

**2019 No. 289**

**EXITING THE EUROPEAN UNION, NORTHERN  
IRELAND**

**ENVIRONMENTAL PROTECTION, NORTHERN  
IRELAND**

**The Environmental Protection (Amendment) (Northern Ireland)  
(EU Exit) Regulations 2019**

*Sift Requirements Satisfied* 8th February 2019

*Made* - - - - 15th February 2019

*Laid before Parliament* 19th February 2019

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**Citation, commencement and extent.**

1. These Regulations may be cited as the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 and come into force on exit day.
2. These Regulations extend to Northern Ireland only.

**PART 1**

**Amendment of the Waste Provisions**

- 3.—(1) Schedule 1 amends the Waste Provisions.
- (2) For the purposes of these Regulations “the Waste Provisions” means—
  - (a) the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999(b);

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(a) 2018 c. 16

(b) S.R. 1999 No. 362 as amended by S.R. 2003 No. 493, S.R. 2006 No. 280, S.R. 2011 No. 127 and S.R. 2011 No. 124

- (b) the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000(a);
- (c) the Waste Management Licensing Regulations (Northern Ireland) 2003(b);
- (d) the Landfill Regulations (Northern Ireland) 2003(c);
- (e) the Landfill Allowances Scheme (Northern Ireland) Regulations 2004(d);
- (f) the Hazardous Waste Regulations (Northern Ireland) 2005(e);
- (g) the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(f); and
- (h) the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013(g).

## PART 2

### Amendment of the Air and Environmental Quality Provisions.

- 4.—(1) Schedule 2 amends the Air and Environmental Quality Provisions.
- (2) For the purposes of these Regulations “the Air and Environmental Quality Provisions” means—
- (a) the Air Quality Standards Regulations (Northern Ireland) 2010(h);
  - (b) the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(i).

## PART 3

5. Schedule 3 modifies specified EU Directives for the purposes of these Regulations.

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

15th February 2019

## SCHEDULE 1

Regulation 3

### Amendment of the Waste Provisions

#### **Amendment of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999**

1. In the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999, in regulation 2(2) (Exemption from registration) in the definition of “animal-by-products” for “Article 2” substitute “Article 3”.

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- (a) S.R. 2000 No. 232 as relevantly amended by S.R. 2011 No. 127
  - (b) S.R. 2003 No. 493 as relevantly amended by S.R. 2003 No. 496, S.R. 2005 No. 300, S.R. 2006 No. 280, S.R. 2006 No. 489, S.R. 2006 No. 519, S.R. 2008 No. 18, S.R. 2009 No. 76, S.R. 2009 No. 159, S.R. 2010 No. 411, S.R. 2011 No. 124, S.R. 2011 No. 127, S.R. 2011 No. 403, S.R. 2013 No. 241, S.R. 2014 No. 137, S.R. 2014 No. 307, S.R. 2014 No. 252, S.R. 2015 No. 14, S.R. 2015 No. 288, S.R. 2016 No. 95 and S.R. 2016 No. 96
  - (c) S.R. 2003 No. 496 as relevantly by S.R. 2005 No. 300, S.R. 2007 No. 179 and S.R. 2011 No. 127
  - (d) S.R. 2004 No. 416 as relevantly amended by S.R. 2011 No. 127 and S.R. 2011 No. 373
  - (e) S.R. 2005 No. 300 as relevantly amended by S.R. 2011 No. 127, S.R. 2015 No. 288 and S.R. 2016 No. 95
  - (f) S.R. 2007 No. 198 as relevantly amended by S.R. 2008 No. 373 and S.R. 2010 No. 396
  - (g) S.R. 2013 No. 255 as relevantly amended by S.I. 2014/117
  - (h) S.R. 2010 No. 188 as relevantly amended by S.R. 2017, No. 2 and S.R. 2018 No. 133
  - (i) S.R. 2013 No. 160 as relevantly amended by S.R. 2014 No. 304, S.R. 2015 No. 14, S.I. 2015/1973, S.R. 2015 No. 325, S.R. 2016 No. 95, S.R. 2016 No. 309 and S.R. 2018 No. 33

## **Amendment of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000**

2.—(1) The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000 are amended as follows.

(2) In regulation 2 (Interpretation)—

(a) after paragraph (2) insert—

“(2A) For the purposes of these Regulations, Directive 2008/98/EC(a) is to be read as if—

(a) Article 5(2) were omitted;

(b) in Article 6—

(i) paragraphs 1 to 3 were omitted; and

(ii) in paragraph 4—

(aa) in the first sentence, for the words from “Where criteria” to “paragraph 1 and 2” there were substituted “Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies”;

(bb) the second sentence were omitted.”.

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

3.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003 are amended as follows.

(2) In regulation 1(3) (Citation, commencement and interpretation)—

(a) omit the definition of “Directive Waste”;

(b) for the definition of “electrical or electronic equipment” or “EEE” substitute—

““electrical and electronic equipment” or “EEE” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment which is for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1000 volts for alternating current and 1500 volts for direct current;”;

(c) for the definition of “end-of-life vehicle” substitute—

““end-of-life vehicle” means any vehicle which is waste;”;

(d) in the definition of “recovery”—

(i) omit paragraph (a); and

(ii) in paragraph (b) for “any other type of waste” substitute “any type of waste”;

(e) after the definition of “recovery” insert—

““Relevant Waste” has the meaning given in Schedule 1A;”;

(f) in the definition of “waste” in paragraph (a) for “Directive” substitute “Relevant”;

(g) in the definition of “waste battery or accumulator” for “is waste within the meaning of the Directive” substitute “which the holder discards or intends or is required to discard;”;

(h) in the definition of “waste electrical and electronic equipment or WEEE” for “is waste within the meaning of Article 3(1) of the Directive” substitute “the holder discards or intends or is required to discard”.

(3) After regulation 1(5) (Citation, commencement and interpretation) insert—

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(a) OJ L 312, 22.1.2008, p. 3-30

“(6) In a Directive mentioned in paragraph (7) any references to a duty or function of a Member State shall be read as a reference to a duty or function of the Department.

(7) These are—

- (a) the End-of-Life Vehicles Directive;
- (b) the Batteries Directive;
- (c) Directive 2008/98/EC of the European Parliament and of the Council on waste; and
- (d) the WEEE Directive.

(8) Expressions used in both these Regulations and in a Directive mentioned in these Regulations and not otherwise defined in these Regulations have the same meaning as in that Directive immediately before exit day.

(9) In these Regulations a reference to an Article or Annex of a Directive is to be read as a reference to that Article or Annex as immediately before exit day.”

(4) In regulation 11A (Conditions of site licences: WEEE) omit from “to give effect” to the end.

(5) In regulation 11B (Conditions of waste management licences: waste batteries and accumulators) omit from “to give effect” to the end.

(6) In regulation 11C (Conditions of waste management licences: calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators)—

(a) for paragraph (1) substitute—

“(1) The Department must exercise its relevant functions so as it ensures compliance with retained EU law.”;

(b) omit paragraph (2).

(7) In regulation 16A (Exclusions from waste management licensing: waste batteries and accumulators) omit “under Article 8(1)(b) of the Batteries Directive”.

(8) In regulation 21 (Waste Framework Directive) omit “(which implements certain provisions of the Directive)”.

(9) In regulation 26 (End-of-Life Vehicles Directive)—

(a) in paragraph (1) omit “(which implements certain provisions of the End-of-Life Vehicles Directive)”;

(b) in paragraph (2) for “the End-of-Life Vehicles Directive” substitute “retained EU law”.

(10) After Schedule 1 insert Schedule 1A.

(11) In Schedule 2 (EXEMPTIONS FROM WASTE MANAGEMENT LICENSING) paragraph 49 is amended as follows.

(a) in paragraphs (1)(d), (2)(d) and (3)(b) for “Annex VIII of the WEEE Directive” substitute “paragraph (6)”;

(b) after paragraph (5) add—

“(6) The technical requirements are—

(a) sites for storage (including temporary storage) of WEEE prior to its treatment must have—

(i) impermeable surfaces for appropriate areas with provision for spillage collection facilities and where appropriate decanters and cleansers/degreasers; and

(ii) waterproof covering of appropriate areas;

(b) sites for treatment of WEEE must have—

(i) impermeable surfaces for appropriate areas with provision for spillage collection facilities and where appropriate decanters and cleansers/degreasers;

(ii) scales to measure the weight of the treated waste;

- (iii) appropriate storage of disassembled parts;
- (iv) appropriate containers for the storage of batteries, PCB's/PCT's containing capacitors and other hazardous waste such as radioactive waste; and
- (v) equipment for the treatment of water.”.

