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STATUTORY RULES OF NORTHERN IRELAND

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**2020 No. 285**

**The Waste (Circular Economy) (Amendment)  
Regulations (Northern Ireland) 2020**

**PART 3**

Amendment of subordinate legislation

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

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

(2) In regulation 2(1) in the definition of “[Directive 2008/98/EC](#)” from “and repealing” to the end substitute “as last amended by Directive (EU) 2018/851(2);”; and

(3) In Schedule 1 for “[Directive 2008/98/EC](#) on waste, as amended” substitute “[Directive 2008/98/EC](#)”.

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

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

(2) In regulation 1(3)—

(a) for the definition of “the Batteries Directive” substitute—

““the Batteries Directive” means [Directive 2006/66/EC](#)(4) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as last amended by Directive (EU) 2018/849(5);”;

(b) in the definition of “the Directive” for “(EU) 2017/997” substitute “(EU) 2018/851”;

(c) in the definition of “waste electrical and electronic equipment” for “[Directive 2008/98/EC](#)” substitute “the Directive”;

(d) in the definition of “the End of Life Vehicles Directive” for “(EU) [2017/2096/EC](#)” substitute “(EU) 2018/849”;

(e) omit the definition of “Commission Directive (EU) 2015/1127”;

(f) in the definition of “recovery” omit “, as amended by Commission Directive (EU) 2015/1127,”; and

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(1) [S.R. 2000 No. 232](#); relevant amending Regulations are [S.R. 2011 No.127](#) and [S.R. 2018 No.215](#)

(2) OJ No. L150, 14.6.2018, p. 109–140

(3) [S.R. 2003 No. 493](#); relevant amending Regulations are [S.R. 2005 No.300](#), [S.R. 2006 No.280](#), [S.R. 2006 No.519](#), [S.R. 2009 No.159](#), [S.R. 2011 No.127](#), [S.R. 2014 No. 137](#), [S.R. 2014 No.253](#), [S.R. 2016 No.95](#) and [S.R. 2018 No.200](#). Regulation 1(3) and Schedule 3 are prospectively amended from IP completion day by [S.I. 2019/289](#)

(4) OJ No. L266, 26.9.2006, p. 1–14

(5) OJ No. L150, 14.6.2018, p. 93–99

- (g) in the definition of “the Waste Electrical and Electronic Equipment Directive” for “which replaces [Directive 2002/96/EC](#) as amended by Council [Directive 2003/108/EC](#) and [Directive 2008/34/EC](#)” substitute “as last amended by Directive (EU) 2018/849;”.
- (3) In regulation 11C(2) for “[Directive 2006/66/EC](#) of the European Parliament and of Council” substitute “the Batteries Directive”.
- (4) In Schedule 3—
- (a) in Part I, paragraph 1—
- (i) in the definition of “prevention”, in sub-paragraph (c), for “harmful” substitute “hazardous”; and
- (ii) for the definition of “municipal waste” substitute—
- ““municipal waste” means—
- (a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture; and
- (b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households,
- but does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities.,”;
- (b) in Part I, in paragraph 14—
- (i) for sub-paragraph (1) substitute—
- “(1) Subject to any requirements to keep records under regulation 19 and sub-paragraph (2), an establishment or undertaking which carries out the disposal or recovery of controlled waste shall—
- (a) if the operation does not involve the treatment of hazardous waste—
- (i) keep a chronological record for a period of 2 years of the quantity, nature, origin and, where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste which is disposed of or recovered; and
- (ii) make that information available, on request, to the competent authority.
- (b) if the operation involves the treatment of hazardous waste—
- (i) keep a chronological record for a period of 3 years of the quantity, nature, origin of the waste and the quantity of products and materials resulting from preparing for re-use, recycling or other recovery operations and, where relevant, the destination, frequency of collection, mode of transport and treatment method of any waste which is disposed of or recovered;
- (ii) during that period, provide those records to the competent authority in such form and manner as the competent authority specifies; and
- (iii) make that information available, on request, to a previous holder; and for this purpose “holder”, in respect of any such waste, means the producer or the person in possession of it.”.
- (ii) in sub-paragraph (4) for “46 or 47A” substitute “46, 47A or 49”;

