STATUTORY RULES OF NORTHERN IRELAND

2006 No. 519

ENVIRONMENTAL PROTECTION

Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006

Made - - - - 14th December 2006

Coming into operation 5th January 2007

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and conferred on it by Articles 2(8), 4(3) and 6(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**2**).

The Department of the Environment was designated(**3**) for the purposes of section 2(2) of the European Communities Act 1972 in respect of matters relating to waste electrical and electronic equipment.

In exercising its powers under Article 4(3) of that Order the Department has had regard in particular to the matters specified in Article 4(4).

Citation and Commencement

1. These Regulations may be cited as the Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006 and shall come into operation on 5th January 2007.

2.—(1) In these Regulations—

(a) "the Waste Electrical and Electronic Equipment Directive" or "WEEE Directive" means Council Directive 2002/96/EC(**4**) on waste electrical and electronic equipment as amended by Council Directive 2003/108/EC(**5**);

(b) "the 2003 Regulations" means the Waste Management Licensing Regulations (Northern Ireland) 2003(**6**);

(**1**) 1972 c. 68.
(**2**) S.I.1997 No.2778 (N.I. 19).
(**3**) S.I. 2003 No. 1888.
(**4**) O.J. No. L37, 13.2.2003, p.24.
(**5**) O.J. No. L345, 31.12.2003, p. 106.
(**6**) S.R. 2003 No. 493 as amended by S.R. 2006 No. 280.

(c) "the 1997 Order" means the Waste and Contaminated Land (Northern Ireland) Order 1997(**7**).

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the 2003 Regulations

3. The 2003 Regulations shall have effect subject to the amendments in Schedule 1.

Transitional provisions

4. The transitional provisions of Schedule 2 shall have effect.

Sealed with the Official Seal of the Department of the Environment on 14th December 2006

L.S.

Wesley Shannon
A senior officer of the Department of the Environment

(**7**) S.I. 1997 No. 2778 (N.I. 19).
(**8**) 1954 c. 33 (N.I.).

SCHEDULE 1

Regulation 3

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

1. In regulation 1(3) (interpretation)—

(a) there shall be inserted in the appropriate place—

> ""best available treatment, recovery and recycling techniques" has the meaning given in the document published by the Department on 5th December 2006, entitled "Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE)"(**9**)
>
> "electrical and electronic equipment" or "EEE" has the meaning given by Article 3(a) of the WEEE Directive;
>
> "recycling" in relation to WEEE has the meaning given by Article 3(e) of the WEEE Directive;
>
> "reuse" in relation to WEEE has the meaning given by Article 3(d) of the WEEE Directive;
>
> "treatment" in relation to WEEE has the meaning given by Article 3(h) of the WEEE Directive;
>
> "waste electrical and electronic equipment" or "WEEE" has the meaning given by Article 3(b) of the WEEE Directive;
>
> "the Waste Electrical and Electronic Equipment Directive" or "WEEE Directive" means Council Directive 2002/96/EC(**10**) as amended by Council Directive 2003/108/EC(**11**) and expressions used in these Regulations which are also used in the WEEE Directive have the same meaning as in the Directive;"

(b) for the definition of "recovery" there shall be substituted—

> ""recovery"—
>
> (a) in relation to WEEE, has the meaning given by Article 3(f) of the WEEE Directive;
>
> (b) in relation to any other type of waste, means any of the operations listed in Part III of Schedule 3, and any reference to waste being recovered is a reference to its being submitted to any of those operations;".

2. After regulation 1(4) there shall be inserted—

"(4A) Any six digit code used to refer to a waste in these Regulations is a reference to that waste as specified by the six digit code in the List of Wastes Regulations (Northern Ireland) 2005(**12**).".

3. In regulation 11(1) (mobile plant)—

(a) in paragraph (h) for "waterway." there shall be substituted "waterway;"

(b) after paragraph (h) there shall be inserted—

"(i) plant for the crushing of gas discharge lamps.".

4. After regulation 11 (mobile plant) there shall be inserted the following regulation—

(**9**) Department of the Environment: Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE), First Edition, 5th December 2006),N.I..

(**10**) OJ No. L37, 13.2.2003, p.24.

(**11**) OJ No. L345, 31.12.2003, p. 106.

(**12**) S.R. 2005 No. 301.

"**Conditions of site licences: WEEE**

11A. The Department shall ensure that any site licence granted or varied on or after 5th January 2007 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 6(1), (3) and (4) and Annexes II and III of the WEEE Directive.".

