

EXPLANATORY MEMORANDUM TO

The Waste (Amendment) Regulations (Northern Ireland) 2016

SR 2016 No. 95

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Department has introduced The Waste (Amendment) Regulations (Northern Ireland) 2016, which bring into effect the changes introduced by Commission Directive (EU) 2015/1127 amending Annex II of Directive 2008/98/EC of the European Parliament and the Council on waste.

3. Background

- 3.1. The purpose of Directive 2015/1127 is to apply a climate correction factor to the R1 formula on the recovery of energy from waste. In order for an incinerator to be formally classed as a waste recovery facility, it needs to obtain R1 status by meeting the threshold set out in the energy efficiency formula (R1 formula) in Annex II of the Waste Framework Directive (WFD).
- 3.2. The Regulations amend those pieces of legislation that contain definitions of "recovery" as set out in the WFD as follows:
- 3.3. The Waste and Contaminated Land (NI) Order 1997;
- 3.4. The Waste Management Licensing Regulations (NI) 2003;
- 3.5. The Hazardous Waste Regulations (NI) 2005;
- 3.6. The Producer Responsibility Obligations (Packaging Waste) Regulations (NI) 2007;
- 3.7. The Waste Regulations (NI) 2011 (which transposed the WFD) and;
- 3.8. The Pollution, Prevention and Copntrol (Industrial Emissions) Regulations (NI) 2013.

4. Consultation

- 4.1. As this is a technical amendment to the WFD and is directly applicable, no consultation was required.

5. Equality Impact

- 5.1. Not required.

6. Regulatory Impact

- 6.1. Not required.

7. Financial Implications

- 7.1. There are no anticipated significant increases in costs to the industry associated with the proposed changes. Northern Ireland has very limited numbers of waste incinerators. There is a commercial incentive to achieve the R1 threshold as R1 incinerators can receive and process waste from other Member States, whereas non R1 incinerators cannot.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Failure to transpose by 31st July 2016 could attract infraction fines.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable.