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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 127**

**The Waste Regulations (Northern Ireland) 2011**

**PART 3**

**Waste**

**[<sup>F1</sup>Modification of the Waste Framework Directive**

**9D.**—(1) For the purposes of these Regulations, the Waste Framework Directive is to be read as follows.

(2) A reference to one or more member States in a provision imposing an obligation or providing a discretion on a member State or member States is to be read as a reference to the appropriate authority or local authority which, immediately before IP completion day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in Northern Ireland.

(3) In Article 2—

(a) in paragraph 2—

(i) in the words before point (a), for “other Community legislation” there were substituted “retained EU law”;

(ii) in points (b) and (c), for “Regulation (EC) No 1774/2002” there were substituted “Regulation (EC) No 1069/2009”; and

(iii) in point (d), for “Directive 2006/21/EC” to the end there were substituted “the Mining Waste Directive”;

(b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted; and

(c) paragraph 4 were omitted.

(4) In Article 3, in point (20), for “Article 2(11) of Directive 96/61/EC” there were substituted “Article 3(10) of the Industrial Emissions Directive”.

(5) Article 5 is to be read as if—

(a) in paragraph 1, the words “Member States shall take appropriate measures to ensure that” were omitted;

(b) after paragraph 1 there were inserted—

“**1A.** Any decision as to whether a substance or object is a by-product must be made—

(a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and

(b) having regard to any guidance published by the appropriate authority for the purposes of this Article.”;

(c) paragraphs 2 and 3 were omitted.

- (6) Article 6 is to be read as if—
- (a) in paragraph 1, the words “Member States shall take appropriate measures to ensure that” were omitted;
  - (b) after paragraph 1 there were inserted—
    - “**1A.** Any decision as to whether a substance or object has ceased to be waste must be made—
    - (a) in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
    - (b) having regard to any guidance published by the appropriate authority for the purposes of this Article.”;
  - (c) in paragraph 2—
    - (i) the first sub-paragraph were omitted;
    - (ii) in the second subparagraph, for the words “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
    - (iii) the third and fourth subparagraphs were omitted;
  - (d) paragraph 3 were omitted;
  - (e) in paragraph 4—
    - (i) in the first sub-paragraph—
      - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the appropriate authority”;
      - (bb) the second sentence were omitted;
    - (ii) in the second subparagraph—
      - (aa) for the words “Member States” there were substituted “The appropriate authority”;
      - (bb) “by competent authorities” were omitted.
- (7) Article 7 is to be read as if—
- (a) before paragraph 1 there were inserted—
    - “**A1.** In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in Northern Ireland.”;
  - (b) in paragraph 1—
    - (i) the first and second sentences were omitted;
    - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
  - (c) paragraphs 2, 3, 6 and 7 were omitted.
- (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.

(9) In Article 23(1) and (3), for “competent authority” there were substituted “ appropriate authority”.

(10) Article 35(1) is to be read as if, for the second paragraph, there were substituted—  
“They shall make that data available to the appropriate authority through any electronic registry established for the reporting of such data or, if no such registry is in operation, in such form and manner the appropriate authority may specify.”;

(11) In Annex 3, in entry HP9, in the second sentence, “in the Member States” were omitted.

(12) In Annex 4—

- (a) in paragraph 3, “at Community level” were omitted;
- (b) in paragraph 6, for “this Directive and Directive 96/61/EC” there were substituted “ Annex 3, Part 3 of the Hazardous Waste Regulations (Northern Ireland) 2005”;
- (c) in paragraph 7, for “96/61/EC”, there were substituted “ the Industrial Emissions Directive ”; and
- (d) in paragraph 10, the words “EMAS and” were omitted.

(13) In paragraph (12)(c), the reference to the Industrial Emissions Directive is to be construed as a reference to the EU-derived domestic legislation which transposed that Directive in respect of Northern Ireland.

(14) Annex 4a is to be read as if, in point 6, “including through Union funds” were omitted.]

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**Textual Amendments**

**F1** Regs. 9A-9E inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/271\)](#), regs. 1, **5(3)** (as amended by [S.I. 2019/1443](#), regs. 1(2), **3**; [2020 c. 1, Sch. 5 para. 1\(1\)](#) and [S.R. 2020/284](#), regs. 1(1), **4(2)(5)**)

**Changes to legislation:**

There are currently no known outstanding effects for the The Waste Regulations (Northern Ireland) 2011, Section 9D.