5. In regulation 17 (exemptions from waste management licensing) after paragraph (3) there shall be inserted—

"(3A) Unless otherwise indicated in Part I of Schedule 2, paragraph (1) above does not apply to the carrying out of an exempt activity in so far as it involves the storage or treatment of WEEE.".

6. In regulation 18 (registration in connection with exempt activities)—

(a) in paragraph (3) for "Subject to paragraphs (4), (4A)(**13**), (5) and (5A)(**14**)," there shall be substituted "Subject to paragraphs (4), (4A), (5), (5A) and (5B),";

(b) after paragraph (5A) there shall be inserted—

"(5B) In the case of an exempt activity falling within paragraph 49 of Part I of Schedule 2 the Department shall enter the relevant particulars in relation to an establishment or undertaking only if it has carried out an inspection of the place at which the exempt activity is to be carried on in accordance with sub-paragraph (4A) of paragraph 13 of Schedule 3 and is satisfied as to the particulars to be verified under that sub-paragraph.";

(c) in paragraph (12)(a) for "every 3 years; and" there shall be substituted "every 3 years;";

(d) in paragraph (12)(b) for "an annual fee of £530." there shall be substituted "an annual fee of £530; and";

(e) after paragraph (12)(b) there shall be inserted—

"(c) in the case of exempt activities set out in paragraphs 49, 50 and 51 of Part I of Schedule 2, an annual fee of £530.".

7. In regulation 20 (refusal, revocation and cessation of registration)—

(a) in paragraph (3) for "Unless the Department" there shall be substituted "Subject to paragraph (3A) unless the Department";

(b) after paragraph (3) there shall be inserted—

"(3A) In the case of an exempt activity falling within paragraph 49 of Part I Schedule 2, unless the Department has within two months from the date on which it received a notice under regulation 18(3), either:

(i) entered the relevant particulars in the register in relation to the establishment or undertaking that submitted the notice; or

(ii) served on it a notice of refusal stating that registration is refused and giving the reasons for the decision,

those particulars shall be entered in the register at the end of the two month period.";

(c) in paragraph 5(b) for "regulation 17(2) or (4); or" there shall be substituted "regulation 17(2) or (4);";

(d) in paragraph 5(c) for "activity." there shall be substituted "activity; or";

(e) after paragraph (5)(c) there shall be inserted—

(**13**) S.R. 2006 No. 280.
(**14**) S.R. 2006 No. 280

"(d) in the case of an exempt activity falling within paragraph 49 of Part I Schedule 2 where the competent authority has carried out an inspection in accordance with sub-paragraph (4A) of paragraph 13 of Schedule 3 and the particulars required to be verified under that sub-paragraph are not met.".

8. In Part I of Schedule 2 (exemptions from waste management licensing)—

(a) in paragraph 40(1), after "where it is produced" there shall be inserted "including the temporary storage of WEEE pending its recovery";

(b) in paragraph 41(1) after "collection, of waste" there shall be inserted "(including WEEE)";

(c) after paragraph 48 there shall be inserted the following paragraphs—

"49.—(1) The carrying on, at any secure place in respect of WEEE of a kind described in Table 11A, of the treatment activities of repair or refurbishment or both if—

(a) the activity is carried on with a view to the reuse of the WEEE for its original purpose;

(b) best available treatment, recovery and recycling techniques are used when carrying out the activity;

(c) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the treatment limit specified in relation to that kind of WEEE in Table 11A;

(d) the technical requirements specified in Annex III of the WEEE Directive are met.

Table 11A

Kind of Waste	*Storage Limits*	*Treatment Limits*
16 02 14 (WEEE other than those mentioned in 16 02 09 to 16 02 13	80 cubic metres	5 tonnes per day
20 01 36 (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)	80 cubic metres	5 tonnes per day

(2) The carrying on at any secure place in respect of WEEE that is hazardous waste of a kind described in Table 11B, of the treatment activities of repair or refurbishment or both, but not including the degassing and capture of ozone depleting substances, if—

(a) the activity is carried on with a view to the reuse of the WEEE for its original purpose;

(b) best available treatment, recovery and recycling techniques are used when carrying out the activity;

(c) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the treatment limit specified in relation to that kind of WEEE in Table 11B;

(d) the technical requirements specified in Annex III of the WEEE Directive are met;

(e) the other requirements specified in relation to that kind of WEEE in Table 11B are met.