(12) In Schedule 3 (WASTE FRAMEWORK DIRECTIVE) Part 1—

- (a) in paragraph 1 for the definition “best available techniques” substitute—

““best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of the particular techniques for providing the emission limit values and other permit conditions designed to prevent and where that is not practicable to reduce emissions and the impact on the environment as a whole;”;

- (b) in paragraph 1 insert in alphabetical order—

““available techniques” means those developed on a scale which allows implementation in the relevant industrial sector under economically and technically viable conditions taking into consideration the costs and advantages whether or not those techniques are used or produced inside the United Kingdom as long as they reasonably accessible to the operator;

“best” means the most effective in achieving a high general level of protection of the environment as a whole;

“techniques” includes the technology used and the way in which the installation is designed , built, maintained, operated and decommissioned;”;

- (c) for paragraph 4(4)(b)(i) substitute—

“(i) the United Kingdom to move towards the aim of becoming self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from households taking into account geographical circumstances or the need for specialised installations for certain type of wastes; and”;

- (d) in paragraph 5(3) for paragraphs (b) to (e) substitute—

“(b) waste generated by the disposal or recovery of waste is treated in accordance with the waste hierarchy;

(c) waste management is carried out without endangering health, without harming the environment and in particular—

(i) without risk to water, air, soil, plants or animals;

(ii) without causing a nuisance through noise or odours; and

(iii) without adversely affecting the countryside or places of interest;

(d) waste management is carried out under licences granted for a specified period, which may be renewable;

(e) where mixing of hazardous waste is allowed under a licence the adverse impact of the waste management is not increased and the mixing operation conforms to best available techniques;

(f) where it considers that the intended method of treatment is unacceptable from the point of view of environmental protection, in particular where paragraph (c) is not complied with a licence shall be refused;

(g) it is a condition of any permit issued under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 covering incineration or co-incineration with energy recovery that the recovery of energy takes place with a high level of efficiency;

(h) any establishment or undertaking intending to carry out waste treatment, producers of hazardous waste and establishments which collect or transport hazardous waste on a professional basis or act as dealers or brokers of hazardous waste keep a chronological record of—

- (i) the quantity, nature and origin of that waste and the quantity of products and materials resulting from preparing for re-use, recycling or recovery operations; and
  - (ii) where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of waste;
- (i) the persons mentioned in paragraph (h) make that data available in such manner and form it may specify.”;
- (e) in paragraph 7 for “Articles 4, 13 and 16 of that Directive” substitute “waste hierarchy, protection of human health and the environment and principles of self-sufficiency and proximity”;
- (f) in paragraph 12—
  - (i) in sub-paragraph (1) after “waste” insert “on a professional basis”; and
  - (ii) omit sub-paragraph (11);
- (g) in paragraph 13—
  - (i) before sub-paragraph 1(d) omit “and”;
  - (ii) at the end of sub-paragraph 1(d) for “;” substitute “, and”;
  - (iii) after sub-paragraph (1)(d) insert—
    - “(e) which handles end-of-life vehicles (whether or not such vehicles have been de-polluted).”;
  - (iv) omit sub-paragraph (2).
- (13) In Schedule 3 Part II—
  - (a) in the N.B. for “In accordance with Article 13 of the Directive” substitute “All”; and
  - (b) in column 2 opposite the entry in Column 1 row D11 for “EU legislation” substitute “retained EU law”.
- (14) In Schedule 3 Part III—
  - (a) in the N.B. for “In accordance with Articles 4 and 13 of the Directive” substitute “All”; and
  - (b) in column 2 opposite the entry in Column 1 row D11 for “EU legislation” substitute “retained EU law”.
- (15) In Schedule 3 Part IV—
  - (a) in paragraph 4—
    - (i) for “the Waste Framework Directive” substitute “Part I”.
    - (ii) for sub-paragraph “(a) to (c)” substitute—
      - “(a) paragraph 4(4)(b)(i); and
      - (b) paragraph 5(3)(c).”;
  - (b) in paragraph 5—
    - (i) in sub-paragraph (1) substitute—
      - “(1) The planning authority shall not grant planning permission for a landfill unless it has taken into consideration the requirements set out in paragraph (1A)”;
    - (ii) after sub paragraph (1) insert—
      - “(1A) The location of the landfill must take into consideration requirements relating to—
        - (a) the distances from the boundary of the site to residential and recreation areas, waterways, water bodies and other agricultural or urban sites;
        - (b) the existence of groundwater, coastal water or nature protection zones in the area;
        - (c) the geological and hydrogeological conditions in the area;
        - (d) the risk of flooding, subsidence, landslides or avalanches on the site; and

- (e) the protection of the nature or cultural patrimony of the site.”;
- (iii) in sub-paragraph (2) omit “to which Article 7 of Directive 2006/21/EC of the European Parliament and of the Council(a) applies”;
- (iv) in sub-paragraph (2)(a) for “of Article 11(2)(a) of the Directive” substitute “set out in sub-paragraph (2A);
- (v) in sub-paragraph (2)(b) for “the implementation of the plan referred to in Article 7(3)(b) of that Directive” substitute “objectives referred to in paragraph 4 of Part 1”;
- (vi) after sub paragraph (2) insert—

“(2A) These requirements are that the waste facility is suitably located taking into account particular EU retained law or national obligations relating to protected areas and geological, hydrological, hydrogeological, seismic and geotechnical factors and is designed to meet the necessary conditions for the short and long term perspectives, preventing pollution of the soil, air, groundwater or surface water and ensuring efficient collection of contaminated water and leachate as and when required under the permission and reducing erosion caused by water or wind as far as is technically possible and economically viable.”;

- (vii) in sub-paragraph (3)—

- (aa) for the definition of “landfill” substitute—

““landfill” means a waste disposal site for the deposit of waste on to or into land (including underground) including a site falling within paragraph (a) or (b) but not (c)—

- (a) internal waste disposal sites (i.e. landfill where a producer of waste is carrying out its own waste disposal at the place of production); and
- (b) a permanent site (i.e. more than one year) which is used for temporary storage of waste but excluding—

- (i) facilities where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere;
- (ii) storage of waste prior to recovery or treatment less than three years as a general rule; or
- (iii) storage of waste prior to disposal for a period of less than one year;

- (c) the following operations do not fall within paragraph (a) or (b)—

- (i) the spreading of sludges, including sewage sludges and sludges resulting from dredging operations and similar matter on the soil for the purpose of fertilisation or improvement;
- (ii) the use of inert waste which is suitable, in redevelopment/restoration and filling-in work for construction purposes in landfills;
- (iii) the deposit of non-hazardous dredging sludges alongside small waterways from where they have been dredged out of and non-hazardous sludges in surface water including the bed or its subsoil; and
- (iv) the deposit of unpolluted soil or of non-hazardous waste resulting from prospecting and extraction, treatment and storage of mineral resources as well as from the operation of quarries.”;

- (bb) for the definition of “mining waste facility” substitute—

““mining waste facility” means any area designated for the accumulation or deposit of extractive waste whether in a solid or liquid state or in solution or suspension for the following periods—

- (a) no time period for Category A waste facilities and facilities for waste characterised as hazardous in the waste management plan;

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(a) OJ L 102, 11.4.2006, p. 15-34

- (b) a period of more than one year for facilities for non-hazardous non-inert waste; or
- (c) a period of more than three years for facilities for unpolluted soil, non-hazardous prospecting waste, waste resulting from the extraction, treatment or storage of peat and inert waste;

“waste facility” is deemed to include any dam or other structure to contain, retain or confine or otherwise support such a facility and also to include, but not be limited to heaps and ponds, but excluding excavation voids into which waste is replaced after extraction of the mineral for rehabilitation and construction purposes, but does not include any facility—

- (a) closed by 1 May 2008; or
- (b) which stopped accepting waste before 1 May 2006.”.

## “SCHEDULE 2

Regulation 1(3)

### Definition of “relevant waste”

“Relevant Waste” means—

- (a) subject to paragraph 38 of Schedule 2 and paragraphs (b) to (h), any substance or object which the holder discards or intends or is required to discard;
- (b) the following are excluded from the scope of paragraph (a)—
  - (i) gaseous effluents emitted into the atmosphere;
  - (ii) land (in situ) including unexcavated contaminated soil and buildings;
  - (iii) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated;
  - (iv) radioactive waste;
  - (v) decommissioned explosives;
  - (vi) faecal matter, if not covered by sub-paragraph (c)(ii), straw or other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from biomass through processes or methods which do not harm the environment or endanger human health;
- (c) the following shall be excluded from the scope of paragraph (a) to the extent that they are covered by other retained EU law—
  - (i) waste waters;
  - (ii) animal by-products including processed products covered by Regulation (EC) No 1774/2002(a), except those which are destined for incineration, landfilling or use in a biogas or composting plant;
  - (iii) carcasses of animals that have died otherwise than by being slaughtered, including animals killed to eradicate epizootic diseases and that are disposed in accordance with (EC) 1774/2002;
  - (iv) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries;
- (d) without prejudice to obligations under other relevant retained EU law, sediments located inside surface waters for the purpose of managing waters and waterways or of preventing flood or mitigating the effects of floods, drought or land reclamation shall be excluded from the scope of paragraph (a) if it is proved that the sediments are non-hazardous;

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(a) OJ L 273, 10.10.2002, p. 1-95



- (e) a substance or object resulting from a production process, the primary aim of which is not the production of that item, may be regarded as not being waste referred to in paragraph (a) but as being a by-product only if the following conditions are met—
  - (i) further use of the substance or object is certain;
  - (ii) the substance or object can be used directly without any further processing other than normal industrial practice;
  - (iii) the substance or object is produced as an integral part of the process; and
  - (iv) further use is unlawful i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts;
- (f) certain specified waste shall cease to be within the scope of paragraph (a) when it has undergone a recovery, including recycling, operation and complies with specific criteria to be developed in accordance with the following conditions—
  - (i) the substance or object is commonly used for specific purposes;
  - (ii) a market or demand exists for such a substance or object;
  - (iii) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products;
  - (iv) the use of the substance or object will not lead to overall adverse environmental or human health impacts; and
  - (v) the criteria shall include limit values for pollutants where necessary and shall take into account possible adverse environmental effects of the substance or object;
- (g) waste which ceases to be waste in accordance with this Schedule shall cease to be waste for the purposes of any relevant retained EU law when recycling or recovery requirements of that law are satisfied; and
- (h) the Department may decide case by case whether certain waste has ceased to be waste taking into account applicable case law.”.

#### **Amendment of the Landfill Regulations (Northern Ireland) 2003**

- 4.**—(1) The Landfill Regulations (Northern Ireland) 2003(a) are amended as follows.
- (2) In regulation 2(2) (Interpretation) for the definition “waste battery or accumulator” substitute—
- ““waste battery or accumulator” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003;”.
- (3) In Schedule 1 (CRITERIA AND PROCEDURES FOR THE ACCEPTANCE OF WASTE AT LANDFILLS) in paragraph 5(1)(g) omit “according to Annex III of the Hazardous Waste Directive”.

