

In contrast, one-quarter of car purchases for businesses and fleets were pure electric. The SMMT attributes this to "more compelling tax incentives afforded to non-private buyers."

Source: Edie. January 2025

## UK EMISSIONS TRADING SCHEME - MOVING THE SECOND UK ETS FREE ALLOCATION PERIOD AUTHORITY RESPONSE

The Department for Energy Security and Net Zero response (report), sets out the UK Emissions Trading Scheme (ETS) Authority's response to the consultation seeking views, on moving the start of the second allocation period for stationary installations from 2026 to 2027 and extending the current allocation period to include 2026.

The report states that the UK ETS Authority has decided to implement the proposed changes. The start of the second UK ETS free allocation period will be moved from 2026 to 2027.

The 2026 scheme year will be treated as an extension of the current allocation period and free allocation for the 2026 scheme year will be determined using the rules applicable to the years 2021-2025.

Source: Department for Energy Security and Net Zero. December 2024



## 8.2 MILLION VAPES INCORRECTLY DISCARDED EACH WEEK

With vape purchases increasing, the UK Government's recent ban on disposable vapes may not be enough to curb the environmental damage from vape waste, according to new research.

A study conducted by Material Focus found that of the 13.5 million vapes bought per week in 2024, 8.2 million are binned or incorrectly recycled. 77% of respondents said that they lacked access to clear information about recycling options for vapes. Lithium batteries used to power vapes, appear to be the cause of battery fires which has increased by 71%, from 700 in 2022 to over 1,200 in 2024.

Recycling centres and waste management facilities are feeling the impact of these fires, with a separate survey revealing that lithium batteries caused 13 waste fires in North London facilities during 2024 alone!

Despite the disposables ban commencing in June 2025, researchers warn that vapes will continue to cause significant damage as consumers move towards "big puff vapes," a new alternative without current restrictions.

"Big puff vapes" can hold up to 6,000 puffs per vape, compared to an average of 600 per single-use vape. Already, 63% of all vape puffs are taking on "big puff" style vapes, with the style finding popularity with 48% of 16-to-24-year-olds and 38% of 35-to-55-year-olds.

The environmental challenges are not only from waste fires, but researchers have also labelled vapes as "one of the most environmentally wasteful, damaging and dangerous consumer products ever made." Vapes contain rare materials such as copper and lithium, which are regularly being thrown away.

The study suggests that lithium in discarded vapes could instead be used to power over 10,000 electric car batteries each year.

With up to 80% of vape materials being recyclable, more comprehensive recycling and take-back options as well as major awareness campaigns could be the cornerstone of a workable solution.

The researchers recommend several actions to improve recycling rates:

- Clearer guidelines on packaging, and in stores, about vape recycling.
- More drop-off locations in retail stores, public parks, schools, and other community spaces.
- Vapers to shop only from places that offer recycling facilities.
- Mandating in-store collection as part of a licensing system for vape sales.

Source: Resource.co. December 2024

## GOVERNMENT CONSULTATION RESPONSE TO A NEW CCA SCHEME

The Government have published their response to a consultation which ran from November 2023 to February 2024, into a new six-year Climate Change Agreements (CCA) scheme. The consultation sought views on proposals for a new CCA UK scheme, including changes to eligibility, reporting requirements, and target setting processes.

The first voluntary CCA scheme in 2001 sought to encourage businesses with energy-intensive processes to invest in energy efficiency measures, in return for reduced rates of Climate Change Levy (CCL).

Targets ended under the current scheme on the 31st of December 2024, and reduced CCL rates are available until 31st of March 2027 for those who meet targets and other obligations under the scheme.

The Government have announced that they will implement a new six-year CCA scheme. The new scheme will have targets until the end of 2030, those meeting their obligations under the scheme will benefit from reduced CCL rates until March 2033.

### CCA Scheme Length.

Target Period dates:

- Period one - 1<sup>st</sup> of January 2026 to 31<sup>st</sup> of December 2026.
- Period two - 1<sup>st</sup> of January 2027 to 31<sup>st</sup> of December 2028.
- Period three - 1<sup>st</sup> of January 2029 to 31<sup>st</sup> of December 2030.