- (c) in Part III, in the table in the second column of row 1, for “Waste Framework Directive as amended by the Commission Directive (EU) 2015/1127” substitute “Directive”;
- (d) in Part IV, paragraph 5(1), at the end insert “as last amended by Directive (EU) 2018/850(6)”; and
- (e) in Part IV, paragraph 5(3), in the definition of “landfill” after “1999/31/EC” insert “on the landfill of waste, as last amended by Directive (EU) 2018/850,”.

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

5.—(1) The Landfill Regulations (Northern Ireland) 2003(7) are amended as follows.

(2) In regulation 2(2)—

- (a) in the definition of “the Directive” for “as amended by Council Directive 2011/97/EU of the 5<sup>th</sup> December 2011 as regards specific criteria for the storage of metallic mercury considered as waste” substitute “as last amended by Directive (EU) 2018/850(8)”;
- (b) in the definition of “waste” for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851”; and
- (c) in the definition of “waste battery or accumulator” for “2006/12/EC of the European Parliament and of the Council on Waste as last amended by Directive (EU) 2017/997” substitute “2008/98/EC of the European Parliament and of the Council on waste as last amended by Directive (EU) 2018/851”.

(3) In regulation 7(2) at the end insert “as last amended by Directive (EU) 2018/851”.

(4) After regulation 9 insert—

“9A.—(1) Every landfill permit is deemed to contain the following condition, unless such a condition in the same terms as that condition is included in the permit.

(2) The condition is that the operator must not accept—

- (a) any waste paper, metal, plastic or glass for landfill if that waste has been separately collected for the purpose of preparing for re-use or recycling; and
- (b) subject to paragraph (3), any waste for landfill that results from the treatment of waste referred to in paragraph (a), unless landfill of that waste delivers the best environmental outcome in accordance with regulation 17 of the Waste Regulations (Northern Ireland) 2011.

(3) The treatment referred to in paragraph (2)(b), must not be treatment that contravenes sub-paragraph (2)(a) or paragraph 4 of Schedule 11 to the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(9).”

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

6.—(1) The Landfill Allowances Scheme (Northern Ireland) Regulations 2004(10) are amended as follows.

(2) In regulation 2(2)—

(6) OJ No. L150, 14.6.2018, p. 100–108

(7) S.R. 2003 No. 496; relevant amending Regulations are S.R. 2005 No.300, S.R. 2009 No.159, S.R. 2011 No.127, S.R. 2013 No.161, S.R. 2015 No.14 and S.R. 2018 No.200. Regulation 2(2) is prospectively amended from IP completion day by S.I. 2019/289

(8) OJ No. L150, 14.6.2018, p. 100–108

(9) S.R. 2013 No.160; relevant amending Regulations are S.R. 2015 No.14, S.R. 2016 No.95, S.R. 2018 No.33

(10) S.R. 2004 No. 416 as amended by S.R. 2005 No.588, S.R. 2011 No.127, S.R. 2011 No.373 and S.R. 2018 No.200. Regulation 2 is prospectively amended by S.I. 2019/289

- (a) in the definition of “disposal” for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851”; and
  - (b) in the definition of “recovery” for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851”.
- (3) In regulation 19—
- (a) in sub-paragraph (3) after “the landfill of waste” insert “as last amended by Directive (EU) 2018/850”; and
  - (b) in sub-paragraph (4) after “the landfill of waste” insert “as last amended by Directive (EU) 2018/850”.

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

- 7.—(1) The Hazardous Waste Regulations (Northern Ireland) 2005<sup>(11)</sup> are amended as follows.
- (2) In regulation 2(1)—
- (a) omit the definition of “Commission Directive (EU) 2015/1127”;
  - (b) in the definition of “recovery” for “Annex II to the Directive, as amended by Commission Directive (EU) 2015/1127” substitute “Annex II to the Waste Directive”;
  - (c) in the definition of “waste battery or accumulator” for “[Directive 2008/98/EC](#) of the European Parliament and of the Council on waste as last amended by Directive (EU) 2017/997” substitute “the Waste Directive”; and
  - (d) in the definition of “management”, after “recovery” insert “(including sorting)”.
- (3) In regulation 3(1)(a) for “(EU) 2017/997” substitute “(EU) 2018/851”.
- (4) In regulation 19(4) for “and repealing [Directive 91/157/EEC](#)” substitute “as last amended by Directive (EU) 2018/849”.
- (5) For regulation 19(5) substitute—
- “(5) Paragraph (1) applies to the mixing of waste oils only where such mixing would impede the regeneration or another recycling operation delivering an equivalent or a better overall environment outcome than regeneration.”.
- (6) In regulation 20(1)(c)(i) omit “and economically”.
- (7) In regulation 23(2)(a)(ii) for “List of Waste Regulations (Northern Ireland) 2005” substitute “List of Wastes”.
- (8) In regulation 24(2)(c)—
- (a) for “Annex I of [Directive 2008/98/EC](#) of the European Parliament and of the Council” substitute “Annex I to the Waste Directive”; and
  - (b) for “Annex II of that Directive as amended by Commission Directive (EU) 2015/1127.” substitute “Annex II to the Waste Directive”.
- (9) In regulation 37—
- (a) for sub-paragraph (3A) substitute
 

“(3A) Carriers, dealers and brokers of hazardous waste shall keep for three years a chronological record of the quantity, nature, origin and the quantity of products and materials resulting from preparing for re-use, recycling or other recovery operations and, where relevant, the destination, frequency of collection, mode of transport and treatment method of the waste in a register at their principal place of business.”;

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<sup>(11)</sup> S.R. 2005 No. 300; relevant amending Regulations are S.R. 2009 No. 159, S.R. 2011 No. 127, S.R. 2015 No.288, S.R. 2016 No.95 and S.R. 2018 No. 200. Regulations 2 and 3 are prospectively amended by S.I. 2019/289 and S.I. 2019/271 and regulation 19 is prospectively amended by S.I. 2019/289

- (b) for sub-paragraph (5) substitute—
    - “(5) Any register kept or retained under this regulation shall be provided to the Department in such form and manner as the Department specifies.”; and
  - (c) in sub-paragraph (6) omit “as amended by Commission Directive (EU) 2015/1127”.
- (10) In regulation 38—
- (a) for sub-paragraph (1) substitute—
    - “(1) A producer or holder of hazardous waste, and where different from the producer, a consignor or broker of, or dealer in hazardous waste, shall keep a record of the quantity, nature, origin and the quantity of products and materials resulting from preparing for re-use, recycling or other recovery operations and, where relevant, the destination, frequency of collection, mode of transport and treatment method of the waste.”; and
  - (b) for sub-paragraph (7) substitute—
    - “(7) Any register kept and retained under this regulation shall be provided to the Department in such form and manner as the Department specifies.”.
- (11) For regulation 40(3)(a) substitute—
- “(a) the quantity, nature, origin of the waste and the quantity of products and materials resulting from preparing for re-use, recycling or other recovery operations;”.

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

**8.—**(1) The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007<sup>(12)</sup> are amended as follows.

- (2) In regulation 2(1)—
  - (a) omit the definition of “Commission Directive (EU) 2015/1127”;
  - (b) for the definition of “the Packaging Waste Directive” substitute—
    - ““the Packaging Waste Directive” means Council [Directive 94/62/EC](#) on packaging and packaging waste as last amended by Directive (EU) 2018/852;”;
    - and
  - (c) In the definition of “the Waste Directive” for “as amended by Commission Directive (EU) 2015/1127” substitute “as last amended by Directive (EU) 2018/851”.
- (3) In regulation 2(2), for the definition of “recovery” for “Annex II to the Directive, as amended by Commission Directive (EU) 2015/1127” substitute “Annex II to the Waste Directive”.

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

**9.—**(1) The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009<sup>(13)</sup> are amended as follows.

- (2) In Schedule 2, paragraph 2(1) at the end insert “, as last amended by Directive (EU) 2018/851”.
- (3) In Schedule 3—
  - (a) in paragraph 2(1) at the end insert “, as last amended by Directive (EU) 2018/851”;

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<sup>(12)</sup> [S.R. 2007 No. 198](#); relevant amending Regulations are [S.R. 2008 No.77](#), [S.R. 2008 No.373](#), [S.R. 2010 No.396](#), [S.R. 2011 No.127](#), [S.R. 2016 No.79](#), [S.R. 2016 No.95](#) and [S.R. 2018 No.200](#). Regulation 2 is prospectively amended by [S.I. 2019/271](#)

<sup>(13)</sup> [S.R. 2009 No. 252](#); relevant amending Regulations are [S.R. 2011 No.127](#), [S.R. 2011 No.210](#) and [S.R. 2018 No.200](#)

- (b) in paragraph 2(2) at the end insert “, as last amended by Directive (EU) 2018/851”; and
- (c) in paragraph 3 at the end insert “, as last amended by Directive (EU) 2018/850”.

### **Amendment of the Waste Regulations (Northern Ireland) 2011**

**10.**—(1) The Waste Regulations (Northern Ireland) 2011(**14**) are amended as follows.

(2) In regulation 9—

- (a) omit the definition of “Commission Directive (EU) 2015/1127”;
- (b) for the definition of “municipal waste” substitute—

““municipal waste” means—

- (a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture; and
- (b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households;

but does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities;”;

- (c) in the definition of “recovery” for “Annex II to the Directive, as amended by Commission Directive (EU) 2015/1127,” substitute “Annex II to the Waste Framework Directive”;
- (d) in the definition of “the Waste Framework Directive” for “(EU) 2017/997” substitute “(EU) 2018/851”; and
- (e) in the definition of “prevention”, in paragraph (g), for “harmful” substitute “hazardous”.

(3) In regulation 10, in sub-paragraph (1)(a) for “Annex IV of the Waste Framework Directive” substitute “the Schedule”.

(4) In regulation 11(1)—

- (a) after sub-paragraph (a), insert—

“(aa) includes one of more programmes of food waste prevention measures;”;

- (b) in sub-paragraph (c) for “waste prevention measures; and” substitute “waste prevention measures and their contribution to waste prevention;”;
- (c) in sub-paragraph (d) for “.” substitute “;” and
- (d) after sub-paragraph (d) insert—

“(e) sets out at least the waste prevention measures in the Schedule; and

(f) where relevant, describes the contribution of instruments listed in Part 4 of Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997(**15**).”.

(5) For regulation 12(1)(a) substitute—

- “(a) establish appropriate qualitative and quantitative indicators and targets, such as on the quantity of waste that is generated, against which to monitor and assess the implementation of the waste prevention measures; and”

(6) In regulation 18—

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(14) S.R. 2011 No.127; relevant amending Regulations are S.R. 2016 No.95 and S.R. 2018 No.200

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

- (a) in paragraph (1)—
  - (i) omit “, from 1<sup>st</sup> January 2015”;
  - (ii) omit “and are—” and insert “.”; and
  - (iii) omit sub-paragraphs (a) and (b).
- (b) in paragraph (2) omit “, from 1<sup>st</sup> January 2015,”; and
- (c) for paragraph (3) substitute—

“(3) The duties in this regulation apply where separate collection is necessary to ensure that waste undergoes preparing for re-use, recycling or other recovery operations in accordance with the waste hierarchy and the protection of human health and the environment and to facilitate or improve preparing for re-use, recycling or recovery, unless one of the following conditions is met—