#### **Amendment of the Landfill Allowances Scheme (Northern Ireland) Regulations 2004**

- 5.**—(1) The Landfill Allowances Scheme (Northern Ireland) Regulations 2004(b) are amended as follows.
- (2) In regulation 2(2) (Interpretation)—
- (a) for the definition of “disposal” substitute—

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(a) S.R. 2003 No. 496 as amended by S.R. 2004 No. 297, S.R. 2005 No. 300 and S.R. 2011 No. 127  
 (b) S.R. 2004 No. 416 as relevantly amended by S.R. 2011 No. 127 and S.R. 2011 No. 373

“disposal” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003(a);” and

(b) for the definition of “European Waste Catalogue” substitute—

““European Waste Catalogue” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003;”.

### **Amendment of the Hazardous Waste Regulations (Northern Ireland) 2005**

**6.—**(1) The Hazardous Waste Regulations (Northern Ireland) 2005(b) are amended as follows.

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

(a) after the definition of “battery pack” insert—

““best available techniques” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003;”;

(b) in the definition of “consignment note” for “pursuant to Article 19(2) of the Waste Directive” substitute “within the United Kingdom”;

(c) for the definition of “recovery” substitute ““recovery” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003;” and

(d) for the definition of “waste battery or accumulator” substitute—

““waste battery or accumulator” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003;”.

(3) In regulation 2(3) add at the end “as at immediately before exit day”.

(4) In regulation 3(1) for paragraph (b) substitute—

“(b) “waste” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003;”.

(5) In regulation 9(2) (Specific waste to be treated as hazardous) for “pursuant to Article 7(2) of the Waste Directive” substitute “because it does not display any of the properties listed in Annex III of the Waste Directive”.

(6) In regulation 10(2) (Specific waste to be treated as non-hazardous) for “pursuant to Article 7(3) of the Waste Directive” substitute “because it does not display any of the properties listed in Annex III of the Waste Directive”.

(7) In regulation 19 (Prohibition on mixing hazardous waste without a permit)—

(a) in paragraph (4) omit from “fulfilling its duty” to the end; and

(b) in paragraph (6)(a) for “Article 13 of the Waste Framework Directive” substitute “the Waste Framework Directive conditions”.

(8) In regulation 42 (Inspections)—

(a) in paragraph (2) omit “as required pursuant to Article 34 of the Waste Directive and”;

(b) in paragraph (3)—

(i) after “intervals” insert “and with such intensity”; and

(ii) omit from “having regard” to the end.

(9) In regulation 47(2) (Responsibilities of the Department) omit “, and in accordance with Article 28 of the Waste Directive and”.

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(a) S.R. 2003 No. 493 as relevantly amended by S.R. 2003 No. 496, S.R. 2005 No. 300, S.R. 2006 No. 280, S.R. 2006 No. 489, S.R. 2006 No. 519, S.R. 2008 No. 18, S.R. 2009 No. 76, S.R. 2009 No. 159, S.R. 2010 No. 411, S.R. 2011 No. 124, S.R. 2011 No. 127, S.R. 2011 No. 403, S.R. 2013 No. 241, S.R. 2014 No. 137, S.R. 2014 No. 307, S.R. 2014 No. 252, S.R. 2015 No. 14, S.R. 2015 No. 288, S.R. 2016 No. 95 and S.R. 2016 No. 96

(b) S.R. 2005 No. 300 as relevantly amended by S.R. 2011 No. 127, S.R. 2015 No. 288 and S.R. 2016 No. 95

## **Amendment of the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007**

7.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(a) are amended as follows.

(2) In regulation 24 (Application for accreditation)—

(a) in paragraph (3)(b)(i)—

(i) for “the European Community” substitute “a Member State;”; and

(ii) for “of Article 6(2) of the Packaging Waste Directive” substitute “set out in paragraph (10)”;

(b) in paragraph (3)(b)(ii) for “Article 6(2) of that Directive” substitute “set out in paragraph (10)”;

(c) in paragraph (8) for “the European Community” substitute “the United Kingdom or a Member State”;

(d) in paragraph (9)—

(i) for “the European Community” substitute “a Member State”; and

(ii) for “of Article 6(2) of the Packaging Waste Directive” substitute “set out in paragraph (10)”;

(e) after paragraph (9) insert—

“(10) The requirements are that there is sound evidence that recovery or recycling operation took place under conditions broadly equivalent to those prescribed by legislation applicable in any part of the United Kingdom.”.

(3) In regulation 26(2) (Suspension and cancellation of accreditation)—

(a) for “Article 6(2) of the Packaging Waste Directive” substitute “regulation 24(10)”;  
and

(b) for “the European Community” substitute “a Member State”.

(4) In Schedule 1 (PRODUCERS) in paragraph 4(2)(b)(i) omit “as defined in paragraph 1(a) of Article 3 of the Packaging Waste Directive”.

(5) In Schedule 7 (PUBLIC REGISTER) in paragraph 2—

(a) in sub-paragraph (b) omit “provided for in Annex II of the Waste Directive”; and

(b) in sub-paragraph (c) omit “under Annex I or Annex II of the Waste Directive”.

## **Amendment of the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013**

8. In the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013(b), in regulation 1(2) for the definition of “Directive Waste” substitute—

““Directive Waste” has the same meaning as “Relevant Waste” as set out in Schedule 1A to the Waste Management Licensing Regulations (Northern Ireland) 2003.”.

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(a) S.R. 2007 No. 198 as relevantly amended by S.R. 2008 No. 373 and S.R. 2010 No. 396

(b) S.R. 2013 No. 255 as relevantly amended by S.I. 2014/117

## Amendment of the Air and Environmental Quality Provisions

**Amendment of the Air Quality Standards Regulations (Northern Ireland) 2010**

1.—(1) The Air Quality Standards Regulations (Northern Ireland) 2010(a) are amended as follows.

(2) Omit regulation 4(1)(e).

(3) In regulation 18(3), omit “, in accordance with Article 20 of Directive 2008/50/EC,”.

(4) In regulation 19(4), for “Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)(b)” substitute “the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(c).”.

(5) In regulation 25—

(a) in paragraph (1A), omit “in accordance with Article 21 of Directive 2008/50/EC(d)”;

(b) in paragraph (5), for from “other plans drawn” to the end substitute “relevant environmental plans”; and

(c) after paragraph (8), insert—

“(9) In paragraph (5) “relevant environmental plans” means—

(a) the Transitional National Plan, which has the same meaning given in regulation 2(1) of the Large Combustion Plants (Transitional National Plan) Regulations 2015(e);

(b) a national air pollution control programme drawn up in accordance with regulation 9 of the National Emissions Ceilings Regulations 2018(f);

(c) an action plan drawn up in accordance with Part 3 of the Environmental Noise Regulations (Northern Ireland) 2006(g).”.

(6) In regulation 28(3)—

(a) after “comprehensive manner” insert “, including the applicable methodology,”; and

(b) after “the European Community” insert “in so far as it has been transposed and it forms part of retained EU law”.

**Amendment of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013**

2.—(1) The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 are amended as follows.

(2) In regulation 7(16) omit “established by the European Commission”.

(3) In regulation 26—

(a) in paragraph (6) before sub-paragraph (c) omit “and”;

(b) omit paragraph (6)(c);

(c) in paragraph (8)(c) omit from “in accordance” to the end.

(4) In regulation 32(3) omit “the European Union Treaties or”.

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(a) S.R. 2010 No. 188 as relevantly amended by S.R. 2017 No. 2 and S.R. 2018 No. 33

(b) OJ L 334, 17.12.2010, p. 17-119

(c) S.R. 2013 No. 160 as relevantly amended by S.R. 2014 No. 304, S.R. 2015 No. 325 and S.R. 2018 No. 33

(d) OJ L 152, 11.6.2008, p. 1-44

(e) S.I. 2015/1973, to which there are amendments not relevant to these regulations

(f) S.I. 2018/129

(g) S.R. 2006 No. 387, as amended by S.R. 2018 No. 190

- (5) In Schedule 4—
- (a) in paragraph 1(4)(b) omit “or European Union”;
  - (b) in paragraph 9(b) omit “between Member States”;
  - (c) in paragraph 19(2) for “another” substitute “a”;
  - (d) in paragraph 22 and 23 in each place—
    - (i) for “another” substitute “a”; and
    - (ii) for “the other Member State” substitute “that Member State”.
- (6) In Schedule 7—
- (a) in paragraph 6(2)(g) omit “between Member States”;
  - (b) in paragraph 9(2) for “another” substitute “a”;
  - (c) in paragraph 14(2)(g)(ii) omit “between Member States”; and
  - (d) in paragraph 17, 18 and 19 in each place—
    - (i) for “another” substitute “a”; and
    - (ii) for “the other Member State” substitute “that Member State”.
- (7) In Schedule 9A, paragraph 11—
- (a) in sub-paragraph (5)(a) omit from “and the Department” to the end; and
  - (b) omit sub-paragraph (5)(b).

