

2006 No. 519

ENVIRONMENTAL PROTECTION

**Waste Electrical and Electronic Equipment (Waste Management
Licensing) Regulations (Northern Ireland) 2006**

Made - - - - - *14th December 2006*

Coming into operation - *5th January 2007*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(a) and conferred on it by Articles 2(8), 4(3) and 6(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997^(b).

The Department of the Environment was designated^(c) for the purposes of section 2(2) of the European Communities Act 1972 in respect of matters relating to waste electrical and electronic equipment.

In exercising its powers under Article 4(3) of that Order the Department has had regard in particular to the matters specified in Article 4(4).

Citation and Commencement

1. These Regulations may be cited as the Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006 and shall come into operation on 5th January 2007.

2.—(1) In these Regulations—

(a) 1972 c. 68.

(b) S.I.1997 No.2778 (N.I. 19).

(c) S.I. 2003 No. 1888.

- (a) “the Waste Electrical and Electronic Equipment Directive” or “WEEE Directive” means Council Directive 2002/96/EC(a) on waste electrical and electronic equipment as amended by Council Directive 2003/108/EC(b);
- (b) “the 2003 Regulations” means the Waste Management Licensing Regulations (Northern Ireland) 2003(c);
- (c) “the 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997(d).

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the 2003 Regulations

- 3. The 2003 Regulations shall have effect subject to the amendments in Schedule 1.

Transitional provisions

- 4. The transitional provisions of Schedule 2 shall have effect.

Sealed with the Official Seal of the Department of the Environment on 14th December 2006



Wesley Shannon
A senior officer of the Department of the Environment

(a) O.J. No. L37, 13.2.2003, p.24.
(b) O.J. No. L345, 31.12.2003, p. 106.
(c) S.R. 2003 No. 493 as amended by S.R. 2006 No. 280.
(d) S.I. 1997 No. 2778 (N.I. 19).
(e) 1954 c. 33 (N.I.).

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

1. In regulation 1(3) (interpretation)—

(a) there shall be inserted in the appropriate place—

““best available treatment, recovery and recycling techniques” has the meaning given in the document published by the Department on 5th December 2006, entitled “Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE)”(a)

“electrical and electronic equipment” or “EEE” has the meaning given by Article 3(a) of the WEEE Directive;

“recycling” in relation to WEEE has the meaning given by Article 3(e) of the WEEE Directive;

“reuse” in relation to WEEE has the meaning given by Article 3(d) of the WEEE Directive;

“treatment” in relation to WEEE has the meaning given by Article 3(h) of the WEEE Directive;

“waste electrical and electronic equipment” or “WEEE” has the meaning given by Article 3(b) of the WEEE Directive;

“the Waste Electrical and Electronic Equipment Directive” or “WEEE Directive” means Council Directive 2002/96/EC(b) as amended by Council Directive 2003/108/EC(c) and expressions used in these Regulations which are also used in the WEEE Directive have the same meaning as in the Directive;”

(b) for the definition of “recovery” there shall be substituted—

““recovery”—

(a) in relation to WEEE, has the meaning given by Article 3(f) of the WEEE Directive;

(b) in relation to any other type of waste, means any of the operations listed in Part III of Schedule 3, and any reference to waste being recovered is a reference to its being submitted to any of those operations;”.

2. After regulation 1(4) there shall be inserted—

“(4A) Any six digit code used to refer to a waste in these Regulations is a reference to that waste as specified by the six digit code in the List of Wastes Regulations (Northern Ireland) 2005(d).”.

3. In regulation 11(1) (mobile plant)—

(a) in paragraph (h) for “waterway.” there shall be substituted “waterway;”

(b) after paragraph (h) there shall be inserted—

“(i) plant for the crushing of gas discharge lamps.”.

4. After regulation 11 (mobile plant) there shall be inserted the following regulation—

(a) Department of the Environment: Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE), First Edition, 5th December 2006),N.I.

(b) OJ No. L37, 13.2.2003, p.24.

(c) OJ No. L345, 31.12.2003, p. 106.

(d) S.R. 2005 No. 301.

“Conditions of site licences: WEEE

11A. The Department shall ensure that any site licence granted or varied on or after 5th January 2007 authorising an establishment or undertaking carrying out treatment operations to store or treat WEEE contains such conditions as it considers necessary to give effect to the provisions of Article 6(1), (3) and (4) and Annexes II and III of the WEEE Directive.”.

5. In regulation 17 (exemptions from waste management licensing) after paragraph (3) there shall be inserted—

“(3A) Unless otherwise indicated in Part I of Schedule 2, paragraph (1) above does not apply to the carrying out of an exempt activity in so far as it involves the storage or treatment of WEEE.”.

6. In regulation 18 (registration in connection with exempt activities)—

(a) in paragraph (3) for “Subject to paragraphs (4), (4A)(a), (5) and (5A)(b),” there shall be substituted “Subject to paragraphs (4), (4A), (5), (5A) and (5B),”;

(b) after paragraph (5A) there shall be inserted—

“(5B) In the case of an exempt activity falling within paragraph 49 of Part I of Schedule 2 the Department shall enter the relevant particulars in relation to an establishment or undertaking only if it has carried out an inspection of the place at which the exempt activity is to be carried on in accordance with sub-paragraph (4A) of paragraph 13 of Schedule 3 and is satisfied as to the particulars to be verified under that sub-paragraph.”;

(c) in paragraph (12)(a) for “every 3 years; and” there shall be substituted “every 3 years;”;

(d) in paragraph (12)(b) for “an annual fee of £530.” there shall be substituted “an annual fee of £530; and”;

(e) after paragraph (12)(b) there shall be inserted—

“(c) in the case of exempt activities set out in paragraphs 49, 50 and 51 of Part I of Schedule 2, an annual fee of £530.”.

7. In regulation 20 (refusal, revocation and cessation of registration)—

(a) in paragraph (3) for “Unless the Department” there shall be substituted “Subject to paragraph (3A) unless the Department”;

(b) after paragraph (3) there shall be inserted—

“(3A) In the case of an exempt activity falling within paragraph 49 of Part I Schedule 2, unless the Department has within two months from the date on which it received a notice under regulation 18(3), either:

(i) entered the relevant particulars in the register in relation to the establishment or undertaking that submitted the notice; or

(ii) served on it a notice of refusal stating that registration is refused and giving the reasons for the decision,

those particulars shall be entered in the register at the end of the two month period.”;

(c) in paragraph 5(b) for “regulation 17(2) or (4); or” there shall be substituted “regulation 17(2) or (4);”;

(d) in paragraph 5(c) for “activity.” there shall be substituted “activity; or”;

(e) after paragraph (5)(c) there shall be inserted—

“(d) in the case of an exempt activity falling within paragraph 49 of Part I Schedule 2 where the competent authority has carried out an inspection in accordance with sub-paragraph (4A) of paragraph 13 of Schedule 3 and the particulars required to be verified under that sub-paragraph are not met.”.

(a) S.R. 2006 No. 280.
(b) S.R. 2006 No. 280

8. In Part I of Schedule 2 (exemptions from waste management licensing)—
- (a) in paragraph 40(1), after “where it is produced” there shall be inserted “including the temporary storage of WEEE pending its recovery”;
 - (b) in paragraph 41(1) after “collection, of waste” there shall be inserted “(including WEEE)”;
 - (c) after paragraph 48 there shall be inserted the following paragraphs—
 - “49.—(1) The carrying on, at any secure place in respect of WEEE of a kind described in Table 11A, of the treatment activities of repair or refurbishment or both if—
 - (a) the activity is carried on with a view to the reuse of the WEEE for its original purpose;
 - (b) best available treatment, recovery and recycling techniques are used when carrying out the activity;
 - (c) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the treatment limit specified in relation to that kind of WEEE in Table 11A;
 - (d) the technical requirements specified in Annex III of the WEEE Directive are met.

Table 11A

<i>Kind of Waste</i>	<i>Storage Limits</i>	<i>Treatment Limits</i>
16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 13)	80 cubic metres	5 tonnes per day
20 01 36 (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)	80 cubic metres	5 tonnes per day

- (2) The carrying on at any secure place in respect of WEEE that is hazardous waste of a kind described in Table 11B, of the treatment activities of repair or refurbishment or both, but not including the degassing and capture of ozone depleting substances, if—
 - (a) the activity is carried on with a view to the reuse of the WEEE for its original purpose;
 - (b) best available treatment, recovery and recycling techniques are used when carrying out the activity;
 - (c) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the treatment limit specified in relation to that kind of WEEE in Table 11B;
 - (d) the technical requirements specified in Annex III of the WEEE Directive are met;
 - (e) the other requirements specified in relation to that kind of WEEE in Table 11B are met.