  - (a) collecting the waste paper, metal, plastic or glass together results in output from those operations which is of comparable quality to that achieved through separate collection;
  - (b) separate collection of the waste does not deliver the best environmental outcome when considering the overall environmental impacts of the management of the relevant waste streams;
  - (c) separate collection of the waste is not technically feasible taking into consideration good practices in waste collection; or
  - (d) separate collection of the waste would entail disproportionate economic costs taking into account the costs of adverse environmental and health impacts of mixed waste collection and treatment, the potential for efficiency improvements in waste collection and treatment, revenues from sales of secondary raw materials as well as the application of the polluter-pays principle and extended producer responsibility.”.
- (7) In regulation 19, for paragraphs (1) and (2), substitute—

“(1) Subject to paragraph (2), a district council which collects, transports or receives waste must ensure that where that waste has been separately collected it is not mixed with other material with different properties.

(2) The duty in paragraph (1) applies where keeping waste separate is necessary to ensure that waste undergoes preparing for re-use, recycling or other recovery operations in accordance with the waste hierarchy and the protection of human health and the environment and to facilitate or improve preparing for re-use, recycling or recovery, unless one of the following conditions is met—

  - (a) mixing certain types of waste together results in output from those operations which is of comparable quality to that achieved through keeping waste separate;
  - (b) keeping waste separate does not deliver the best environmental outcome when considering the overall environmental impacts of the management of the relevant waste streams;
  - (c) keeping waste separate is not technically feasible taking into consideration good practices in waste collection; or
  - (d) keeping waste separate would entail disproportionate economic costs taking into account the costs of adverse environmental and health impacts of mixed waste collection and treatment, the potential for efficiency improvements in waste collection and treatment, revenues from sales of secondary raw materials as well as the application of the polluter-pays principle and extended producer responsibility.”.

## (8) Add the Schedule—

## “SCHEDULE

Regulation 10(1)(a)

## WASTE PREVENTION MEASURES

The waste prevention measures are measures to at least—

- (a) promote and support sustainable production and consumption models;
- (b) encourage the design, manufacturing and use of products that are resource-efficient, durable (including in terms of life span and absence of planned obsolescence), repairable, re-usable and upgradable;
- (c) target products containing critical raw materials to prevent those materials becoming waste;
- (d) encourage the re-use of products and the setting up of systems promoting repair and re-use activities, including in particular for electrical and electronic equipment, textiles and furniture, as well as packaging and construction materials and products;
- (e) encourage, as appropriate and without prejudice to intellectual property rights, the availability of spare parts, instruction manuals, technical information, or other instruments, equipment or software enabling the repair and re-use of products without compromising their quality and safety;
- (f) reduce waste generation in processes related to industrial production, extraction of minerals, manufacturing, construction and demolition, taking into account best available techniques;
- (g) reduce the generation of food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households;
- (h) encourage food donation and other redistribution for human consumption, prioritising human use over animal feed and the reprocessing into non-food products;
- (i) promote the reduction of the content of hazardous substances in materials and products;
- (j) reduce the generation of waste, in particular waste that is not suitable for preparing for re-use or recycling;
- (k) identify products that are the main sources of littering and take appropriate measures to prevent and reduce litter from such products;
- (l) aim to halt the generation of marine litter; and
- (m) develop and support information campaigns to raise awareness about waste prevention and littering.”.

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

**11.**—(1) The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013<sup>(16)</sup> are amended as follows.

(2) In regulation 2(1)—

- (a) omit the definition of “Commission Directive (EU) 2015/1127”;
- (b) insert in the appropriate place—

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<sup>(16)</sup> S.R. 2013 No.160; relevant amending Regulations are S.R. 2016 No.95 and S.R. 2018 No.200.