## SCHEDULE 3

Regulation 5

### Modifications of the Directives

**1.—(1)** In this Schedule—

“the Air Quality Fourth Daughter Directive” means Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air**(a)**;

“the Ambient Air Quality Directive” means Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe**(b)**;

“the Asbestos Directive” means Council Directive 87/217/EC on the prevention and reduction of environmental pollution by asbestos**(c)**;

“the Basic Safety Standards Directive” means Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation**(d)**;

“the Batteries Directive” means Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators**(e)**;

“the End-of-Life Vehicles Directive” means Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles**(f)**;

“the Industrial Emissions Directive” means Directive 2010/75/EC of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)**(g)**;

“the Landfill Directive” means Council Directive 1999/31/EC on the landfill of waste as read with Council Decision 2003/33/EC establishing criteria and procedures for the acceptance of

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(a) OJ L 23, 26.1.2005, p. 3-16  
 (b) OJ L 152, 11.6.2008, p. 1-44  
 (c) OJ L 85, 28.3.1987, p. 40-45  
 (d) OJ L 13, 17.1.2014, p. 1-73  
 (e) OJ L 266, 26.9.2006, p. 1-14  
 (f) OJ L 269, 21.10.2000, p. 34-43  
 (g) OJ L 334, 17.12.2010, p. 17-19

waste at landfill pursuant to Article 16 of and Annex II to Directive 1999/31/EC of the European Parliament and of the Council(a);

“the Medium Combustion Plant Directive” means Directive (EU) 2015/2193 of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants(b);

“the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste(c);

“the WEEE Directive” means Directive 2012/19/EC of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(d).

### **Modifications of the Air Quality Fourth Daughter Directive**

**2.**—(1) For the purposes of the Air Quality Standards Regulations (Northern Ireland) 2010, the Air Quality Fourth Daughter Directive is to be read in accordance with this paragraph.

(2) Annex 2 is to be read as if, in section 2 paragraph 2, for “Member States” there were substituted “The Department”.

(3) Annex 3 is to be read as if, in section 4 paragraph (b), the words “as defined by Article 2(11) of Directive 96/61/EC(e)” were omitted.

(4) Annex 4 is to be read as if, in section 1, in paragraphs 5 and 6—

(a) for “Member States” in each place it occurs there were substituted “the Department”; and

(b) for “they” in each place it occurs there were substituted “the Department”.

(5) Annex 5 is to be read as if—

(a) in section 1, in the second paragraph, for “Member State” there were substituted “the Department”;

(b) in section 2—

(i) in the first paragraph for “Member States are allowed to” there were substituted “the Department may”; and

(ii) in the second paragraph for “A Member State” there were substituted “The Department”;

(c) in section 3, in the second paragraph for “A Member State” there were substituted “The Department”; and

(d) section 5 were omitted.

### **Modifications of the Ambient Air Quality Directive**

**3.**—(1) For the purposes of the Air Quality Standards Regulations (Northern Ireland) 2010, the Ambient Air Quality Directive is to be read in accordance with this paragraph.

(2) A reference to one or more Member States in a provision imposing an obligation or conferring a discretion on a Member State or Member States is to be read as a reference to the competent authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion.

(3) Article 3(f) is to be read as if, for “other Member States” there were substituted “Member States”.

(4) Annex 1 is to be read as if—

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(a) OJ L 182 16.7.1999, p. 1-19 as read with OJ L 11, 19.12.2002, p. 27

(b) OJ L 313, 28.11.2015, p. 1-19

(c) OJ L 312, 22.11.2008, p. 3-30

(d) OJ L 197, 24.7.2012, p. 38-71

(e) OJ L 257, 10.10.1996, p. 26-40

- (a) in section A, footnote (1)—
  - (i) for “Member States” there were substituted “The Department”;
  - (ii) for “they” there were substituted “the Department”; and
  - (iii) the words “to the Commission” were omitted;
- (b) in section C—
  - (i) in paragraph 1, for “the appropriate competent authorities and bodies designated pursuant to Article 3” there were substituted “the Department”;
  - (ii) in point (i), for the words “pursuant to Article 6” to the end, there were substituted “are in accordance with this section”;
  - (iii) in point (iii), the words from “and that institutions” to the end were omitted;
  - (iv) in point (iv), in the first sentence—
    - (aa) the words from “are appointed by” to “Article 3 and” were omitted;
    - (bb) for “harmonised” there were substituted “designated”; and
    - (cc) the words from “the reference to” to “the European Union” were omitted;
  - (v) in point (iv), in the second sentence, the words from “for the co-ordination” to “also be responsible” were omitted;
  - (vi) points (v) and (vi) were omitted; and
  - (vii) in paragraph (2), for “All reported data under Article 27” there were substituted “All data”.

(5) Annex 2 is to be read as if, in section B paragraph 2, for “Member States” there were substituted “the Department”.

(6) Annex 3 is to be read as if, in section A paragraph 2(b), the words “In accordance with Article 2(1)” were omitted.

(7) Annex 5 is to be read as if, in section A paragraph 1, in the footnotes (1) and (2) for “a Member State” there were substituted “the Department”.

(8) Annex 6 is to be read as if, in section B—

- (a) in paragraph 1—
  - (i) for “A Member State” there were substituted “The Department”; and
  - (ii) for “the Member State” there were substituted “the Department”;
- (b) paragraphs 2, 3 and 4 were omitted.

(9) Annex 8 is to be read as if, in section A, in the paragraph following the table, after the words “in the Community” there were inserted “insofar as it forms part of retained EU law”.

### **Modification of the Asbestos Directive**

**4.**—(1) For the purposes of these Regulations, the Asbestos Directive is to be read in accordance with this paragraph.

(2) When interpreting the Asbestos Directive for the purposes of these Regulations—

- (a) an expression used in the Directive that is defined in these Regulations has the meaning given in these Regulations except for “waste” which has the meaning given in Article 2(5) of the Asbestos Directive read in accordance with sub-paragraph (3);
- (b) the competent authority is the Department; and
- (c) a reference to Member States is to be read as a reference to the Department.

(3) Article 2(5) is to be read as if for “Article 1 of Directive 75/442/EEC(a)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.

(4) Article 3(2) is to be read as if for “Article 13 of Directive 84/360/EEC(b)” there were substituted “Article 5 of Directive 2008/1/EC of the European Parliament and of the Council(c)”.

(5) Article 5 is to be read as if, in the first paragraph, in point (a), in the first subparagraph, in the second indent, for “competent authorities of the Member States” there were substituted “Department”.

(6) Article 6 is to be read as if—

(a) after paragraph 1 there were inserted—

“**1A.** In paragraph 1, “regular intervals” means, for the purposes of a regulated facility to which Article 4 applies, intervals of not more than 6 months.”; and

(b) paragraph 3 were omitted.

(7) Article 8 is to be read as if, in the words before the first indent, the words from “Without” to “Accession,” were omitted.

(8) The Annex is to be read as if, in Part B—

(a) in Chapter 1, in paragraph 1, in the second subparagraph—

(i) in the third sentence, for “controlling authority” there were substituted “Department”; and

(ii) in the fourth sentence, for “a Member State” there were substituted “the Department”;

(b) in Chapter 2—

(i) in the first paragraph, “subject to the provisions of Article 6(3) of the Directive,” were omitted;

(ii) in the second paragraph, for the words from “using” to the end there were substituted “in accordance with Article 7(6) of Directive 2009/148/EC of the European Parliament and of the Council on the protection of workers from the risks related to exposure to asbestos at work(d)”; and

(iii) in the third paragraph—

(aa) in point 1, for “controlling authority” there were substituted “Department”; and

(bb) in point 8, for the words from “conform” to the end there were substituted “be conducted in accordance with Article 7(6) of Directive 2009/148/EC”.

## **Modifications of the Basic Safety Standards Directive**

**5.**—(1) For the purposes of these Regulations, the Basic Safety Standards Directive is to be read in accordance with this paragraph.

(2) Article 4 is to be read as if—

(a) in points (11), (47) and (57), for “competent authority” there were substituted “Department”;

(b) in point (34) for a “a competent authority” there were substituted “the Department”;

(c) in point (43) for “any competent authority” there were substituted “the Department”;

(d) in point (79)—

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(a) OJ L 194, 25.7.1975, p. 39-41

(b) OJ L 188, 16.7.1984, p. 20-25

(c) OJ L 24, 29.1.2008, p. 8-29

(d) OJ L 330, 16.12.2009, p. 28-36



- (i) for “Member State” in the first and second place it occurs there were substituted “Department”;
  - (ii) for “a competent regulatory authority” there were substituted “the Department”; and
  - (iii) for “Member State” in the third place it occurs there were substituted “United Kingdom”;
  - (e) in point (86) for “competent authority” in the first and second place it occurs there were substituted “the Department”.
- (3) Article 12 is to be read as if for “Member States” where it occurs there were substitute “the Department”.
- (4) Article 30(4) is to be read as if—
- (a) in the first sentence, for “Member States” there were substituted “The Department”; and
  - (b) in the third sentence for “Competent Authority” there were substituted “Department”.
- (5) Article 66 is to be read as if—
- (a) in paragraphs 1 and 2 , for “Member States” in each place it occurs there were substituted “The Department”; and
  - (b) in paragraph 3, in the words before point (a), for “competent authority” there were substituted “Department”.
- (6) Article 75 is to be read as if—
- (a) in paragraph 2—
    - (i) in the words before point (a)—
      - (aa) for “Member State” there were substituted “Department”; and
      - (bb) for “Member States” there were substituted “the Department”;
    - (ii) in point (b), for “competent authority” there were substituted “Department”;
  - (b) in paragraph 3, for “Member States” there were substituted “the Department”.
- (7) Articles 85 to 87 are to be read as if—
- (a) for “Member States” in each place it occurs there were substituted “The Department”;
  - (b) in Article 85(3) and 86(4), for “competent authority” there were substituted “Department”.
- (8) Article 88 is to be read as if, in the words before point (a), for the words from “In addition” to “States” there were substituted “The Department”.
- (9) Article 89 is to be read as if—
- (a) in the first paragraph—
    - (i) the words before point (a)—
      - (aa) for “Member States” there were substituted “The Department”; and
      - (bb) for “competent authority” there were substituted “Department”;
    - (ii) in point (b), for “Member States” there were substituted “the Department”;
  - (b) in the second paragraph, for “competent authority” there were substituted “Department”.
- (10) Article 90 is to be read as if—
- (a) in the heading, for “competent authority” there were substituted “Department”;
  - (b) in the first sentence, for “Member States shall ensure that the competent authority keeps” there were substituted “The Department must keep”; and
  - (c) in the third sentence, for “competent authority” there were substituted “Department”.