Certification Periods dates:

- Period one - 1st of July 2027 to 30th of June 2029.
- Period two - 1st of July 2029 to 30th of June 2031.
- Period three - 1st of July 2031 to 31st of March 2033.

There will be a gap between target periods for the current scheme to the new scheme, however, there will be no gap in certification periods. The final certification period under the existing CCA scheme ends on the 31<sup>st</sup> of March 2027, but this will be extended to the 30<sup>th</sup> of June 2027 to ensure there is no gap in certification. The first target period will be one-year, subsequent target periods will be two years.

### *Eligibility*

Existing participants under the current scheme, will not automatically be transferred to the new scheme. Sectors that expressed an interest in joining the new scheme will be assessed against eligibility criteria. They will need to provide evidence that either their energy costs amount to:

- At least 10% of their production value; or
- 3% or more but less than 10% of their production value so long as there is an Import Penetration (IP) ratio of at least 50%.
- Decisions on eligibility for new sectors and processes is expected during Spring 2025.

### *New entrants*

New entrants in existing sectors will be able to:

- Join the scheme every year between the 1<sup>st</sup> of January to the 31<sup>st</sup> of August, and will not be required to wait a minimum period before being certified to receive CCL relief.
- Apply to join the first target period under the new scheme between the 1<sup>st</sup> of May to the 31<sup>st</sup> August 2025. This process will use existing eligibility criteria as set out in the current CCA legislation.

*Continued on next page*

**GOVERNMENT CONSULTATION RESPONSE TO A NEW CCA SCHEME (continued)***Reporting*

Under the current scheme multiple facilities operated by a business can be grouped together with one target applied to all and operators are allowed to combine facilities together into a 'Target Unit' (TU). This means there is no requirement for each individual facility to report its performance.

The Government has confirmed it will require 'facility-level reporting' under the new scheme. Businesses will then be incentivised to invest in energy efficiency or decarbonisation measures at all their participating sites.

*Penalties*

These are set to remain the same as for the current scheme, with a £500 minimum penalty and penalties for inaccurate information, or reporting being the greater of £500 or £25/tCO<sub>2</sub>e in line with the buy-out price. The Government have announced that the number of audits carried out under the new CCA scheme will increase significantly.

*Inclusion of UK Emissions Trading Scheme (ETS) energy in targets*

The Government have stated that any energy covered by the UK ETS will not be included in CCA targets. They will use data from the UK ETS to inform target setting.

*Other points*

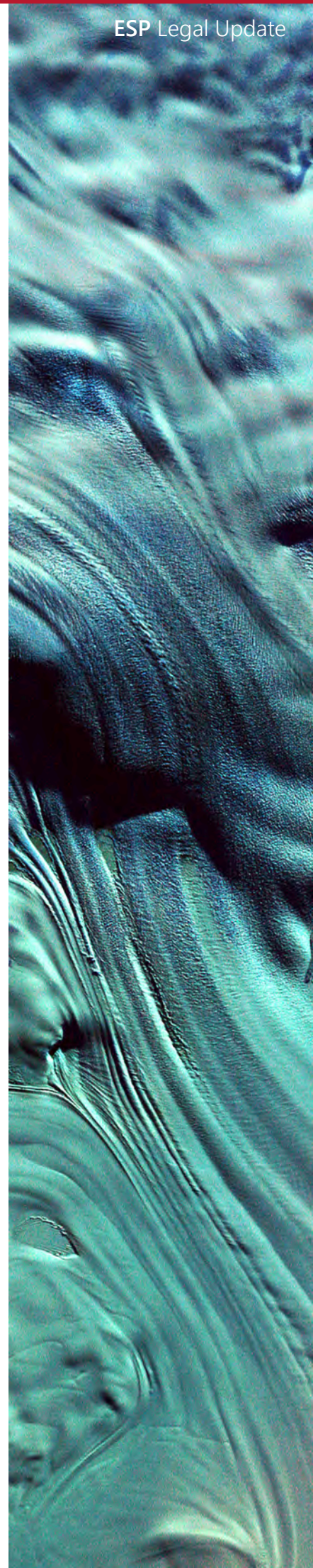
Other information to be aware of for the new CCA scheme:

