

**Case Name:** *Protreat Ltd, R (On the Application Of) v The Environment Agency* [2018] EWHC 1983 (Admin) (30 July 2018)

**Full case:** [Click Here](#)

**Commentary:** The Court ruled that the Environment Agency was not obliged to produce guidance as to when waste lubricating oil ("WLO") has or has not achieved "end of waste" status. The Claimant had also complained, among other issues that the court considered "difficult to keep in focus", that the Environment Agency unlawfully decided "to regard recycled oils that are generated from waste oils as still being waste".

It was held that there was no obligation either under the Waste Directive or under domestic law to produce end-of-waste guidance in relation to the products of re-refining. No authority was cited to demonstrate how such an obligation could have arisen in domestic law and an obligation on the part of a public authority to produce guidance as to how it will operate in a particular context arises, rarely, if at all.

The Court found it hard to see how the treatment of submissions on recycled oils was unreasonable or irrational. The principle of equal treatment cannot compel an authority to approve what it reasonably and rationally regards as an inadequate submission.

*Case summary prepared by Town Legal LLP*