(11) Article 91 is to be read as if for “Member States” in both places it occurs there were substituted “The Department”.

(12) Article 92 is to be read as if—

(a) for “Member States” in each place it occurs there were substituted “The Department”; and

(b) in Article 92(1)(b), for “competent authority” there were substituted “Department”.

(13) Article 93 is to be read as if—

(a) for “Member States” in each place it occurs there were substituted “The Department”; and

(b) in paragraph (2) for “competent authority” in each place it occurs there were substituted “Department”.

(14) Article 94 is to be read as if—

(a) in paragraph (1), for “Member States shall ensure that the competent authority is” there were substituted “The Department be”; and

(b) in paragraph (2), for “Member States” there were substituted “The Department”.

(15) Article 95 is to be read as if for “Member States” there were substituted “The Department”.

(16) Article 96 is to be read as if—

(a) in the first sentence for “Member States” there were substituted “The Department”; and

(b) in paragraph (b) for “competent authority” there were substituted “Department”.

(17) Article 101 is to be read as if for “Member States” there were substituted “The Department”.

(18) Article 102 is to be read as if for “Member States” in both places it occurs there were substituted “The Department”.

(19) Annex 7 is to be read as if—

(a) in Section 1, in the first sentence, for “competent authority” there were substituted “the Department”; and

(b) in Section 2—

(i) in points (c) and (d), “Community” were omitted; and

(ii) in point (e), in the fourth sentence, for “competent authority” there were substituted “the Department”;

(c) in Section 3—

(i) in point (d), for “Member States” there were substituted “the Department”;

(ii) in point (e), in the first paragraph, in the fourth indent, in the third sentence, for “Member States” there were substituted “the Department”;

(d) in Table A Part 1, in the final paragraph, for “competent authority” there were substituted “the Department”.

(20) Annex 14 is to be read as if, in the form, in the note, for “Community” there were substituted “United Kingdom”.

(21) Annex 15 is to be read as if—

(a) in point (b), for “Member States” there were substituted “the Department”; and

(b) in points (d), (e) and (g) for “competent authority” where it occurs there were substituted “the Department”.

### **Modification of the Batteries Directive**

**6.—(1)** For the purposes of these Regulations, the Batteries Directive is to be read in accordance with this paragraph.

(2) Article 2(2)(a) is to be read as if for “Member States’ essential security interests” there were substituted “the essential security interests of the United Kingdom”.

(3) Article 3 is to be read as if—

- (a) in point (7), for “Article 1(1)(a) of Directive 2006/12/EC(a)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”; and
- (b) in point (9), for “Annex IIA to Directive 2006/12/EC” there were substituted “Annex 1 to the Waste Framework Directive”.

### **Modification of the End-of-Life Vehicles Directive**

7.—(1) For the purposes of these Regulations, the End-of-Life Vehicles Directive is to be read in accordance with this paragraph.

(2) When interpreting the End-of-Life Vehicles Directive for the purposes of these Regulations—

- (a) an expression used in the Directive that is defined in these Regulations has the meaning given in these Regulations; and
- (b) any reference to one or more Member States in a provision imposing an obligation or conferring a discretion on a Member State or Member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion so far as it related to Northern Ireland.

(3) Article 2 is to be read as if—

(a) for paragraph 1 there were substituted—

“**1.** “vehicle” means any motor vehicle;

**1A.** “waste” means waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive;”;

(b) in paragraph 2, “within the meaning of Article 1(a) of Directive 75/442/EEC(b)” were omitted;

(c) for paragraphs 8 and 9, there were substituted—

“**8.** ‘recovery’ has the meaning given in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003(c); and

**9.** ‘disposal’ has the meaning given in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003;”;

(d) for paragraph 11 there were substituted—

“**11.** ‘hazardous substance’ has the meaning given regulation 2(1) of the Hazardous Waste Regulations (Northern Ireland) 2005;(d)”.

(4) Article 4(2) is to be read as if points (b) and (c) were omitted.

(5) Article 6 is to be read as if—

(a) in paragraph 1—

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(a) OJ L 114, 27.4.2006, p. 9-21

(b) OJ L 194, 25.7.1975, p. 39-41

(c) S.R. 2003 No. 493 as relevantly amended by S.R. 2003 No. 496, S.R. 2005 No. 300, S.R. 2006 No. 280, S.R. 2006 No. 489, S.R. 2006 No. 519, S.R. 2008 No. 18, S.R. 2009 No. 76, S.R. 2009 No. 159, S.R. 2010 No. 411, S.R. 2011 No. 124, S.R. 2011 No. 127, S.R. 2011 No. 403, S.R. 2013 No. 241, S.R. 2014 No. 137, S.R. 2014 No. 307, S.R. 2014. No. 252, S.R. 2015 No. 14, S.R. 2015 No. 288, S.R. 2016 No. 95 and S.R. 2016 No. 96

(d) S.R. 2005 No. 300 as relevantly amended by S.R. 2011 No. 127, S.R. 2015 No. 288 and S.R. 2016 No. 95

- (i) for “Article 4 of Directive 75/442/EEC” there was substituted “Article 13 of the Waste Framework Directive”;
- (ii) “, without prejudice to national regulations on health and environment” were omitted;
- (b) in paragraph 3, in the words before point (a), for “establishment or undertaking” there were substituted “operator”.

(6) Annex II is to be read as if, in the table, in table footnote (2a), for the words from “Directive 2006/95/EC(a)” to the end there were substituted “the second subparagraph of Article 1 of Directive 2014/35/EU(b) of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits”.

(7) In sub-paragraph (2)(b), “local authority” in Northern Ireland means a district council within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972(c).

### **Modification of the Industrial Emissions Directive**

**8.**—(1) For the purposes of these Regulations, the Industrial Emissions Directive is to be read in accordance with this paragraph.

(2) When interpreting the Industrial Emissions Directive for the purposes of these Regulations—

- (a) an expression used in the Directive that is defined in these Regulations has the meaning given in these Regulations, except for—
  - (i) “installation”, which has the meaning given by Article 3(3) of the Directive as read with sub-paragraph (3)(b); and
  - (ii) “general binding rule”, which has the meaning given by Article 3(8) of the Directive as read with paragraph (8).
- (b) the competent authority is for all purposes including that of exercising a judgement as to whether there is an overriding need to maintain energy supplies under Articles 30(6) and 37, the Department.

(3) Article 3 is to be read as if—

- (a) in point (1) for the words from “Article 1” to the end there were substituted “Article 4 of the Basic Safety Standards Directive”;
- (b) for points (2) to (4) there were substituted—
  - “(2) “pollution” has the meaning given in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;
  - (3) “installation”—
    - (a) for the purposes of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013, means Part A installation;
    - (b) for the purposes of regulation 14 of those Regulations, means a stationary technical unit within which a solvent emission activity is carried out, and any other directly associated activities on the same site which have a technical connection with the solvent emission activity and which could have an effect on emission of volatile organic compounds;
  - (4) “emission” has the meaning given in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;”;
- (c) in point (6), for “Union law” there were substituted “retained EU law”;
- (d) for points (7) and (8) there were substituted—

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(a) OJ L 374, 27.12.2006, p. 10-19  
 (b) OJ L 96, 29.3.2014, p. 357-374  
 (c) 1972 c.9 (N.I.)

“(7) ‘permit’ has the same meaning as in the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.

(8) ‘general binding rule’—

(a) for the purposes of regulation 16 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 means emission limit values or other conditions, at least at sector level, that are adopted with the intention of being used directly to set permit conditions;

(b) otherwise, means a standard rule published under by the Department;”;

(e) in point (10)(b), for “Member State in question” there were substituted “United Kingdom”;

(f) in point (12), for “means a document” there were substituted “except where Article 13(7) applies, means a document annexed to retained direct EU legislation made under Article 13(5) as that Article had effect immediately before exit day”;

(g) for point (18) there were substituted—

“(18) ‘hazardous substances’ has the meaning given by regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;”;

(h) for paragraph 20 there were substituted—

“(20) ‘groundwater’ has the meaning given by regulation 2(1) of the Groundwater Regulations ( Northern Ireland ) 2009;”;

(i) in point (23), for the words from “point 1 of Article 2” to the end there were substituted “point 1 of the second subparagraph of Article 2 of Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs<sup>(a)</sup>”;

(j) for point (25) there were substituted—

“(25) ‘combustion plant’ has the meaning given by regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;”;

(k) in point (36), for the words from “point 26” to the end there were substituted “Article 2(26) of Directive 2009/72/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity<sup>(b)</sup>”;

(l) for points (37) and (38) there were substituted—

“(37) ‘waste’ has the meaning given by regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003;

(38) ‘hazardous waste’ has the meaning given by regulation 2(1) of the Hazardous Waste regulations (Northern Ireland) 2005;”;

(m) for points (40) and (41) there were substituted—

“(40) ‘waste incineration plant’ has the meaning given by regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;

(41) ‘waste co-incineration plant’ has the meaning given by regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;”.

(4) Article 5 is to be read as if—

(a) in paragraph 1, the words from “Without prejudice” to “Union law,” were omitted; and

(b) in paragraph 3, a reference to a numbered Article of Directive 85/337/EEC<sup>(c)</sup> were a reference to the retained EU law which transposed the same numbered Article of

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(a) OJ L 343, 22.12.2009, p. 74-113

(b) OJ L 211, 14.8.2009, p. 55-93

(c) OJ L 175, 5.7.1985, p. 40-48

Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment<sup>(a)</sup> in respect of Northern Ireland.