- The 70:30 rule is part of the process of determining the eligible facility. If the installation consumes 70% or more of the site's total primary energy, an operator can claim that all the site's energy consumption falls within the eligible facility. The Government have proposed that there will be a requirement for an annual self-certification confirming facilities remain compliant with the threshold.
- The new baseline year will be 2022.
- There will be no mandatory requirement for the new scheme to hold ISO 50001, or an environmental management system.

Whilst the Government confirmed that there will be a new CCA scheme, new legislation will need to be created and brought into law in order to implement it.

Find the Government response to the Climate Change Agreements consultation [here](#).

Source: DESNZ. October 2024





## **INCOMPLETE WASTE TRANSFER NOTES RESULT IN PENALTIES FOR WASTE COMPANIES**

Waste producers and carriers are being reminded of the importance of keeping accurate records after two companies were given £300 penalties for failing to complete waste transfer notes correctly.

Tough Construction Limited and Robert Purvis Plant Hire Limited were each given a fixed monetary penalty (FMP) after the Scottish Environment Protection Agency (SEPA) discovered that waste transfer notes related to 91 movements of controlled waste from a housing development in Falkirk had not been completed correctly.

Waste transfer notes ensure that there is a clear audit trail from when waste is produced until disposal - providing an accurate record that enables regulators to track waste movements and check waste has been handled legally.

A waste transfer note should provide essential information on the type and quantity of waste, where it originated from, and where it will be disposed of or treated. Any person who produces, keeps or manages controlled waste or has control of it as a broker or dealer, or carriers must complete accurate waste transfer notes and make them available on request.

Of the 91 waste transfer notes checked the following essential information was missing:

- Two did not include the date of the waste transfer.
- 58 did not include the quantity of waste being transferred.
- 69 did not adequately describe the place of transfer.
- 73 contained insufficient detail of the waste type, composition and quantity.

None of the transfer notes included:

- The correct name of the transferor – it was either omitted or incomplete.
- The address of the transferor.
- The postcode of the place of transfer.
- If the transferor was the producer or importer of the waste.
- The appropriate six-digit code in the European Waste Catalogue.
- The Standard Industrial Classification code (SIC code) that describes the business activity that produced the waste.

Evidence gathered by SEPA revealed that Tough Construction Limited had been contracted by the housing developer to undertake groundworks and had therefore produced the controlled waste removed from site. The transfer notes were completed by Robert Purvis Plant Hire Limited, the company collecting the waste at the time of each transaction, before being signed by both parties.

SEPA can issue FMPs for a specified offence. FMPs are normally appropriate where an offence has not caused environmental harm or has caused minimal environmental harm with no lasting environmental effects or impacts on communities, for administrative offences and where little (if any) financial benefit arises from the offence.

It should be noted this is a Scottish case and therefore the fines are limited, however, if this were in the England or Wales the fines could be unlimited based upon Sentencing guidelines.

**ENVIRONMENT AGENCY FINES WATER COMPANY £300,000 FOR SEWAGE POLLUTION IN NORFOLK**

Following a successful prosecution by the Environment Agency, Anglian Water has been fined £300,000 for illegally discharging sewage into a watercourse that feeds into the Broads Special Area of Conservation in Norfolk.

Anglian Water Services Limited was sentenced at Basildon Magistrates Court to pay a fine of £300,000, alongside £21,896.56 in costs and a £171 victim surcharge for breaching the Environmental Permitting (England and Wales) Regulations 2016.

Anglian Water pleaded guilty earlier in the year.

The pollution happened on the 5<sup>th</sup> of November 2018, when an Anglian Water pumping station in Ormesby St Margaret, Norfolk, discharged untreated sewage into Spring Dyke. The Dyke feeds into Ormesby Broad which is a public water supply and a Site of Special Scientific Interest.

