

This Statutory Instrument has been made to correct errors in S.I. 2019/271, 2019/289 and 2019/584 and is being issued free of charge to all known recipients of those Statutory Instruments.

Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

**EXITING THE EUROPEAN
UNION, NORTHERN IRELAND
ENVIRONMENTAL PROTECTION,
NORTHERN IRELAND**

**The Waste and Environmental Protection (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019**

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)
and (3)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(3) of Schedule 7 to that Act a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Waste and Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.

(2) Parts 1 and 3 come into force immediately before exit day.

(3) Part 2 comes into force on exit day.

- (4) These Regulations extend to Northern Ireland only.

PART 2

Amendment of primary legislation

Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997

2. In Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997(2), in paragraph 4(1), omit “, taking into account best available techniques”.

PART 3

Amendment of subordinate legislation

Amendment of the Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

3. In regulation 5(3) of the Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(3), in the inserted text of regulation 9D, for paragraph (8) substitute—

“(8) In Article 16—

(a) in paragraph 1, in the first sub-paragraph—

(i) the words from “, in cooperation with” to “advisable,” were omitted; and

(ii) “, taking into account best available techniques” were omitted; and

(b) in paragraph 2—

(i) for “Community as a whole to become” there were substituted “United Kingdom as a whole to move towards the aim of becoming”; and

(ii) the words “and to enable Member States to move towards that aim individually,” were omitted.”.

Amendment of the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

4. In paragraph 11 of Schedule 3 to the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(4), for sub-paragraph (10) substitute—

“(10) Article 16 is to be read as if—

(a) for paragraph 1 there were substituted—

“1

The United Kingdom shall take appropriate measures to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private

(2) [S.I. 1997/2778 \(N.I. 19\)](#); Schedule 3 was substituted by [S.R. 2011 No.127](#) regulation 8 and amended by [S.I. 2019/584](#) regulation 14.

(3) [S.I. 2019/271](#).

(4) [S.I. 2019/289](#).

households, including where such collections also covers such waste from other producers.”;

(b) in paragraph 2—

(i) for “Community as a whole to become” there were substituted “United Kingdom as a whole to move towards the aim of becoming”; and

(ii) the words “and to enable Member States to move towards that aim individually,” were omitted.”.

Amendment of the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

5. In the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(5), in regulation 14(a), for “become” substitute “move towards the aim of becoming”.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular the deficiencies referred to in paragraphs (a), (d) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 corrects an omission to earlier amendments made to Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778(N.I.19)) (“the 1997 Order”) by the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/584) (see regulation 5) . The 1997 Order sets out provisions relating to waste on land, the collection and disposal of waste, land contamination by pollution, the controlled use, supply or storage of prescribed substances and articles and the obtaining of information on potentially hazardous substances. The relevant provision in the context of this instrument is paragraph 4 of Schedule 3 which transposes Article 16 of Directive 2008/98/EC of the European Parliament and of the Council on waste (“the Waste Framework Directive”) in respect of the objectives of waste strategies.

Regulation 3 corrects errors in the Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/271) which made amendments to a number of pieces of legislation in the area of waste management. The relevant amendment for the purpose of this instrument is in respect of the insertion of new regulation 9D into the Waste Regulations (Northern Ireland) 2011.

Regulation 4 corrects errors in the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289) which made amendments to a number of pieces of legislation covering waste management, air quality and modifications of EU Directives for the purposes of interpretation post EU Exit. The relevant amendment for the purpose of this instrument is in Schedule 3 paragraph 11(10) relating to modifications of Article 16 of the Waste Framework Directive.

Regulation 5 corrects an error in the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/584) which made amendments to a number of pieces of legislation covering waste, industrial pollution, genetically modified organisms, noise and environmental liability. The relevant amendment for the purpose of this instrument is regulation 14(a) which amends Schedule 3 to the 1997 Order.

An impact assessment has not been produced for this instrument as no, or no significant impact on the public, private or voluntary sector is foreseen.