- (5) Article 7 is to be read as if, in the words before point (a)—
- (a) the words from “Without prejudice” to “environmental damage,” were omitted;
  - (b) for “Member States” there were substituted “the Department”.
- (6) Article 8(2) is to be read as if, in the words before point (a), for “Member States” there were substituted “the Department”.
- (7) Article 9 is to be read as if—
- (a) in paragraph 1, for “specified in Annex I to Directive 2003/87/EC<sup>(b)</sup>” substitute “a regulated activity within the meaning of regulation 3(1) of the Greenhouse Gas Emissions Trading Scheme Regulations 2012<sup>(c)</sup>”;
  - (b) in paragraph 2, for “activities listed in Annex I to Directive 2003/87/EC, Member States” substitute “regulated activities within the meaning of regulation 3(1) of the Greenhouse Gas Emissions Trading Scheme Regulations 2012, the competent authority”; and
  - (c) omit paragraph 4.
- (8) Article 11 is to be read as if—
- (a) in the words before point (a), for “Member States” there were substituted “The Department”;
  - (b) in points (d) and (e), for “Directive 2008/98/EC” there were substituted “the Waste Framework Directive”.
- (9) Article 12 is to be read as if—
- (a) in paragraph 1, in the words before point (a), for “Member States” there were substituted “The Department”;
  - (b) in paragraph 2—
    - (i) for “Directive 85/337/EEC<sup>(d)</sup>” there were substituted “the retained EU law which transposed Directive 2011/92/EU<sup>(e)</sup> in respect of Northern Ireland”;
    - (ii) for “Directive 96/82/EC<sup>(f)</sup>” there were substituted “the retained EU law which transposed Directive 2012/18/EU of the European Parliament and of the Council<sup>(g)</sup> in respect of Northern Ireland”.
- (10) Article 13 is to be read as if—
- (a) Articles 13(1) to (6) were omitted; and
  - (b) in paragraph 7, for the words from “Pending” to “paragraph 5, the” there were substituted “In the absence of a BAT conclusion, any relevant”.
- (11) Article 14 is to be read as if—
- (a) in paragraph 1, for “Member States” there were substituted “The Department”;
  - (b) in paragraph 4, the second sentence were omitted; and
  - (c) in paragraph 7, for “the legislation” there were substituted “retained EU law”.
- (12) Article 15(4) is to be read as if the fifth subparagraph were omitted.
- (13) Article 17 is to be read as if—

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(a) OJ L 26, 28.1.2012, p. 1-21  
(b) OJ L 275, 25.10.2003, p. 32  
(c) S.I. 2012/3038  
(d) OJ L 175, 5.7.1985, p. 40-48  
(e) OJ L 26, 28.1.2012, p. 1-21  
(f) OJ L 10, 14.1.1997, p. 13-33  
(g) OJ L 197, 24.7.2012, p. 1-37

- (a) in paragraph 1, for “Member States” there were substituted “the Department”; and
  - (b) in paragraph 3, for “Member States” there were substituted “The Department”.
- (14) Articles 20(1) and (2) are to be read as if, for “Member States” in both places it occurs there were substituted “The Department”.
- (15) Article 21(1) is to be read as if for the words from “Member States” to “periodically reconsiders” there were substituted “The Department must periodically reconsider”.
- (16) Article 22 is to be read as if—
- (a) in paragraph 1, the words from “Without prejudice” to “soil protection” were omitted; and
  - (b) in paragraph 2—
    - (i) in the third subparagraph, for “Union” there were substituted “retained EU”; and
    - (ii) the fourth subparagraph were omitted.
- (17) Article 23 is to be read as if—
- (a) in paragraphs 1 and 2, for “Member States” in each place it occurs there were substituted “The Department”;
  - (b) in paragraph 4—
    - (i) in the fourth subparagraph, point (c) were omitted; and
    - (ii) the fifth subparagraph were omitted;
  - (c) in paragraph 6, in the second subparagraph, for the words from “Directive 2003/4/EC” to “environmental information” there were substituted “the Environmental Information Regulations 2004(a)”.
- (18) Article 24 is to be read as if—
- (a) in paragraph 1, for “Member States” there were substituted “The Department”; and
  - (b) in paragraph 4, is to be read as if, for “Article 4(1) and (2) of Directive 2003/4/EC” there were substituted “the exceptions in Part 3 of the Environmental Information Regulations 2004”.
- (19) Article 26(4) is to be read as if for the words from “any Member State” to the end there were substituted “the Secretary of State of any application that is likely to have significant negative effects on the environment in the territory of a Member State”.
- (20) Article 30 is to be read as if—
- (a) in paragraph 5 the second subparagraph were omitted; and
  - (b) in paragraph 6, the third subparagraph were omitted.
- (21) Article 31 is to be read as if—
- (a) for “Member States” in each place it occurs there were substituted “the Department”;
  - (b) in paragraph 1, the words from “and with prior validation” to the end were omitted; and
  - (c) in paragraph 2, for “points 3.1 or” there were substituted “point”.
- (22) Article 32 is to be read as if—
- (a) a reference to the plan or transitional national plan were a reference to the UK transitional plan prepared by the Secretary of State and submitted to the European Commission on 20 October 2015;
  - (b) in paragraph 2, in the second subparagraph, the words “, pursuant in particular to the requirements of Directives 2001/80/EC(b) and 2008/1/EC(c),” were omitted; and

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(a) S.I. 2004/3391, as amended by paragraph 305 and 307 of Schedule 19 to the Data Protection Act 2018 (c.12)  
 (b) OJ L 309, 27.11.2001, p. 1-21  
 (c) OJ L 24, 29.1.2008, p. 8-29

- (c) in paragraph 3, the second subparagraph were omitted.
- (23) Article 33 is to be read as if—
- (a) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) the reference to the transitional national plan were a reference to the UK transitional plan prepared by the Secretary of State and submitted to the European Commission on 20<sup>th</sup> October 2015; and
      - (bb) “referred to in Article 32” were omitted;
    - (ii) at the end of point (b) there were inserted “and”;
    - (iii) in point (c), the words “, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC,” were omitted; and
    - (iv) point (d) (and the “and” immediately preceding it) were omitted;
  - (b) paragraph 2 were omitted; and
  - (c) in paragraph 3, “and paragraph 2” were omitted.
- (24) Articles 34(1) and 35(1)(d) are to be read as if the words “, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC,” were omitted.
- (25) Articles 37(1) and 38(1) are to be read as if for “Member States” there were substituted “The Department”.
- (26) Article 42(2)(a)(iii) is to be read as if, for the words from “Regulation (EC) No 1774/2002(a)” to the end there were substituted “Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption(b)”;
- (27) Article 44(d) is to be read as if for “and Union” were omitted.
- (28) Article 45(1)(a) is to be read as if for “European Waste List established by” there were substituted “List in”.
- (29) Article 48(1) is to be read as if for “Member States” there were substituted “The Department”.
- (30) Article 50 is to be read as if—
- (a) in paragraph 3, in the second subparagraph, for the words from “Article 2(2)” to the end there were substituted “regulation 2(1) of the Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007(c)”; and
  - (b) in paragraph 7, for “Member States” there were substituted “The Department”.
- (31) Article 51(1) is to be read as if—
- (a) in paragraph 1, the second sentence were omitted; and
  - (b) paragraph 4 were omitted.
- (32) Article 52 is to be read as if—
- (a) in paragraph 2, for “European Waste List established by” there were substituted “List in”; and
  - (b) in paragraph 4(a), for “Directive 2008/98/EC” there were substituted “the Waste Framework Directive”.
- (33) Article 55(2) is to be read as if for “report referred to in Article 72 shall include” there were substituted “operator must keep and provide to the Department”.
- (34) Article 59 is to be read as if—
- (a) in paragraph 1—

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(a) OJ L 273, 10.10.2002, p. 1-95  
 (b) OJ L 300, 14.11.2009, p. 1-33  
 (c) S.R. 2007 No. 272



- (i) in the first subparagraph, in the words before point (a), for “Member States” there were substituted “The Department”; and
  - (ii) the second subparagraph were omitted;
  - (b) paragraph 4 were omitted.
- (35) Article 60 is to be read as if for “Member States” there were substituted “The Department”.
- (36) Article 65(3) is to be read as if for “restrictions laid down in Article 4(1) and (2) of Directive 2003/4/EC(a)” there were substituted “exceptions in Part 3 of the Environmental Information Regulations 2004”.
- (37) Articles 67 and 70 are to be read as if for “Member States” in each place it occurs there were substituted “The Department”.
- (38) Annex 1 is to be read as if—
- (a) in the words before point 1, the second paragraph were omitted;
  - (b) in point 5.3—
    - (i) in point (a), in the words before point (i), for “Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment(b)” there were substituted “the Urban Waste Water Treatment Regulations (Northern Ireland) 2007”; and
    - (ii) in point (b), in the words before point (i), for “Directive 91/271/EEC” there were substituted “the Urban Waste Water Treatment Regulations (Northern Ireland) 2007”;
  - (c) in point 5.4, the words from “, as defined” to “of waste” were omitted; and
  - (d) in point 6.11, for “Directive 91/271/EEC” there were substituted “the Urban Waste Water Treatment Regulations (Northern Ireland) 2007”.
- (39) Annex 2 is to be read as if, in the Section headed “Water”, in paragraph 13, for “Directive 2000/60/EC(c)” there were substituted “the Water Framework Directive”.
- (40) Annex 4 is to be read as if—
- (a) in point 1(b), after “consultation between” there were inserted “the United Kingdom and”;
  - (b) in point 2—
    - (i) in the words before point (a), for “Member States” there were substituted “The Department”;
    - (ii) in point (a) “or authorities” were omitted; and
    - (iii) in point (b), for “Directive 2003/4/EC” there were substituted “the Environmental Information Regulations 2004”;
  - (c) in point 5, for “Member States” there were substituted “Department”.
- (41) Annex 6 is to be read as if—
- (a) in Part 4—
    - (i) in point 1, in the definition of “V<sub>proc</sub>”, for “Union” there were substituted “retained EU law”; and
    - (ii) point 3.1 were omitted;
  - (b) in Part 5, in entry 1 of the table, in the second column, after “defined in” there were inserted “the third entry of Table 1 in”;
  - (c) in Part 6, in point 2.1(c), after “furans” there were inserted “and dioxin-like polychlorinated biphenyls and polycyclic aromatic hydrocarbons”, but only in the

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(a) OJ L 41, 14.2.2003, p. 26-32  
 (b) OJ L 135, 30.5.1991, p. 40-52  
 (c) OJ L 327, 22.12.2000, p. 1-73

case of particular plants where the regulator can demonstrate that emissions of those additional substances are, or are likely to be, significant; and

- (d) in Part 8—
  - (i) in point 1.1(d)(i), in the second indent, for “Member States” there were substituted “the Department”; and
  - (ii) in point 2(b), for “Member State” there were substituted “Department”.

(42) Annex 7 is to be read as if, in Part 6, in point 2, for “Member States” there were substituted “the Department”.

### **Modification of the Landfill Directive**

**9.**—(1) For the purposes of these Regulations, the Landfill Directive is to be read in accordance with this paragraph.

- (2) When interpreting the Landfill Directive for the purposes of these Regulations—
  - (a) an expression used in the Directive that is defined in these Regulations has the meaning given in these Regulations;
  - (b) “landfill permit” or “permit” has the same meaning as in the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(a);
  - (c) “nature protection zone” means any—
    - (i) European site (which has the meaning given in regulation 9 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995(b); or
    - (ii) area of special scientific interest (which has the meaning given in Article 28 of the Environment (Northern Ireland) Order) 2002(c);
  - (d) any reference to one or more Member States in a provision imposing an obligation or conferring a discretion on a Member State or Member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion so far as it related to Northern Ireland; and
  - (e) the competent authority is the Department.
- (3) Article 1 is to be read as if—
  - (a) in paragraph 1, the words from “With a view” to “thereof,” were omitted;
  - (b) in paragraph 2, for “Directive 96/61/EC(d)”, in both places it occurs, there were substituted “the Industrial Emissions Directive”.
- (4) Article 2 is to be read as if—
  - (a) for point (a) there were substituted—

“(a) ‘waste’ has the meaning given in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003”;
  - (b) for points (c) and (d) there were substituted—

“(c) ‘hazardous waste’ has the meaning given in regulation 2(1) of the Hazardous Waste Regulations (Northern Ireland) 2005;

(d) ‘non-hazardous waste’ has the meaning given in regulation 2(1) of the Hazardous Waste Regulations (Northern Ireland) 2005;”;

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(a) S.R. 2013 No. 160 as relevantly amended by S.R. No. 304, S.R. 2015 No. 14, S.I. 2015/1973, S.R. 2015 No. 325, S.R. 2016 No. 95, S.R. 2016 No. 309 and S.R. 2018 No. 33

(b) S.R. 1995 No. 380 as amended by S.R. 2003 No. 46, S.R. 2004 No. 435, S.R. 2007 No. 345, S.R. 2009 No. 8, S.R. 2011 No. 216, S.R. 2012 No. 368 and S.R. 2015 No. 182

(c) S.I. 2002/3153 (N.I.)

(d) OJ L 257, 10.10.1996, p. 26

- (c) for point (l) there were substituted—
- “(l) ‘operator’ has the meaning given in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013”.
- (5) Article 3(2) is to be read as if, in the words before the first indent, “Without prejudice to existing Community legislation,” were omitted.
- (6) Article 5(3) is to be read as if—
- (a) in point (b), for “Annex III to Directive 91/689/EC(a)” there were substituted “Annex III to the Waste Framework Directive”;
- (b) in point (c), for the words from “(property H9) to the end there were substituted “by Annex III to the Waste Framework Directive”;
- (c) in point (d)—
- (i) for “two years from the date laid down in Article 18(1)” there were substituted “16 July 2001”; and
- (ii) for “five years from the date laid down in Article 18(1)” there were substituted “from 16 July 2004”.
- (7) Article 6(a) is to be read as if, in the second sentence, for “may” there were substituted “does”.
- (8) Article 7 is to be read as if—
- (a) in the first subparagraph, in point (h)—
- (i) the reference to Council Directive 85/337/EEC(b) of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment were a reference to the retained EU law which transposed Directive 2011/92/EU in respect of Northern Ireland; and
- (ii) the reference to Article 5 of Directive 85/337/EEC were a reference to the retained EU law which transposed Article 5 of Directive 2011/92/EU in respect of Northern Ireland;
- (b) in the second subparagraph, “and Community” was omitted.
- (9) Article 8 is to be read as if—
- (a) in point (a)—
- (i) in point (i), “without prejudice to Article 3(4) and (5),” were omitted; and
- (ii) in point (iv)—
- (aa) in the first sentence, “issued under the provisions of this Directive” were omitted; and
- (bb) the third sentence were omitted;
- (b) in point (b), for “Article 7 of Directive 75/442/EEC” there were substituted “regulation 8 of the Waste Regulations (Northern Ireland) 2011”.
- (10) Article 9 is to be read as if, in the words before point (a), the words from “Specifying” to “Directive 96/61/EC,” were omitted.
- (11) Article 10 is to be read as if for “Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment(c)” there were substituted “the Environmental Information Regulations 2004(d)”.
- (12) Article 11(1) is to be read as if—
- (a) in point (b)—

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(a) OJ L 377, 31.12.1991, p. 20

(b) OJ L 175, 5.7.1985, p. 40-48

(c) OJ L 158, 23.6.1990, p. 56

(d) S.I. 2004/3391 as amended by S.I. 2018/942

- (i) in the first indent—
    - (aa) for “Article 5(3) of Directive 91/689/EEC” there were substituted “Article 19(2) of the Waste Framework Directive”; and
    - (bb) for “Council Regulation” to the end there were substituted “Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste(a)”; and
  - (ii) in the third indent, “and Community” was omitted;
  - (b) in point (d), “without prejudice to the provisions of Regulation (EEC) No 259/93,” were omitted.
- (13) Article 13(d) is to be read as if “Community or” were omitted.
- (14) Article 14 is to be read as if—
- (a) in the words before point (a), for “within eight years after the date laid down in Article 18(1)” there were substituted “by 16 July 2007”;
  - (b) in point (a), for the words from “with a period” to “Article 18(1)” there were substituted “by 16 July 2000”;
  - (c) in point (c), for “within eight years after the date laid down in Article 18(1)” there were substituted “by 16 July 2007”; and
  - (d) in point (d)—
    - (i) in point (i), for “within one year after the date laid down in Article 18(1)” there were substituted “by 16 July 2000”; and
    - (ii) in point (ii), for “within three years after the date laid down in Article 18(1)” there were substituted “by 16 July 2002”.
- (15) Annex 1 is to be read as if—
- (a) in Section 2, for the final sentence there were substituted “The above provisions do not apply to inert landfills.”;
  - (b) in Section 3.3, omit the second paragraph;
  - (c) in Section 3.4, for from “Directive 80/68/EEC” to “competent authority” there were substituted “the Water Framework Directive, as transposed by the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017(b), the Department”; and
  - (d) Section 3.5 were omitted.
- (16) Annex 2 is to be read as if—
- (a) Section 1 were omitted;
  - (b) in Section 2, in the second paragraph, the third sentence were omitted;
  - (c) in Section 4, in the fourth and fifth paragraphs, for “covered by Directive 91/689/EEC” there were substituted “classified as hazardous waste”; and
  - (d) in Section 5, the second and third sentences were omitted.
- (17) Annex 3 is to be read as if—
- (a) in Section 2—
    - (i) the first paragraph were omitted; and
    - (ii) in the second paragraph, in the table, in the first column, for “14.00 h CET” in both places it occurs there were substituted “1 p.m.”;
  - (b) in Section 3, in the fourth paragraph, in the table, in table note 7, the words from “, and will report” to the end were omitted.

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(a) OJ L 190, 12.7.2006, p. 1  
 (b) S.R. 2017 No. 81

(18) In sub-paragraph (2)(d) “local authority” in Northern Ireland means a district council within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972<sup>(a)</sup>.

### **Modification of the Medium Combustion Plant Directive**

**10.**—(1) For the purposes of these Regulations, the Medium Combustion Plant Directive is to be read in accordance with this paragraph.

(2) When interpreting the Medium Combustion Plant Directive for the purposes of these Regulations—

- (a) except where defined in this paragraph, an expression used in the Directive that is defined in these Regulations has the meaning given in these Regulations;
- (b) “permit” has the same meaning as in the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;
- (c) the competent authority is the Department;
- (d) “general binding rule” means a standard rule published by the Department; and
- (e) a reference to Directive 2010/75/EU is to be read as if it were a reference to the Industrial Emissions Directive.

(3) Article 2 is to be read as if—

- (a) in paragraph 3(b), for “Directive 97/68/EC of the European Parliament and of the Council<sup>(b)</sup>” there were substituted “Regulation (EU) 2016/1628 of the European Parliament and of the Council on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery<sup>(c)</sup>”; and
- (b) in paragraph 4, the second sentence were omitted.

(4) Article 3 is to be read as if—

- (a) for point (1) there were substituted—  
“(1) ‘emission’ has the meaning given in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;”;
- (b) for point (5) there were substituted—  
“(5) ‘combustion plant’ has the meaning given in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;”;
- (c) for point (17) there were substituted—  
“(17) ‘waste’ has the meaning given in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003;”.