Table 11B

<i>Kind of Waste</i>	<i>Storage Limits</i>	<i>Treatment Limits</i>	<i>Other Requirements</i>
16 02 11* (WEEE containing chlorofluorocarbons, HCFC, HFC) and 20 01 23* (WEEE containing chlorofluorocarbons)	80 cubic metres	5 tonnes per day	Stored and treated in a manner that will prevent the release of the CFCs, HCFCs or HFCs
Television and computer monitors containing cathode ray tubes falling within 16 02 13* (WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 02 12) and 20 01 35* (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components)	80 cubic metres	5 tonnes per day	

(3) The secure storage at the place where the activity is carried on of any WEEE of a kind described in Table 11A or 11B intended to be submitted to repair or refurbishment or both if—

- (a) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the storage limit specified in relation to that kind of WEEE in Table 11A or 11B;
- (b) the technical requirements specified in Annex III of the WEEE Directive are met;
- (c) the other requirements specified in relation to that kind of WEEE in Table 11B are met;
- (d) the WEEE is stored in such a manner that is environmentally sound reuse or recycling is not hindered;
- (e) no WEEE is stored at that place for more than 12 months.

(4) Paragraphs (1), (2) and (3) only apply to the carrying on of an activity at a place if the person responsible for the management of that place has established administrative arrangements to ensure that—

- (a) WEEE accepted at that place is of a kind described in Table 11A or 11B, as the case may be; and
- (b) no waste is accepted at that place in such a quantity as would cause there to be breach of any of the conditions of the exemption.

(5) For the purposes of this paragraph, the storage and treatment limits specified in Tables 11A and 11B are overall limits that apply to all waste falling within the 6-digit code or codes specified in those tables.

50.—(1) The secure storage at any place of WEEE of a kind described in Tables 11C if—

- (a) the WEEE is stored for the purpose of its recovery elsewhere;

- (b) the total quantity of any particular kind of WEEE stored at the site at any time does not exceed the storage limit specified in relation to that kind of WEEE in Table 11C;
- (c) the total duration that any particular kind of WEEE is stored for does not exceed the duration limits specified in relation to that kind of WEEE in Table 11C;
- (d) the type of containment specified in relation to that kind of WEEE in Table 11C is met; and
- (e) the WEEE is stored on such a manner that its environmentally sound reuse or recycling is not hindered.

Table 11C

<i>Kind of Waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>	<i>Type of containment</i>
16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 12)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE
20 01 36 (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE

- (2) The secure storage at any place of WEEE of a kind described in Table 11D if—
 - (a) the WEEE is stored for the purpose of its recovery elsewhere;
 - (b) the total quantity of any particular kind of WEEE stored at the site at any time does not exceed the storage limit specified in relation to that kind of WEEE in Table 11D;
 - (c) the total duration that any particular kind of WEEE is stored for does not exceed the duration limits specified in relation to that kind of WEEE in Table 11D;
 - (d) the type of containment and other requirements specified in relation to that kind of WEEE in Table 11D are met; and
 - (e) the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered.

Table 11D

<i>Kind of Waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>	<i>Type of containment</i>	<i>Other requirements</i>
16 02 11* (WEEE containing chlorofluorocarbons, HCFC or HFC) and 20 01 23* (WEEE containing chlorofluorocarbons)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE	stored in a manner that will prevent the release of the CFC, HCFC and HFC; the number of units in any stack shall not exceed 2; the overall height of any stack shall not exceed 3.5m
16 02 13* (WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 02 12) and 20 01 35* (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE	
20 01 21* (fluorescent tubes and other mercury-containing waste)	50 cubic metres	3 months	appropriate secure containers; weatherproof covering	stored in such a way that the glass is not broken

(3) For the purposes of sub-paragraphs (1) and (2), the activity of storage shall be taken to include the incidental sorting of waste of that kind.

(4) For the purposes of this paragraph, the storage and treatment limits specified in Tables 11C and 11D are overall limits that apply to all waste falling within the 6-digit code or codes specified in those Tables.

51.—(1) The crushing of waste gas discharge lamps (including fluorescent tubes which are hazardous waste within category **20 01 21***) for the purposes of volume reduction prior to collection, where the material is intended for recovery or reuse if—

- (a) the activity is carried on in equipment designed for the purpose of volume reduction prior to collection;
- (b) the activity is carried on solely for that purpose;
- (c) the mercury concentration in emissions does not exceed 50 micrograms per cubic metre;
- (d) the total quantity of lamps processed in any period of 24 hours does not exceed 3 tonnes;

(2) The secure storage of such lamps prior to crushing, or after crushing but prior to collection if—

- (a) the lamps are stored under weatherproof covering; and
- (b) after crushing the lamps are stored in a secure container.”