Samples taken by Environment Agency officers found high levels of ammonia in the polluted water. Thousands of fish were killed and had to be removed and many more were seen in distress, so aerators were installed to prevent further impact.

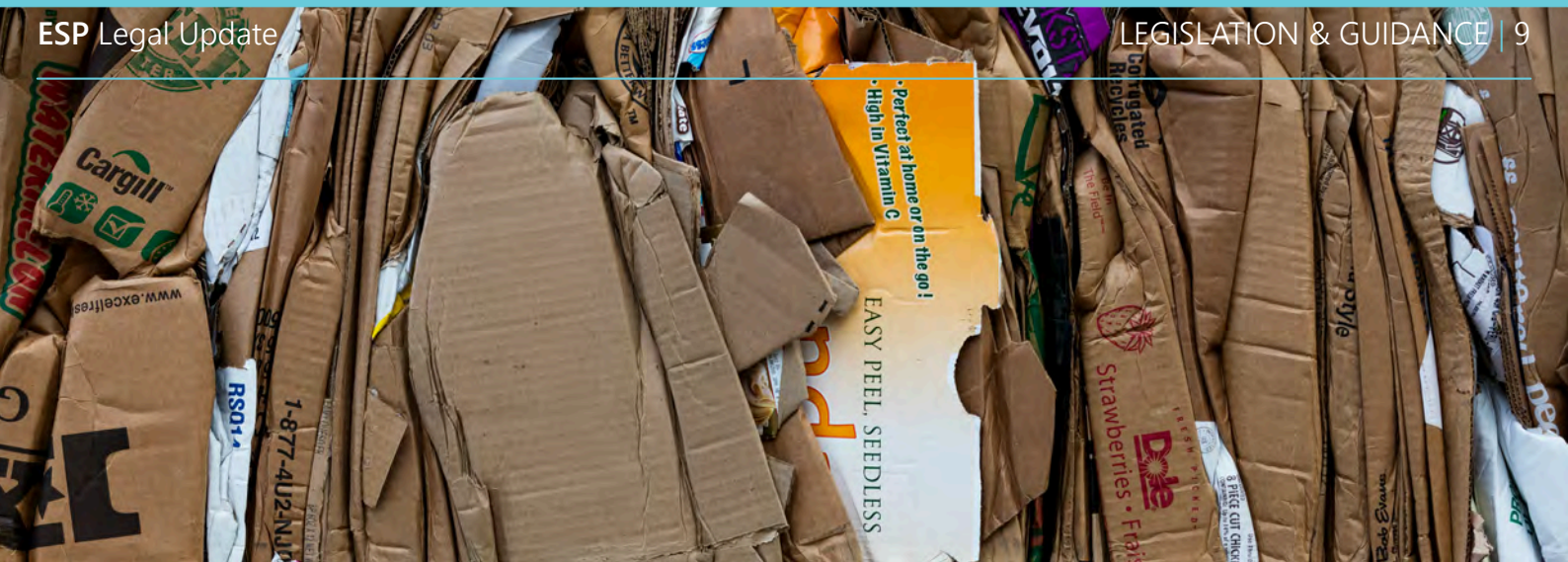
The court found that Anglian Water had been negligent and that the incident had caused significant harm. It took 11 days for the water quality in Spring Dyke to recover.

Sentencing Anglian Water, District Judge Williams said that “the effect on wildlife was deadly, with a significant number of fish having died, and a large number seen in a state of distress. There was some impact on local residents and there was also a risk that this could have entered the public water supply.”

The overflow of sewage was caused by a blockage of un-flushable items in the pumping well. Anglian Water was aware of issues with the pumping station. Some 10 sewage discharges have occurred since 2003, but the pumping station does not hold an emergency overflow permit.

Source: Environment Agency. December 2024





## PRODUCER RESPONSIBILITY OBLIGATIONS (PACKAGING AND PACKAGING WASTE) REGULATIONS 2024

These Regulations came into force on the 1<sup>st</sup> of January 2025 and apply to England, Scotland, Wales and Northern Ireland. They implement Extended Producer Responsibility (EPR) as introduced by the Environment Act 2021, replace the 2023 Data Reporting Regulations and will completely replace the 2007 regulations by the 1st of January 2026.

The Regulations place financial responsibility for household packaging waste management with producers, with the aim of incentivising better design, reduced material use and promoting a circular economy. "Producers" include brand owners, importers, distributors, online marketplaces, service providers, and sellers operating in the UK.

They place financial responsibility on businesses for the cost of managing their products once they reach end-of-life.

Key changes include:

- The Regulations are applicable to:
  - Large producers (over £2m turnover and 50+ tonnes of packaging)
  - Small producers (over £1m turnover and 25+ tonnes of packaging).
- Producers must register with the relevant environmental agency, retain packaging records, and report data.
- Large producers must recycle packaging waste in each category of packaging they supply, provide compliance certificates, and pay disposal cost fees based on recyclability and material type.
- Large producers must assess the recyclability of their household packaging. The Government has published the Guidance: 'Extended producer responsibility for packaging: recycling obligations and waste disposal fees' can be found [here](#).
- If a producer is part of a registered compliance scheme, the compliance scheme is obligated to carry out registration, reporting and recycling obligations on behalf of the producer. Organisations should check that the compliance scheme appears on the compliance scheme public register.
- Part 7 contains provisions about the application of producer responsibility obligations where two or more members of a corporate group are each a producer.
- First data reports under the Regulations are due on the 1<sup>st</sup> of April 2025, covering 2024 data.
- Existing Reprocessors and Exporters must register by 1<sup>st</sup> of October 2025.
- New Reprocessors and Exporters must register by the 1<sup>st</sup> of January 2026.
- Only accredited Reprocessors and Exporters can issue a PRN (packaging waste recycling note, or PERN (packaging waste export recycling note), to evidence that packaging waste has been recycled.
- An exporter must submit a separate application for registration for each category of packaging waste that they wish to be registered to export for recycling outside the UK.

Businesses across the UK that meet the criteria for "producers" under the regulations will be subject to the same obligations for packaging waste.

Find the Guidance [here](#).

## DRAFT SEPARATION OF WASTE (ENGLAND) REGULATIONS 2025

Under the Environmental Protection Act 1990, requirements for the separation of waste recycling streams collections (metal, glass, plastic, paper/card, and food) are due to come into force from the 31<sup>st</sup> of March 2025). We reported on the Separation of Waste (England) Regulations 2024, in our July 2024 publication. The Separation of Waste (England) Regulations 2024 define the household and recyclable 'relevant' wastes (industrial or commercial waste similar in composition to household waste), that must be collected separately from households, relevant non-domestic premises and businesses. Waste collectors must collect these waste streams separately:

- Food waste.
- Garden waste (only applies to the collection of household waste from domestic premises)
- Glass.
- Metal.
- Paper and card.
- Plastic.

The Draft Separation of Waste (England) Regulations 2025, if passed will implement a simpler recycling policy, allowing metal, glass, and plastic to be collected together from all premises in England. Food waste, and paper & card waste must be kept separate from all other waste streams and collected separately.

This means a minimum of four waste containers will be required:

- General waste.
- Mixed dry recycling (metal, glass, plastic).
- Paper/card.
- Food (which can be combined with garden waste for households).

Under the Regulations Micro-firms (under 10 employees), will have a two-year grace period, with compliance required from the 31<sup>st</sup> of March 2027.

There will be flexibility to collect paper and card with other dry recycling materials in cases where separate collection is technically or economically impracticable, or where it provides no significant environmental benefit. *In such instances waste collectors will need to produce a written assessment as to why they are collecting everything together.*

Simpler recycling key dates:

- 31<sup>st</sup> of March 2025 - businesses and non-domestic premises in England to arrange for the collection of recyclable waste streams - glass, metal, plastic, paper and card, and food.
- micro-firms will be exempt from this requirement until 31<sup>st</sup> of March 2027 (this applies to businesses with fewer than 10 full-time equivalent employees).
- 31<sup>st</sup> of March 2026 - the recyclable waste streams mentioned above must be collected from all households, with the addition of garden waste.
- 31<sup>st</sup> of March 2027 - kerbside plastic film collections from businesses and relevant non-domestic premises and households will be introduced.