(5) Article 5 is to be read as if—

- (a) in paragraphs 1 and 2, for “Member States” there were substituted “The Department”; and
- (b) in paragraph 6, for “Member States” there were substituted “the Department”.

(6) Article 6 is to be read as if—

- (a) in paragraph 1—
  - (i) in the first subparagraph, the words from “Without” to “applicable,” were omitted; and
  - (ii) the second subparagraph were omitted;
- (b) in paragraphs 3 and 8 for “Member States” each time it occurs there were substituted “The Department”; and

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(a) 1972 c.9(N.I.)

(b) OJ L 59, 27.2.98, p. 1-86

(c) OJ L 252, 16.9.2016, p. 53-117

- (c) in paragraphs 11 and 12 the second subparagraphs were omitted.
- (7) Article 7 is to be read as if—
- (a) in paragraph 1, for “Member States” there were substituted “The Department”;
  - (b) in paragraph 5(c), for “Article 6(8)” there were substituted “paragraph 8(1) of Schedule 9A to the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013; and
  - (c) in paragraph 7—
    - (i) for “Member States” there were substituted “The Department”; and
    - (ii) in the first sentence, for “Article 8” there were substituted “Article 8(2) and (3)”.
- (8) Article 8 is to be read as if—
- (a) in paragraphs 1 and 2, for “Member States” there were substituted “The Department”; and
  - (b) in paragraph 3, in the first subparagraph, for “Member States” there were substituted “the Department”.
- (9) Article 9 is to be read as if in the first paragraph, for “Member States” there were substituted “The Department”.
- (10) Annex I is to be read as if, in point 7, for “Article 6(8)” there were substituted “paragraph 8(1) of Schedule 9A to the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.
- (11) In Annex III—
- (a) Part 1 is to be read as if—
    - (i) in point 2, for “Article 6(8)” in each place it occurs there were substituted “paragraph 8(1) of Schedule 9A to the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013; and
    - (ii) in point 6, for “Member States” there were substituted “the Department”.
  - (b) in Part 2, in point 3, for “Article 6(11) and Article 6(12)” there were substituted “paragraph 11(2) and (4) of Schedule 9A to the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013”.

### **Modification of the Waste Framework Directive**

**11.**—(1) For the purposes of these Regulations, the Waste Framework Directive is to be read in accordance with this paragraph.

(2) Any reference to one or more Member States in a provision imposing an obligation or conferring a discretion on a Member State or Member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion so far as it related to Northern Ireland.

- (3) Article 2 is to be read as if—
- (a) in paragraph 2—
    - (i) in the words before point (a), for “other Community legislation” there were substituted “retained EU law”; and
    - (ii) in point (d), for the words from “Directive 2006/21/EC(a)” to the end there were substituted “the Mining Waste Directive”;
  - (b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted.

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(a) OJ L 102, 11.4.2006 p. 15-34

(4) Article 3(20) is to be read as if for “Article 2(11) of Directive 96/61/EC(a)” there were substituted “Article 3(10) of the Industrial Emissions Directive”.

(5) Article 4(2) is to be read as if the second subparagraph were omitted.

(6) Article 5 is to be read as if paragraph 2 were omitted.

(7) Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted; and

(b) in paragraph 4—

(i) in the first sentence, for the words from “Where criteria” to “paragraphs 1 and 2” there were substituted “Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies”; and

(ii) the second sentence were omitted;

(8) Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted; and

(ii) in the third sentence, for “shall be binding” there were substituted “shall, subject to a relevant determination or decision or regulations made by the Department under the Waste and Contaminated Land (Northern Ireland) Order 1997(b), be binding”;

(b) after paragraph 1, there were inserted—

“**1A.** In paragraph 1, a “relevant determination or decision” means a determination or decision made by the Department under regulation 8 or 9 of the Hazardous Waste Regulations (Northern Ireland) 2005;”;

(c) paragraphs 2 and 3 were omitted;

(d) in paragraph 6 for “Member States may consider” there were substituted “Waste may be considered”;

(e) after paragraph 6 there were inserted—

“**6A.** In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC(c).”;

(f) paragraph 7 were omitted.

(9) Article 11(5) were omitted.

(10) Article 16 to be read as if for paragraph 1 there were substituted—

“The United Kingdom shall take appropriate measures to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collections also covers such waste from other producers, taking into account best available techniques.”

(11) In Article 19—

(a) paragraph 1 is to be read as if, for “a Member State” there were substituted “the United Kingdom”; and

(b) paragraph 2 is to be read as if, for “a Member State” there were substituted “the United Kingdom”.

(12) Annex III is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

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(a) OJ L 257, 10.10.1996 p. 26-40

(b) S.I. 1997/2778 (N.I. 19)

(c) OJ L 226, 6.9.2000, p. 3-24

(13) In subparagraph (2), “local authority” in Northern Ireland means a district council within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972.

### **Modification of the WEEE Directive**

**12.**—(1) For the purposes of these Regulations, the WEEE Directive is to be read in accordance with this paragraph.

(2) Any reference to one or more Member States in a provision imposing an obligation or conferring a discretion on a Member State or Member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion so far as it related to Northern Ireland.

(3) Article 2 is to be read as if—

- (a) paragraph 2 were omitted;
- (b) in paragraph 3(a), for “Member States” there was substituted “the United Kingdom”; and
- (c) paragraph 5 were omitted.

(4) Article 3 is to be read as if—

- (a) in paragraph 1—
  - (i) after point (a) there were inserted—
    - “(aa) ‘waste’ means waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive;
    - (ab) ‘hazardous waste’ has the meaning given by regulation 2(1) of the Hazardous Waste Regulations (Northern Ireland) 2005;”;
  - (ii) in point (e), “within the meaning of Article 3(1) of Directive 2008/98/EC” were omitted;
  - (iii) in point (f)—
    - (aa) in the words before point (i), for the words from “distance communication” to the end, there were substituted “by means of distance communication”;
    - (bb) points (i) and (ii) are to be read as if for “a Member State” and for “the territory of that Member State” there were substituted “the United Kingdom”;
    - (cc) for point (iii) there were substituted—
      - “(iii) is established in the United Kingdom and places on the market, on a professional basis, EEE from another country;”;
    - (dd) the first subparagraph of point (iv) is to be read as if for “a Member State” there were substituted “the United Kingdom”;
    - (ee) the first subparagraph of point (iv) is to be read as if for “Member State or in a third” were omitted;
- (iv) in point (j), for “a Member State” there was substituted “the United Kingdom”;
- (v) in point (k), for “territory of a Member State” there was substituted “United Kingdom”;
- (vi) for points (m) to (o) there were substituted—
  - “(m) ‘medical device’ means a medical device within the meaning of regulation 2(1) of the Medical Devices Regulations 2002(a) which is EEE;
  - (n) ‘in vitro diagnostic medical device’ means an in vitro diagnostic medical device within the meaning of regulation 2(1) of the Medical Devices Regulations 2002 which is EEE;



- (o) ‘active implantable medical device’ means an active implantable medical device within the meaning of regulation 2(1) of the Medical Devices Regulations 2002 which is EEE.”;
- (b) after paragraph 1 there were inserted—
  - “**1A.** In paragraph 1(f), “means of distance communication” has the meaning given by regulation 3(1) of the Consumer Protection (Distance Selling) Regulations 2000(a).”;
- (c) in paragraph 2—
  - (i) “‘hazardous waste’,” were omitted; and
  - (ii) for “Directive 2008/98/EC” there were substituted “the Waste Framework Directive”.
- (5) Article 8(5) is to be read as if the second, third, fourth and fifth subparagraphs were omitted.
- (6) Article 9 is to be read as if—
  - (a) in paragraph 3, the following were omitted—
    - (i) “or the registration referred to in paragraphs 1 and 2”; and
    - (ii) the words from “and for the” to the end;
- (7) Annex 7 is to be read as if, in paragraph 1—
  - (a) in the first subparagraph—
    - (i) in the first indent, for the words from “Council Directive 96/59/EC(b)” to the end there were substituted “the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000(c)”;
    - (ii) in the thirteenth indent, for the words from “Commission Directive 97/69/EC(d)” to the end there were substituted “Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures(e)”;
    - (iii) in the fourteenth indent, for the words from “Article 3” to the end there were substituted “Annex 7 to the Basic Safety Standards Directive”;
  - (b) in the second subparagraph, for “Directive 2008/98/EC” there were substituted “the Waste Framework Directive”.
- (8) Annex 8 is to be read as if, in paragraph 1, in the words before the first indent, the words from “(without prejudice” to “landfill of waste)” were omitted.
- (9) In sub-paragraph (2), “local authority” in Northern Ireland means a district council within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972.
- (10) In sub-paragraph (4)(a)(iii)(aa), “by means of distance communication” has the meaning given by regulation 3(1) of the Consumer Protection (Distance Selling) Regulations 2000.”

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(a) S.I. 2000/2334, to which there are amendments not relevant to these Regulations.  
 (b) OJ L 243, 24.9.1996, p. 31-35  
 (c) S.R. 2000 No. 232 as relevantly amended by S.R. 2011 No. 127  
 (d) OJ L 343, 13.12.1997, p. 19-24  
 (e) OJ L 353, 31.12.2008, p. 1-1355

## **EXPLANATORY NOTE**

*(This note is not part of the Regulation)*

These Regulations are made in exercise of the powers in section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 in order to make amendments to a number of pieces of subordinate Northern Ireland environmental protection legislation in relation to waste management and air and environmental quality control.

They address failures of retained EU law to allow effective operation and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

An impact assessment has not been produced for this instrument as little, or no, significant impact on the private or voluntary sector is foreseen.

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