9. In paragraph 13 of Schedule 3 (duty to carry out appropriate periodic inspections)—

- (a) in sub-paragraph (4) for “Subject to sub-paragraph (5)” there shall be substituted “Subject to sub-paragraph (4A) and (5)”;
- (b) after sub-paragraph 4 there shall be inserted—

“(4A) In respect of establishments and undertakings carrying out exempt activities set out in paragraphs 49, 50 and 51, periodic inspections in accordance with sub-paragraph (1) shall verify the type and quantities of waste to be treated, the general technical requirements to be complied with and the safety precautions to be taken”;
- (c) in Table 14 in the first column for “47” there shall be substituted “47, 49, 50 and 51”.

Transitional Arrangements

Existing site licences

1.—(1) Any site licence authorising an establishment or undertaking carrying out treatment operations to store or treat WEEE on 5th January 2007 (“an existing site licence”) shall be read as containing the following condition—

“The operator shall carry out the storage prior to treatment and treatment of any WEEE in accordance with such requirements of Article 6(1), (3) and (4) and Annexes II and III of the WEEE Directive as are applicable to the activity in question.”

(2) In any case where before the coming into operation of these Regulations an existing site licence authorises an activity falling within paragraph 49, 50 or 51 in Part I of Schedule 2 to the 2003 Regulations, the licence shall be treated as revoked (so far as it relates to that activity) from the determination date.

(3) In any other case, an existing site licence shall cease to authorise an establishment or undertaking carrying out treatment operations to store or treat WEEE from the determination date unless the licence is modified to authorise storage or treatment in accordance with the WEEE Directive.

Registered exemptions

2.—(1) An establishment or undertaking carrying on an exempt activity involving the storage or treatment of WEEE at any place immediately before 5th January 2007 may continue to carry on that activity at that place in accordance with the 2003 Regulations, as they were in operation immediately before 5th January 2007, until the determination date.

(2) An establishment or undertaking falling within sub-paragraph (1) which is carrying out treatment operations shall be subject to the condition that the storage prior to treatment and treatment shall be carried out in accordance with such requirements of Article 6(1), (3) and (4) and Annexes II and III of the WEEE Directive as are applicable to the activity in question.

(3) The requirement described in sub-paragraph (2) shall have effect as if it were a condition of the relevant paragraph of Part I of Schedule 2 to the 2003 Regulations.

Meaning of determination date

3. In this Schedule the “determination date” is—

- (a) where an application for a modification to a waste management licence is duly made in accordance with article 8 of the 1997 Order in relation to the storage or treatment of WEEE before 1st July 2007, the date on which the application is granted or if the application is (or is deemed to be) rejected, the date on which the period for appealing against that rejection expires without an appeal being made or any appeal is withdrawn or finally determined;
- (b) where an application for a waste management licence is duly made in accordance with article 8 of the 1997 Order in relation to the storage or treatment of WEEE before 1st July 2007, the date on which the application is granted or, if the application is (or is deemed to be) rejected, the date on which the period for appealing against that rejection expires without an appeal being made or on which any appeal is withdrawn or finally determined;
- (c) where a notification is provided in relation to an exempt activity involving the storage or treatment of WEEE before 1st July 2007, the date on which the appropriate registration

authority enters the relevant particulars in the register or, if it refuses to do so, the date on which it notifies the establishment or undertaking of its decision; or

(d) in any other case 1st July 2007.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose the permit requirements of Article 6 and Annexes II and III of Directive 2002/96/EC of the European Parliament and the Council on waste electrical and electronic equipment (OJ No. L37, 13.2.2003, p24) as amended by Directive 2003/108/EC of the European Parliament and the Council (OJ No. L345, 31.12.2003, p. 106)

These Regulations amend the Waste Management Licensing Regulations (Northern Ireland) 2003. They provide for exemptions from permit requirements for treatment of waste electrical and electronic equipment (“WEEE”), together with exemptions from the permit requirements of Council Directive 2006/12/EC on waste (OJ No. L114, 27.4.2006, p. 9) for the purposes of storing WEEE.

Regulation 3 and Schedule 1 amend the Waste Management Licensing Regulations (Northern Ireland) 2003 for the purpose of providing new exemptions for the treatment and for the storage of WEEE, amending existing exemptions and making other amendments to the Regulations.

Regulation 4 and Schedule 2 set out the transitional arrangements for existing licence holders and establishments and undertakings that have extant registrations.

Copies of a full Regulatory Impact Assessment in relation to these Regulations can be obtained from Environmental Policy Division, 20-24 Donegall Street, Belfast, BT1 2GP.

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