Find the Regulations [here](#).



## WOOD WASTE RECYCLING REGULATIONS

The Wood Recyclers' Association (WRA) has launched an updated Toolkit to help operators understand recent changes to waste wood classification.

We previously reported that from the 1<sup>st</sup> of September 2023, the classification of ten waste wood items as hazardous and potentially hazardous waste, would affect both producers of waste wood (businesses) and recyclers.

The reason for this change was that the Environment Agency (EA) withdrew Regulatory Position Statement (RPS) 250 on 1<sup>st</sup> of September 2023. This meant that a small number of potentially hazardous "amber" waste wood items from pre-2007 buildings could no longer be processed as non-hazardous unless sent off for a simple test to show they were not hazardous.

In September 2024, the Environment Agency said that all treated 'amber' waste wood items from both the Household Waste Recycling Centre (HWRC) and demolition waste streams would be classified as non-hazardous.

Wood from heavy industrial buildings is an exception and will still need to be assessed and tested to WRA02, the Environment Agency-recognised standard for hazardous waste wood.

The updated Waste Wood Classification Toolkit includes a Checklist, Frequently Asked Questions, WRA Acceptable Materials Guide and WRA Waste Wood Grading System. These explain what the removal of Regulatory Position Statement 291 means for operators and how most demolition wood can now be moved and processed as non-hazardous, provided it is destined for panel board manufacture or Chapter IV biomass.

Julia Turner, Executive Director of the WRA, said: "We are delighted to launch this updated Toolkit which explains how moving and processing waste wood from households and demolition is now much simpler for operators and answers any questions people may have about the recent changes."

The WRA updated Toolkit can be found [here](#).

Find more information [here](#).

## DRAFT DEPOSIT SCHEME FOR DRINKS CONTAINERS (ENGLAND AND NORTHERN IRELAND) REGULATIONS 2024

If passed into law, these draft Regulations will create a deposit return scheme for drinks containers sold in England and Northern Ireland.

Deposit return schemes are designed to boost recycling and minimise litter. They function by adding a deposit to the purchase price of a drink, which is then refunded when the empty container is returned to a designated collection point.

A scheme administrator, referred to as the Deposit Management Organisation, has to be appointed to run it.

Should the Regulations come fully into force on the 1<sup>st</sup> of October 2027, a deposit will be charged on drinks containers, e.g. bottles and cans in which drink is supplied, which:

- Is made from aluminium, PET plastic or steel.
- Has a capacity of between 150ml and 3 litres.
- Is likely to be used only once, or for a short period of time, before being discarded.

The Regulations should come into force over time, to allow work to begin to establish a Deposit Management Organisation that will publish and maintain a register of scheme producers (those who manufacture, import or fill the containers). Scheme producers will not be able to supply in-scope containers unless they are registered with the Deposit Management Organisation.

Find the draft Regulations [here](#).

### **DRAFT: THE ENVIRONMENTAL AUTHORISATIONS (SCOTLAND) AMENDMENT REGULATIONS 2025**

These draft Regulations aim to amend the Environmental Authorisations (Scotland) Regulations SSI 2018/219, to bring water, waste and industrial emissions activities into an integrated framework for authorisation of environmental activities.

The 2018 Regulations introduced the basis for environmental authorisations in Scotland, establishing a system of authorisation for radioactive substances activities.

The draft Regulations consolidate the regulatory authorisation arrangements for SEPA's four main regulatory areas, water, waste, radioactive substances and Pollution Prevention and Control under a single standardised procedure.

