

SCHEDULE 1

Regulation 2

AMENDMENT OF 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 1(2) (Citation, commencement and interpretation) for the definition of “the Community Regulation” substitute—

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

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

2. The Waste Management Licensing Regulations (Northern Ireland) 2003 are amended as follows.

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

(a) in the definition of “the Community Regulation” at the end add “as amended by [Directive 2010/63/EU](#) of the European Parliament of the Council(1)”; and

(b) for the definition of “the Directive” substitute—

““the Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste (2) as last amended by Directive (EU) 2017/997(3);” and

(c) in the definition of “the End of Life Vehicles Directive” omit from “as amended” to the end and replace with “as last amended by Directive (EU) [2017/2096/EC](#)(4);”.

4. In Schedule 3, Part 1, paragraph 1 (Interpretation of Schedule 3), in the definition of “best available techniques”, for “Article 2(12) of [Directive 2008/1/EC](#)(5)” substitute “Article 3(10) of [Directive 2010/75/EU](#)(6)”.

5. In Schedule 3 Part IV in paragraph 2 (meaning of planning authority)—

(a) in sub-paragraph (c) for “the 1991 Order and the 2006 Order.” substitute “the Planning Act (Northern Ireland) 2011; and”;

(b) after sub-paragraph (c) insert—

“(d) a district council.”.

Amendment of the Landfill Regulations (Northern Ireland) 2003

6. The Landfill Regulations (Northern Ireland) 2003 are amended as follows.

7. In regulation 2(2) (Interpretation)—

(a) in the definition of “European Waste Catalogue” for “as for the time being amended” substitute “as amended from time to time”;

(b) in the definition of “waste” at the end add “as last amended by Council Regulation (EU) 2017/997”; and,

(1) OJ No L 276, 20.10.2010, p.33-79

(2) OJ No L 312, 22.11.2008, p.3-30 as last amended by OJ No L 150, 14.6.2018, p.109-140

(3) OJ No L 150 14.6.2017 p.1-4

(4) OJ No L 299 16.11.2017

(5) OJ No L 24, 29.1.2008, p.8-29

(6) OJ No L 334, 17.12.2010, p.17-119

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- (c) for the definition of “waste battery or accumulator” at the end add “as last amended by Directive (EU) 2017/997;”.
- 8. In Schedule 1 (General principles for the acceptance of waste at landfills)—
 - (a) in paragraph 5(1)(g) at the end add “as amended from time to time”;
 - (b) in paragraph 18(1) for “[Directive 1999/31/EC\(7\)](#) on landfill of waste” substitute “the Directive”.

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

- 9. In the Landfill Allowances Scheme (Northern Ireland) Regulations 2004 in regulation 2(2) (Interpretation)—
 - (a) in the definition of “disposal”, at the end add “as last amended by Council Regulation (EU) 2017/997”; and,
 - (b) in the definition of “recovery”, at the end add “as last amended by Council Regulation (EU) 2017/997;”.

Amendment of the Hazardous Waste Regulations (Northern Ireland) 2005

- 10. The Hazardous Waste Regulations (Northern Ireland) 2005(8) are amended as follows.
- 11. In regulation 2 (General Interpretation) in the definition of “waste battery or accumulator” at the end add “as last amended by Directive (EU) 2017/997”.
- 12. In regulation 3(1)(a) (The Waste Directive and the meaning of waste) in the definition of “the Waste Directive” at the end add “as last amended by Directive (EU) 2017/997”.
- 13. In regulation 35 (Mutual recognition of consignment notes), in paragraph (1), for “[Council Regulation \(EEC\) No 259/93\(9\)](#) other than Title III of that Regulation” substitute “Regulation (EC) No.1013/2006 (10) of the European Parliament and of the Council”.
- 14. In Schedule 7 (Cross Border Movement of Hazardous Waste), for paragraph 1(a) substitute—
 - “(a) Annex 1A and 1B of Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste as last amended by Commission Regulation (EC) No.1379/2007(11);”.

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

- 15. The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(12) are amended as follows.
- 16. In regulation (2)(1) (Interpretation and notices), in the definition of “the Packaging Waste Directive”—
 - (a) at the end of (b) omit “and”;
 - (b) at the end of paragraph (c) insert “and”, and after paragraph (c) insert—

(7) OJ No L 182, 16.7.1999, p.1-19

(8) [S.R. 2005 No. 300](#) as last amended by [S.R. 2011 No. 127](#), [S.R. 2015 No. 288](#) and [S.R. 2016 No. 95](#)

(9) OJ No L 30, 6.2.1993, p.1-28

(10) OJ No L 190, 12.7.2006, p.1-98

(11) OJ No L 309, 27.11.2007, p.7-20

(12) [S.R. 2007 No. 198](#) as relevantly amended by [S.R. 2008 No. 373](#) and [S.R. 2010 No. 396](#)

“(d) Directive (EU) 2015/720 of the European Parliament and of the Council amending [Directive 94/62/EC](#)(13) reducing the consumption of lightweight carrier bags.”.

