

SCHEDULE 2

Regulation 3

Activities causing damage

Operation of permitted installations

1. The operation of installations subject to permit in pursuance of Directive [2008/1/EC](#) of the European Parliament and of the Council concerning integrated pollution prevention and control⁽¹⁾ (all activities listed in Annex I to that Directive with the exception of installations or parts of installations used for research, development and testing of new products and processes).

Commencement Information

I1 Sch. 2 para. 1 in operation at 24.7.2009, see [reg. 1](#)

Waste management operations

2.—(1) Waste management operations, including the collection, transport, recovery and disposal of waste and hazardous waste, including the supervision of such operations and after-care of disposal sites, subject to permit or registration in pursuance of Council Directive [2006/12/EC](#) on waste⁽²⁾ and Council Directive [91/689/EEC](#) on hazardous waste⁽³⁾.

(2) The operation of landfill sites under Council Directive [1999/31/EC](#) on the landfill of waste⁽⁴⁾ and the operation of incineration plants under Directive [2000/76/EC](#) of the European Parliament and of the Council on the incineration of waste⁽⁵⁾.

(3) This does not include the spreading of sewage sludge from urban waste water treatment plants, treated to an approved standard, for agricultural purposes.

Commencement Information

I2 Sch. 2 para. 2 in operation at 24.7.2009, see [reg. 1](#)

Mining waste

3. The management of extractive waste under Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries⁽⁶⁾.

Commencement Information

I3 Sch. 2 para. 3 in operation at 24.7.2009, see [reg. 1](#)

(1) O.J. No. L24, 29.01.08, p.8

(2) O.J. No. L114, 27.4.06, p.9 (as last amended by Directive [2008/98/EC](#) of the European Parliament and of the Council, O.J. No. L312, 22.11.08, p.3)

(3) O.J. No. L377, 31.12.91, p.20 (as last amended by Directive [2008/98/EC](#) of the European Parliament and of the Council, O.J. No. L312, 22.11.08, p.3)

(4) O.J. No. L182, 16.7.99, p.1 (as last amended by Regulation [\(EC\) No 1137/2008](#) of the European Parliament and of the Council, O.J. No. L311, 21.11.08, p.1)

(5) O.J. No. L332, 28.12.00, p.91 (as corrected in O.J. No. L145, 31.5.01, p.52)

(6) O.J. No. L102, 11.04.06, p.15

Status: Point in time view as at 24/07/2009.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009, SCHEDULE 2. (See end of Document for details)

Discharges requiring authorisation

4.—(1) All discharges into the inland surface water that require prior authorisation in pursuance of Directive [2006/11/EC](#) of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community(7).

(2) All discharges of substances into groundwater that require prior authorisation in pursuance of Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances(8).

(3) All discharges or injections of pollutants into surface water or groundwater that require a permit, authorisation or registration under Directive [2000/60/EC](#)(9).

Commencement Information

I4 Sch. 2 para. 4 in operation at 24.7.2009, see [reg. 1](#)

Water abstraction and impoundment

5. Water abstraction and impoundment of water subject to prior authorisation in pursuance of Directive [2000/60/EC](#).

Commencement Information

I5 Sch. 2 para. 5 in operation at 24.7.2009, see [reg. 1](#)

Dangerous substances, plant protection products and biocidal products

6. Manufacture, use, storage, processing, filling, release into the environment and onsite transport of—

- (a) dangerous substances as defined in Article 2(2) of Council Directive [67/548/EEC](#) on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous substances(10);
- (b) dangerous preparations as defined in Article 2(2) of Directive [1999/45/EC](#) of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations(11);
- (c) plant protection products as defined in Article 2(1) of Council Directive [91/414/EEC](#) concerning the placing of plant protection products on the market(12);
- (d) biocidal products as defined in Article 2(1)(a) of Directive [98/8/EC](#) of the European Parliament and of the Council concerning the placing of biocidal products on the market(13).

(7) O.J. No. L64, 4.3.06, p.52

(8) O.J. No. L20, 26.1.80, p.43 (as amended by Council Directive [91/692/EC](#), O.J. No. L377, 31.12.91, p.48)

(9) O.J. No. L327, 22.12.00, p.1 (as amended by Directive [2008/105/EC](#) of the European Parliament and of the Council, O.J. No. L348, 24.12.08, p.84)

(10) O.J. No. L196, 16.8.67, p.1 (as last amended by Regulation (EC) No 2008/1272 of the European Parliament and of the Council, O.J. No. L353, 31.12.08, p.1)

(11) O.J. No. L 200, 30.7.99, p.1 (as last amended by Regulation (EC) No 2008/1272 of the European Parliament and of the Council, O.J. No. L353, 31.12.08, p.1)

(12) O.J. No. L 230, 19.8.91, p.1 (as last amended by Commission Directive [2008/127/EC](#), O.J. No. L344, 20.12.08, p.89)

(13) O.J. No. L 123, 24.4.98, p.1 (as last amended by Directive [2008/31/EC](#) of the European Parliament and of the Council, O.J. No. L81, 20.3.08, p.57)

Commencement Information

I6 Sch. 2 para. 6 in operation at 24.7.2009, see [reg. 1](#)

Transport

7. Transport by road, rail, inland waterways, sea or air of dangerous goods or polluting goods as defined in—

- (a) Annex A to Council Directive [94/55/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road(**14**);
- (b) the Annex to Council Directive [96/49/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail(**15**);
- (c) Council Directive [93/75/EEC](#) concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods(**16**).

Commencement Information

I7 Sch. 2 para. 7 in operation at 24.7.2009, see [reg. 1](#)

Genetically modified organisms

8.—(1) Any contained use, including transport, involving genetically modified organisms (including genetically modified micro-organisms) as defined by Council Directive [90/219/EEC](#) on the contained use of genetically modified micro-organisms(**17**).

(2) Any deliberate release into the environment, transport and placing on the market of genetically modified organisms as defined by Directive [2001/18/EC](#) of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms(**18**).

Commencement Information

I8 Sch. 2 para. 8 in operation at 24.7.2009, see [reg. 1](#)

Transboundary shipment of waste

9. Transboundary shipment of waste within, into or out of the Community, requiring an authorisation or prohibited under Regulation (EC) No [1013/2006](#) of the European Parliament and of the Council on shipments of waste (**19**).

Commencement Information

I9 Sch. 2 para. 9 in operation at 24.7.2009, see [reg. 1](#)

(14) O.J. No. L 319, 12.12.94, p.7 (as last amended by Commission Directive [2006/89/EC](#), O.J. No. L305, 4.11.06, p.4)

(15) O.J. No. L 235, 17.9.96, p.25 (as last amended by Commission Directive [2006/90/EC](#), O.J. No. L305, 4.11.06, p.6)

(16) O.J. No. L 247, 5.10.93, p.19 (as last amended by Directive [2002/84/EC](#) of the European Parliament and of the Council, O.J. No. L324, 29.11.02, p.53)

(17) O.J. No. L117, 08.05.90, p.1 (as last amended by Commission Decision [2005/174/EC](#), O.J. No. L59, 5.3.05, p.20)

(18) O.J. No. L106, 17.04.01, p.1 (as last amended by Directive [2008/27/EC](#) of the European Parliament and of the Council, O.J. No. L81, 20.3.08, p.45)

(19) O.J. No. L190, 12.07.06, p.1 (as last amended by [Commission Regulation \(EC\) No 669/2008](#), O.J. No. L188, 16.7.08, p.7)

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