Under the draft Regulations amendments provide that activities (water, waste, industrial and other emissions activities) currently regulated under the existing licences, permits or registrations will need to be authorised. The amendments will revoke a lot of the current legislation that provides for the environmental activities including:

- Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations SI 1991/1624.
- End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations SSI 2003/593.
- Landfill (Scotland) Regulations SSI 2003/235.
- Pollution Prevention and Control (Scotland) Regulations SSI 2012/360.
- Sludge (Use in Agriculture) Regulations SI 1989/1263.
- Waste (Recyclate Quality) (Scotland) Regulations SSI 2015/101.
- Waste Management Licensing (Scotland) Regulations SI 1996/916.
- Waste Management Licensing (Scotland) Regulations SSI 2011/228;
- Waste Management Licensing (Water Environment) (Scotland) Regulations SSI 2006/128.
- Waste Management Regulations SI 1996/634.
- Water Environment (Controlled Activities) (Scotland) Regulations SSI 2011/209.

Amendments made by the draft Regulations also bring new activities in the integrated authorisation framework into scope. New activities will be subject to a phased in approach within the published timeframes below:

- Widening the scope of regulation for carbon capture, utilisation and storage (CCUS) activities, expected to come into force in April 2027.
- Introducing regulation for the non-waste anaerobic digestion (AD) sector. expected to come into force in April 2028.
- Introducing regulation for small electricity generators at a single site, where they aggregate to 1 MW (1 MWth) or more, expected to come into force in January 2029.
- Application of sewage sludge to land, expected to come into force in June 2025.

If approved by the Scottish Parliament, the draft Regulations should enter into force in 2025.

Find the Draft Regulations [here](#).

**GUIDANCE: CHOOSING WASTE EXEMPTIONS FOR WASTE MANAGEMENT ACTIVITY**

The Environment Agency guidance looks at how businesses can choose the right waste exemptions, comply with exemption conditions and understand when they need to register.

A waste exemption is a waste management activity that is exempt from needing an environmental permit. Each waste exemption has conditions that must be complied with.

If businesses cannot meet the conditions, they may need an environmental permit to carry out the activity.

Businesses can register a waste exemption through the waste exemption service.

*Exemption categories*

Waste exemptions are grouped under four types of waste activity:

- Storing waste.
- Treating waste.
- Using waste.
- Disposing of waste.

Each exemption has its own guidance setting out:

- What activities are allowed.
- The conditions of the exemption.

All exemptions have to be registered, except for three relating to temporary storage and collection points.

*Exemption conditions*

Businesses must comply with the conditions of each exemption to ensure they do not cause harm to people or the environment, they must not:

- Cause risk to water, air, soil, plants or animals.
- Cause a nuisance through noise and odours.
- Adversely affect the countryside or places of special interest.

If businesses do not comply with waste exemption conditions, their activity will be illegal. The Environment Agency may deregister the exemption and take enforcement action.

The Guidance provides detail concerning:

- Registering a waste exemption.
- Registering an exemption on a farm.
- Registration rules.
- Exemptions to register with the local council.
- Renewing an exemption.
- Deregistering an exemption.
- Bulk registration.
- Linear networks.
- Registering an exemption on a linear network.
- Charges for registering exemptions.
- Exemptions that do not need to be registered.
- When a permit might be needed.

Waste exemptions are changing and this will affect businesses who conduct a waste activity which is exempt. Defra's consultation supplementary response document and its annexes explain the changes and set out which exemptions will be withdrawn or restricted. Changes to the exemptions are likely to start in 2025 but timescales have not been finalised. Defra's consultation supplementary response document can be found [here](#).

A complete list of waste exemptions guides for storing, treating, using and disposing of waste. Including waste exemption conditions, can be found [here](#).

Please find the Guidance, Guidance Choosing waste exemptions for waste management activity, [here](#).



## PHASING OUT THE SALE OF NEW PETROL AND DIESEL CARS FROM 2030 AND SUPPORT FOR THE ZERO-EMISSION TRANSITION

This consultation seeks views on delivering the commitment to end the sale of new cars powered solely by internal combustion engines by 2030 and supporting the UK's transition to zero emissions vehicles.

The consultation is split into 2 parts.

Part 1 is about phasing out sales of new petrol and diesel cars from 2030 and supporting zero emission transition. It is being conducted by the UK Government and seeks views on:

- Options to end the sale of new cars with internal combustion engines from 2030.
- Potential requirements for new non-zero emission vans to be sold from 2030 to 2035.
- Consideration of approach for small volume manufacturers.
- Demand measures to support the uptake of zero emission vehicles.

Part 2 of the consultation is about the ZEV Mandate, delivered through the vehicle emissions trading schemes (VETs). It is conducted by the UK Government, Scottish Government, Welsh Government, and the Department for Infrastructure (NI) and seeks views on:

- The existing flexibilities within the ZEV mandate, and consideration of further flexibilities.
- Other technical updates to the ZEV mandate to ensure its efficiency.

Evidence from part 2 of the consultation will inform potential future amendments to the ZEV Mandate and CO<sub>2</sub> emissions regulation.

The analytical annex sets out the analytical approach and tailpipe CO<sub>2</sub> analysis results for the proposed VETS amendments and options for delivering the 2030 commitment.

The consultation is open until 18<sup>th</sup> of February 2025.

Please find the consultation [here](#).

Department for Transport. December 2024



## UK EMISSIONS TRADING SCHEME – FREE ALLOCATION REVIEW – CARBON LEAKAGE

This is an interim consultation following the 2023 UK ETS Free Allocation Review consultation where the Authority committed to publish a draft UK Carbon Leakage List and put forward further options on free allocation adjustments for CBAM sectors

The UK ETS Authority consultation is seeking views on a number of proposals to improve its approach to Free Allocations, specifically:

- The approach to calculating the Carbon Leakage Indicator and setting the Carbon Leakage List.
- The approach to adjusting Free Allocations for Carbon Border Adjustment Mechanism (CBAM) sectors.

The Authority has used responses from that 2023 consultation to form these new proposals and has included a summary of those responses in the consultation document.

The consultation will be of particular interest to:

- Individual companies.
- Representatives of industrial and power sectors with obligations under the UK ETS.
- Environmental groups.

The consultation is open until the 10<sup>th</sup> of March 2025.

Find the consultation [here](#).

Department for Energy Security and Net Zero. December 2025

## **ENVIRONMENT AGENCY CHARGING PROPOSALS FOR FLUORINATED GREENHOUSE GASES (F GAS) AND OZONE DEPLETING SUBSTANCES (ODS)**

This Environment Agency (EA) consultation is about new charges to fund the regulatory work for fluorinated greenhouse gases (F Gas) and ozone depleting substances (ODS). Its role is to manage businesses registering online for these services.

The Environment Agency administers the fluorinated greenhouse gases (F Gas) and ozone depleting substances (ODS) online services on behalf of England, Scotland and Wales. They use an annual quota and licensing system to make sure national and international obligations are met for the levels of controlled substances being imported and exported.

Their role is to manage businesses registering on these services, and involves:

- Calculating quota and managing quota transactions .
- Determining licence applications.
- Reviewing annual reports.
- Working with businesses and hm revenue & customs to ensure ongoing compliance with the scheme.
- Providing guidance and a helpdesk.

‘Quota’ is the amount of controlled substances that can be imported or produced in England, Scotland and Wales. This is described as equivalent tonnes of carbon dioxide for F Gas, and mass for ODS.

These activities, including the information technology developed to replace the EU services, have been Government funded and are free for businesses to use.

The number of businesses using the F Gas and ODS services has increased, and the Government funding they receive to manage these services is no longer sufficient, and they will not be able to continue providing the same level of service without introducing charges to fully recover costs.

This consultation sets out their new charging proposals for F Gas and ODS.

For F Gas, the EA propose to introduce charges for:

- New registration from April 2025.
- Annual subsistence.

For ODS, the EA proposes to introduce charges for:

- New registrations from April 2025.
- New applications for import and export licences and quotas.
- Laboratory ODS service declaration (LabODS).
- Annual subsistence.

The consultation document explains:

- Why the EA is consulting and what it aims to achieve.
- The new proposed charging structure.
- The questions it has for consultees.
- How you can respond.

The EA would like to know if consultees agree with its proposals and welcomes their feedback, as it helps it to understand the impact of its proposals and make an informed decision.

The consultation is open until 13<sup>th</sup> of February 2025.

Please find the consultation [here](#).

Source: Environment Agency. December 2024