17. In regulation (2)(2) (Interpretation and notices)—

(a) for the definition of “disposal” substitute ““disposal” means any of the operations listed in Schedule 1A;”;

(b) for the definition of “energy recovery” substitute—

““energy recovery” means the use of combustible packaging waste as a means to generate energy through direct incineration with or without other waste but with the recovery of heat;”

(c) for the definition of “organic recycling” substitute—

““organic recycling” means the aerobic (composting) or anaerobic (biomethanisation) treatment under controlled conditions and using microorganisms, of the biodegradable parts of packaging waste which produces organic residues or methane. Landfill shall not be considered a form of organic recycling;”

(d) for the definition of “packaging” substitute—

““packaging” means all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods from raw materials to processed goods from the producer to the user or consumer; non-returnable items for the same purpose shall also be considered to constitute packaging if it consists only of—

- (i) sales packaging or primary packaging;
- (ii) grouped packaging or secondary packaging;
- (iii) transport packaging or tertiary packaging;

The definition shall be further based on the following criteria—

(aa) the products fill the functions mentioned above without prejudice to other functions which the packaging might also perform, unless the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together;

(bb) the products are designed and intended to be refilled at the point of sale and disposable items sold, filled or designed or intended to be filled at the point of sale, if they fulfil a packaging function;

(cc) the products are packaging components or ancillary elements integrated into packaging;”;

(e) for the definition of “packaging waste” substitute—

““packaging waste” means any packaging or packaging material being any substance or object falling within the categories mentioned in Schedule 1B which the holder discards or intends or is required to discard;”;

(f) for the definition of “recycling” substitute—

““recycling” means the reprocessing in a production process of waste materials for the original purpose or for other purposes including organic recycling but excluding energy recovery and “recycle” shall be construed accordingly;”;

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(g) for the definition of “re-use” substitute—

““re-use” means any operation by which packaging, which has been conceived or designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market enabling the packaging to be refilled, such re-used packaging will become packaging no longer subject to re-use;”;

(h) for the definition of “transit packaging” substitute—

““transit packaging” means grouped packaging or secondary packaging or transport packaging or tertiary packaging;”.

(i) In alphabetical order insert—

““sales packaging or primary packaging” means packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;”;

““grouped packaging or secondary packaging” means packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale if it can be removed from the product without affecting its characteristics;”;

““transport packaging or tertiary packaging” means packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packaging in order to prevent physical handling or transport damage. Transport packaging shall not include road, rail, ship and air containers;”.

18. After Schedule 1 insert Schedule 1A and Schedule 1B.

“SCHEDULE 1A

DISPOSAL OPERATIONS

1. Deposit into or on to land (for example landfill).
2. Land treatment (for example biodegradation of liquid or sludgy discards in soils).
3. Deep injection (for example injection of pumpable discards into wells, salt domes or naturally occurring repositories).
4. Surface impoundment (for example placement of liquid or sludgy discards into pits, ponds or lagoons).
5. Specially engineered landfill (for example placement into discreet cells which are capped and isolated from one another and from the environment).
6. Release into a water body except seas or oceans.
7. Release into seas or oceans including sea bed insertion.
8. Biological treatment not specified in this Schedule which results in compounds or mixtures which are discarded by means of any of the operations mentioned in paragraphs 1 to 7 or 9 to 12.
9. Physio-chemical treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations mentioned in paragraphs 1 to 7 or 10 to 12.
10. Incineration on land.
11. Incineration at sea.

12. Permanent Storage (for example emplacement in containers in a mine).
13. Blending or mixing prior to submission to any of the operations mentioned in paragraphs 1 to 12.
14. Repackaging prior to submission to any of the operations mentioned in paragraphs 1 to 13.
15. Storage pending any of the operations mentioned in paragraphs 1 to 14 excluding temporary storage, pending collection, on the site where it is produced.

SCHEDULE 1B

CATEGORIES OF WASTE

1. Production or consumption residues not otherwise specified in paragraphs 2 to 12 of this Schedule.
2. Off specification products.
3. Products whose date for appropriate use has expired.
4. Materials spilled, lost or having undergone other mishap including and any materials or equipment contaminated as a result of that mishap.
5. Materials contaminated or soiled as a result of planned actions (for example residues from cleaning operations, packaging materials of containers).
6. Unusable parts (for example reject batteries or exhausted catalysts).
7. Substances which no longer perform satisfactorily (for example contaminated acids, contaminated solvents or exhausted tempering salts).
8. Residues of industrial processes (for example slags or still bottoms).
9. Residues from pollution abatement processes (for example scrubber sludge's, baghouse dusts or spent fillers).
10. Machining or finishing residues (for example lathe turnings or mill scales).
11. Residues from raw materials extraction and processing (for example mining residues or oil field slops).
12. Adulterated materials (for example oils contaminated with PCB's).".
19. In Schedule 5 (Conditions of accreditation)—
 - (a) in paragraph (r)—
 - (i) in sub-paragraph (i), after “waste” insert “as last amended by Commission Regulation (EU) 2015/2002 **(14)**”; and
 - (ii) in sub-paragraph (ii), after “apply”, insert “as last amended by [Commission Regulation \(EU\) No 733/2014](#)**(15)**”.

(14) OJ No L 294, 11.11.2015, p.1-31

(15) OJ No L 197, 4.7.2014, p.10

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Amendment of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009

20. The Environment Liability (Prevention and Remediation) Regulations (Northern Ireland 2009)(16) are amended as follows.

21. In regulation 2(2) (Interpretation)—

(a) in the definition of “natural habitats” —

(i) in paragraph (a) for “Article 4(2) of, or Annex 1 to Council [Directive 79/409/EEC\(17\)](#)”, substitute “Article 4(1) of and Annex 1 to [Directive 2009/147/EC\(18\)](#) of the European Parliament and of the Council” and for “[Directive 92/43/EEC](#)” substitute “[Directive 97/62/EC\(19\)](#)”;

(ii) in paragraph (b) for “Council [Directive 92/43/EEC\(20\)](#)” substitute “Council [Directive 97/62/EC](#)”;

(b) in the definition of “protected species” for “Article 4(2) of Council [Directive 79/409/EEC](#)” substitute “Article 4(1) of [Directive 2009/147/EC\(21\)](#) of the European Parliament and of the Council” and for “Annexes II and IV to Council [Directive 92/43/EEC](#)” substitute “Annex II to Council [Directive 97/62/EC](#) and Annex IV to Council [Directive 92/43/EEC](#)”.

22. In regulation 2(3) (Interpretation) after “damage” insert “as last amended by [Directive 2013/30/EU](#) of the European Parliament and of the Council(22)”.

23. After regulation 2(3) (Interpretation) insert—

“(4) A reference to Council [Directive 1999/31/EC\(23\)](#) on the landfill of waste shall be construed as a reference to that Directive as amended from time to time.”.

24. In regulation 2A (References), for “Schedule 2” substitute “Schedules 2 and 3”.

25. In regulation 3 (Meaning of “environmental damage”)—

(a) in paragraph (3) after “water policy” insert “as last amended by Commission [Directive 2014/101/EU\(24\)](#).”;

(b) in paragraph (3)(b) after “Directive” add “as amended by [Directive 2013/39/EU](#) of the European Parliament and of the Council(25)”;

(c) in paragraph (4)(b) at the end add “as amended by Commission [Directive 2014/80/EU\(26\)](#)”; and

(d) in paragraph (4A) at the end add “as amended by Commission Directive (EU) 2017/845(27)”.

26. In Schedule 2 (Activities causing damage)—

(a) in paragraph 1 for “2008/1/EC(28)” substitute “2010/75/EU(29)”;

(b) for paragraph 2(2) substitute—

(16) [S.R. 2009 No. 252](#) as last amended by [S.R. 2015 No. 231](#)

(17) OJ No L 103, 25.4.1979, p.1-18

(18) OJ No L 20 26.1.2010 p.7-25

(19) OJ No L 305, 8.11.1997 p.42-65

(20) OJ No L 206, 22.7.1992 p.7-50

(21) OJ No L 20, 26.1.2010 p7-25

(22) OJ No L 178, 28.6.2013, p.66-106

(23) OJ No L 182, 16.7.1999, p.1-19

(24) OJ No L 311, 31.10.2014, p.32-35

(25) OJ No L 226, 24.8.2013, p.1-17

(26) OJ No L 182, 21.6.2014, p.52-55

(27) OJ No L 125, 18.5.2017, p.27-33

(28) OJ No L 24, 29.1.2008, p.8-29

(29) OJ No L 334, 17.12.2010, p.17-119

- “The operation of landfill sites under Council [Directive 1999/31/EC](#) as amended by Directive (EU) 2011/97/EU(30) and the operation of incineration plants under [Directive 2010/75/EU\(31\)](#) of the European Parliament and of the Council.”;
- (c) in paragraph 4(1) for the words from “[Directive 2006/11/EC\(32\)](#)” to the end, substitute—
“Directive 2000/60 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.”;
- (d) in paragraph 4(2) for the words from “Council [Directive 80/68/EEC\(33\)](#)” to the end, substitute—
“[Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.”;
- (e) in paragraph 6(a), at the end add “as last amended by Commission Regulation (EU) 2017/776(34)”;
- (f) in paragraph 6(b), at the end add “as last amended by Commission Regulation (EU) 2017/776”;
- (g) in paragraph 7 for sub-paragraphs (a) to (c) substitute—
“(a) Annex 1 to [Directive 2008/68/EC\(35\)](#) of the European Council and of the Council on inland transport of dangerous goods as last amended by Commission Directive (EU) 2016/2309(36);
(b) Annex II to that Directive;
(c) [Directive 2002/59/EC\(37\)](#) of the European Parliament and of the Council establishing a Community vessel traffic information system and repealing Council [Directive 93/75/EC\(38\)](#) as last amended by Commission [Directive 2014/100/EU\(39\)](#).”;
- (h) in paragraph 8(1), for “Council [Directive 90/219/EEC](#)” substitute “[Directive 2009/41/EC](#) of the European Parliament and the Council(40)”;
- (i) in paragraph 8(2), at the end add “as last amended by (EU) 2015/412 of the European Parliament and of the Council(41)”.
27. In Schedule 3 (Permits etc.)—
- (a) in paragraph 1, for the words from “Council Directive” to the end substitute—
“[Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (Integrated pollution prevention and control).”;
- (b) in paragraph 4, from the word “Directive” to the end substitute—
“[Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (Integrated pollution prevention and control).”; and,
- (c) in paragraph 9(2), at the end add “as last amended by (EU) 2015/412 of the European Parliament and of the Council.”.

(30) OJ No L 328, 10.12.2011, p49-52
(31) OJ No L 334, 17.12.2010, p.17-119
(32) OJ No L 64, 4.3.2006, p.52-59
(33) OJ No L 20, 26.1.1980, p.43.-48
(34) OJ No L 116, 5.5.2017, p.1-19
(35) OJ No L 260, 30.9.2008, p.13-59
(36) OJ No L 345, 20.12.2016, p.48-49
(37) OJ No L 208, 5.8.2202, p.10-27
(38) OJ No L 326, 17.12.1996, p.64-65
(39) OJ No L 308, 29.10.2014, p. 82-87
(40) OJ No L 125, 21.5.2009, p.75-97
(41) OJ No L 68, 13.3.2015, p.1-8

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Amendment of the Waste Regulations (Northern Ireland) 2011

28. The Waste Regulations (Northern Ireland) 2011(42) are amended as follows.
29. In regulation 9 (Interpretation of Part 3) in paragraph (1)—
- (a) for the definition of “best available techniques” substitute—
““best available techniques” means best available techniques as defined in Article 3(10) of [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control);”; and
 - (b) for the definition of “Waste Framework Directive” at the end add “as last amended by Directive (EU) 2017/997”.

Amendment of the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013

30. In the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013(43) in Schedule 1 (Exemptions), in paragraph 1(3) in the definition of “EEA health professional” for “regulation 1(2) of the Medicines for Human Use (Prescribing by EEA Practitioners) Regulations 2008” substitute “regulation 213(1) of the Human Medicines Regulations 2012(44)”.

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

31. The Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013(45) are amended as follows.
32. In regulation 2(4)(b) (Waste which is not to be treated as household waste, industrial waste or commercial waste) in the definition of “the Animal By-Products Regulation”, at the end add “as amended by [Directive 2010/63/EU](#) of the European Parliament of the Council(46)”.
33. In the Schedule—
- (a) in paragraph 1 (Interpretation of the Schedule)—
 - (i) in the definition of “clinical waste”, from “Council [Directive 67/548/EEC\(47\)](#)” to the end substitute “Regulation (EC) 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP)(48);”; and,
 - (ii) 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;”.

(42) [S.R. 2011 No. 127](#)

(43) [S.R. 2013 No. 4](#) as amended by [2014 c.7 \(N.I.\)](#)

(44) [S.I. 2012/1916](#) as last amended by [S.I. 2014/490](#)

(45) [S.R. 2013 No. 255](#) as relevantly amended by [S.R. 2014 No. 117](#)

(46) OJ No L 276, 20.10.2010, p 33-79

(47) OJ No L 196, 16.8.1967, p.1-98

(48) OJ No L 353, 31.12.2008, p.13-55