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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations implement (in part), Council Directive 75/442 EEC on waste<sup>(1)</sup> (“the Waste Framework Directive”) and Council Directive 1999/31/EC on the landfill of waste<sup>(2)</sup> (“the Landfill Directive”).

Regulation 2 amends Articles 2, 4, 5 and 31 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the Order”).

The amendments to Article 2 bring waste from mines and quarries and agricultural waste within the waste management controls established under the Order.

The amendments to Article 4 mean that, in relation to household waste, an establishment and undertaking must comply with all the requirements of Article 4(1) of the Order, but that a person who is not an establishment or undertaking must only comply with the requirements of Article 4(1)(c).

Regulations 3, 6 and 28 make minor amendments to subordinate legislation.

Regulation 4 amends the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 so that the registration requirements of the Order do not apply to those who only transport animal by-products waste, mines or quarries waste or agricultural waste on a professional basis. Instead the registration requirements of paragraph 12 of Part I of Schedule 3 to the Waste Management Licensing Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) will apply in these circumstances (see regulation 25(3)).

Regulation 5 amends the Controlled Waste Regulations (Northern Ireland) 2002. The amendment in regulation 5(7) provides that Article 5 of the Order (duty of care, etc., as respects waste) does not apply to waste which comprises animal by-products collected and transported in accordance with the Community Regulation (as defined in regulation 5(7)). The amendment in regulation 5(9) provides that any Directive waste is to be classified as industrial waste if it is not otherwise classified as household or commercial waste.

Regulations 7 –26 amend the 2003 Regulations in a number of respects. These include inserting new paragraphs into Schedule 2 to the WML Regulations to provide for exemptions from waste management licensing for activities involving – the recovery of animal by-products (regulation 19), the treatment of land with liquid milk and the deposit of plant tissue (regulation 23).

Regulation 27 amends the Landfill Regulations to ensure that the Landfill Directive is transposed in relation to agricultural waste and mines and quarries waste. It provides that if the operator of a landfill taking agricultural waste or mines or quarries waste proposes to continue to accept waste after the date on which these Regulations come into operation then within one month of that date he must prepare and submit a conditioning plan to the Department for that site.

Regulation 29 contains transitional provisions which apply to the deposit, disposal or recovery of agricultural waste, or mines or quarries waste, for a period of twelve months after the Regulations come into operation.

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(1) O.J. No. L194, 25.7.1975, p. 39 (as amended by Council Directives 91/156/EEC (O.J. No. L78, 26.3.1991, p. 32), 91/692/EEC (O.J. No. L377, 31.12.1991, p. 48 (as corrected by Corrigendum, O.J. No. L146, 13.6.2003, p. 52)), Commission Decision 96/350/EC (O.J. No. L135, 6.6.1996, p. 32) and Regulation (EC) No. 1882/2003 (O.J. No. L284, 31.10.2003, p. 1)).

(2) O.J. No. L182, 16.7.1999, p.1 (as amended by Regulation (EC) No. 1882/2003 (O.J. No. L284, 31.10.2003, p. 1)).

**Status:** *This is the original version (as it was originally made).*

A Regulatory Impact Assessment in relation to these Regulations has been placed in the library of the Northern Ireland Assembly and copies can be obtained from Environmental Policy Division, 20-24 Donegall Street, Belfast BT1 2GP.