STATUTORY RULES OF NORTHERN IRELAND

2014 No. 137

ENVIRONMENTAL PROTECTION

The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2014

Made - - - -	*14th May 2014*
Coming into operation	*12th June 2014*

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the Environment, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act and Article 6(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**3**).

Citation and commencement

1. These Regulations may be cited as the Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2014, and shall come into operation on 12th June 2014.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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

3.—(1) Regulation 1 (Citation, commencement and interpretation) of the Waste Management Licensing Regulations (Northern Ireland) 2003(**5**) shall be amended as follows—

(2) In paragraph (3)—

(a) for the definition of "recovery" substitute—

> ""recovery" means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function,

(**1**) S.I. 2008/301
(**2**) 1972 c.68
(**3**) S.I 1997 No. 2778 (N.I. 19)
(**4**) 1954 c.33 (N.I.)
(**5**) S.R. 2003 No. 493

in the plant or in the wider economy. Annex II to Directive 2008/98EC (**6**) sets out a non-exhaustive list of recovery operations;";

(b) for the definition of "recycling" substitute—

""recycling"—

(a) in relation to waste batteries or accumulators, means the reprocessing in a production process of waste materials for their original purpose or for other purposes, but excluding energy recovery;

(b) in relation to any other waste, means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;";

(c) for the definition of "reuse" substitute—

""re-use" means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;";

(d) for the definition of "treatment" substitute—

""treatment"—

(a) in relation to waste batteries or accumulators, means any activity carried out on waste batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal;

(b) in relation to any other waste, means recovery or disposal operations, including preparation prior to recovery or disposal;";

(e) for the definition "waste electrical and electronic equipment" or "WEEE" substitute—

""waste electrical and electronic equipment or "WEEE" means electrical or electronic equipment which is waste within the meaning of Article 3(1) of Directive 2008/98/EC, including all components, sub-assemblies and consumables, which are part of the product at the time of discarding;";

(f) for the definition of "the Waste Electrical and Electronic Equipment Directive" or "WEEE Directive" substitute—

""the Waste Electrical and Electronic Equipment Directive" or "WEEE Directive" means Directive 2012/19/EU of the European Parliament and of the Council of 4th July 2012 on waste electrical and electronic equipment(**7**) which replaces Directive 2002/96/EC(**8**) as amended by Council Directive 2003/108/EC(**9**) and Directive 2008/34/EC(**10**)"".

4. For regulation 11A (Conditions of site licences: WEEE) substitute the following regulation—

"**Conditions of site licences: WEEE**

11A. The Department shall ensure that any site licence granted or varied on or after 12th June 2014 authorising an establishment or undertaking carrying out treatment operations to store or treat WEEE contains such conditions as it considers necessary to give effect to the provisions of Article 8(1),(2) and (3), Article 9(3) and Annexes VII and VIII of the WEEE Directive."

(**6**) OJ No L 312, 22.11.2008, p.3
(**7**) OJ No L197, 24.7.2012, p.38
(**8**) OJ No L37, 13.2.2003, p.24
(**9**) OJ No L345, 31.12.2003, p.106
(**10**) OJ No L81, 20.2.2008, p.65