- “the Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste as last amended by Directive (EU) 2018/851(17);”;
- (c) in the definition of “hazardous waste” for “[Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives” substitute “the Directive”;
  - (d) in the definition of “recovery” for “[Directive 2008/98/EC](#), as amended by Commission Directive (EU) 2015/1127” substitute “the Directive”; and
  - (e) in the definition of “waste” for “[Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on waste” substitute “the Directive”.
- (3) For regulation 11(3)(b) substitute—
- “(b) waste production is avoided in accordance with the Directive; and, where waste is produced, it is in order of priority and in accordance with the Directive, prepared for re-use, recycled, recovered, or where that is technically and economically impossible, it is disposed of while avoiding or reducing any adverse impact on the environment;”.
- (4) In regulation 13(10) for “[Directive 2008/98/EC](#)” substitute “the Directive”.
- (5) In Schedule 11—
- (a) in paragraph 3(3) at the end insert “as last amended by Directive 2018/849(18)”; and
  - (b) after paragraph 3 insert—

**“Waste separately collected for preparing for re-use and recycling not to be incinerated**

4.—(1) Every environmental permit which authorises a waste co-incineration plant or a waste incineration plant is deemed to contain the following condition, unless such a condition in the same terms as that condition is included in the permit.

- (2) The condition is that the operator must not accept—
- (a) any waste paper, metal, plastic or glass for incineration if that waste has been separately collected for the purpose of preparing for re-use or recycling; and
  - (b) subject to sub-paragraph (3), any waste for incineration that results from the treatment of waste referred to in paragraph (a), unless incineration of that waste delivers the best environmental outcome in accordance with regulation 17 of the Waste Regulations (Northern Ireland) 2011.
- (3) The treatment referred to in sub-paragraph (2)(b) must not be treatment that contravenes sub-paragraph (2)(a) or regulation 9A(2)(a) of the Landfill Regulations (Northern Ireland) 2003(19).”.

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

12. In paragraph 1(1) of the Schedule to the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013(20) in the definition of “the Waste Directive” at the end insert “, as last amended by Directive (EU) 2018/851(21)”.

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(17) OJ No. L150, 14.6.2018, p. 109–140

(18) OJ No. L150, 14.6.2018, p. 93–99

(19) S.R. 2003 No. 496; relevant amending Regulations are S.R. 2004 No.297, S.R. 2005 No.300, S.R. 2006 No.280, S.R. 2007 No.179, S.R. 2007 No.258, S.R. 2009 No.159, S.R. 2011 No.101, S.R. 2015 No.14, S.R. 2015 No.85 and S.R. 2018 No.200

(20) S.R. 2013 No. 255 as amended by S.I. 2014/117 and S.R. 2018 No.200

(21) OJ No. L150, 14.6.2018, p. 109–140

### **Waste management plans: transitional provision**

**13.**—(1) This regulation applies to a waste management plan that is adopted on or before 18th December 2020.

(2) Notwithstanding the amendment of Article 19 of, and Schedule 3 to, the Waste and Contaminated Land (Northern Ireland) Order 1997 by regulation 2, a waste management plan to which this regulation applies—

- (a) is not required—
  - (i) to include a statement of the Department’s policies for attaining the objectives specified in paragraph 1 or paragraph 2(3) of Schedule 3 (as substituted by regulation 2(5));
  - (ii) to include the matters set out in Part 2 of Schedule 3 as substituted by regulation 2(5);  
or
  - (iii) to comply with Article 19(4)(d); but,
- (b) must include—
  - (i) a statement of the Department’s policies for attaining the objectives specified in Part 1 of Schedule 3; and
  - (ii) the matters set out in Part 2 of Schedule 3,  
as they applied immediately before regulation 2 came into operation.

### **Waste prevention programmes: transitional provision**

**14.**—(1) This regulation applies to a waste prevention programme that is adopted on or before 18th December 2020.

(2) Notwithstanding the amendment of regulations 10, 11 and 12 of and the insertion of the Schedule to the Waste Regulations (Northern Ireland) 2011 by regulation 10, a waste prevention programme to which this regulation applies—

- (a) is not required to include the matters set out in regulations 10,11 and 12 as amended by regulation 10; but,
- (b) must comply with the requirements of regulations 10, 11 and 12, as they applied immediately before regulation 10 came into operation.