

2015 No. 238

ENVIRONMENTAL PROTECTION

**The Hazardous Waste (Amendment) Regulations (Northern
Ireland) 2015**

Made - - - - *1st May 2015*

Coming into operation - *1st June 2015*

The Department of the Environment, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the prevention, reduction and eliminations of pollution caused by waste and in relation to the environment, acting in exercise of the powers conferred upon it by that section, makes the following Regulations.

PART 1

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Hazardous Waste (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 1st June 2015.

PART 2

Amendment of primary legislation

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

2.—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997(c) are amended in accordance with paragraphs (2) and (3)—

(2) In Article 2 (General Interpretation) in paragraph 2 insert in the appropriate alphabetical order—

“‘List of Wastes’ means the list of wastes set out in the Annex to Commission Decision 2000/532/EC(d), as amended from time to time and as also defined in regulation 5 of the Hazardous Waste Regulations (Northern Ireland) 2005(e)”

(3) For paragraph 8(b)(ii) of Part 2 of Schedule 3 substitute—

(a) S.I. 2008/301 and S.I. 1992/2870

(b) 1972 c.68

(c) S.I.1997/2778 (NI 19)

(d) The Decision in force at the date of making these Regulations is Commission Decision 2000/532/EC (O.J. No. L226, 6.9.2000, p.3) as amended by Commission Decision 2001/118/EC (O.J. No. 1047, 16.2.2001, p.1), 2001/119/EC (O.J. No. L047, 16.2.2001, p.32), 2001/573/EC (O.J. No. L203, 28.7.2001, p.18) and 2014/955/EU (O.J. No. L370, 30.12.2014, p.44)

(e) S.R. 2005 No. 3000 as amended

- “(ii) naturally occurring material falling within code 17 05 04 in the Annex to the List of Wastes.”.

PART 3

Amendment of Subordinate Legislation

Amendment of the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002

3.—(1) The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002^(a) are amended in accordance with paragraph (2)—

(2) In regulation 1(2) for “European Waste Catalogue” substitute—

““European Waste Catalogue” means the List of Wastes as set out in the Annex to Commission Decision 2000/532/EC, as amended from time to time and as also defined in regulation 5 of the Hazardous Waste Regulations (Northern Ireland) 2005;”.

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

4.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003^(b) are amended in accordance with paragraph (2)—

(2) In regulation 1 (Citation, commencement and interpretation)—

(a) For the definition of “European Waste Catalogue” substitute—

““European Waste Catalogue” means the List of Wastes as set out in the Annex to Commission Decision 2000/532/EC, as amended from time to time and as also defined in regulation 5 of the Hazardous Waste Regulations (Northern Ireland) 2005;”.

(b) Paragraph (4A) is revoked; and

(c) For paragraph (5) substitute—

“(5) 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 European Waste Catalogue.”.

Amendment of the Hazardous Waste Regulations (Northern Ireland) 2005

5.—(1) The Hazardous Waste Regulations (Northern Ireland) 2005 are amended in accordance with paragraphs (2) to (7)—

(2) In regulation 2(1) (General interpretation)—

(a) For the definition of “European Waste Catalogue” substitute—

““European Waste Catalogue” means the List of Wastes as set out in the Annex to Commission Decision 2000/532/EC, as amended from time to time and as also defined in regulation 5;”;

(b) In the definition for “the List Decision” delete”, “the List of Wastes Regulations””.

(3) In regulations 4 (Annex III to the Waste Directive) for paragraph (a) substitute—

“(a) Annex III is a reference to Annex III (properties of waste which render it hazardous) to the Waste Directive, as amended from time to time;”.

(4) In regulation 5 (the List of Wastes)—

(a) In paragraph (a) delete “pursuant to the List of Wastes Regulations”;

(b) Paragraph (b) is revoked; and

(a) S.R. 2002 No. 271 as amended

(b) S.R. 2003 No. 493 as amended

(c) For paragraph (c) substitute—

“(c) “the List of Wastes” means the List of Wastes set out in the List of Wastes Decision; and”.

(5) In regulation 9 (Specific waste to be treated as hazardous)—

(a) In paragraph 9(1) delete “the limit values of concentration in”; and

(b) In paragraph 9(2) for “Article 3 of the List of Wastes Decision” substitute “Article 7(2) of the Waste Directive”.

(6) In regulation 10 (Specific waste to be treated as non-hazardous) paragraph (2) for “Article 3 of the List of Wastes Decision” substitute “Article 7(3) of the Waste Directive”.

(7) Schedule 3 is revoked.

Amendment of the List of Wastes Regulation (Northern Ireland) 2005

6. The List of Wastes Regulations (Northern Ireland) 2005(a) are revoked.

Sealed with the Official Seal of the Department of the Environment on 1st May 2015



Dave Foster
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Hazardous Waste Regulations (Northern Ireland) 2005 (the 2005 Regulations) to bring into effect the changes introduced by Commission Decision 2014/955/EU amending Decision 2000/532/EC (the Decision) on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council. Commission Decision 2000/532/EC is directly binding as regards determination of waste that is to be considered as hazardous waste. The changes being introduced by way of the updated Decision come into effect on 1 June 2015.

Regulation 2 amends regulations 2, 4 and 5 of the 2005 Regulations to remove references to the List of Wastes Regulations (Northern Ireland) 2005 and Article 3 of the Decision and, where appropriate, replacing such references to directly apply the Decision, Article 7 of and Annex III to Directive 2008/98/EC.

Regulation 3 revokes the List of Wastes Regulations (Northern Ireland) 2005.

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