In accordance with paragraph 8F(9) of Part 1A of Schedule 7, of the European Union (Withdrawal) Act 2018 a draft of these Regulations has been laid for approval and resolution by the Assembly

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2025 No. 000

ENVIRONMENTAL PROTECTION

The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Amendment) Regulations (Northern Ireland) 2025

Made - - - -	*XXXX 2025*
Coming into operation-	*XXXX 2025*

The Department of Agriculture, Environment and Rural Affairs(**a**) makes these Regulations in exercise of the powers conferred upon it by section 11 and paragraph 11M(1) of Part 1C of Schedule 2 to, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**b**).

Citation and commencement

1.—(1) These Regulations may be cited as the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Amendment) Regulations (Northern Ireland) 2025 and shall come into operation on the day after the day on which it is affirmed by resolution of the Assembly.

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

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

2. The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000(**d**) are amended in accordance with regulations 3 to 9.

Amendment of regulation 2

3. In regulation 2(1)—

(**a**) Formerly the Department of the Environment; see sections 1(2) and (11), and Schedule 1 to the Departments Act (Northern Ireland) 2010 (2016 c.5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved.
(**b**) 2018 (c16); Part 1C of Schedule 2 was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (c.1) (the 2020 Act). Paragraph 8F(10) of Schedule 7 was amended by paragraph 51 of Schedule 5 to the 2020 Act.
(**c**) 1954 c.33 (N.I.)
(**d**) S.R. 2000 No 232, amended by S.R. 2018/215, S.R. 2020/285, S.R. 2011/127, and S.I. 2019/289.

(1) in the definition of "the Department", for "Department of the Environment" substitute "Department of Agriculture, Environment and Rural Affairs".

(2) in the definition of "PCBs", for "regulations 4(3) and (4), 5(3), 6(2) and 9(3)," substitute "regulations 4(3), (3B) and (4), 5(3), 9(3) and (3A),".

Amendment of regulation 4

4. In regulation 4—

(1) in paragraph (1), for ", (3)", substitute "to (3C)";

(2) for paragraph (3), substitute—

"(3) Paragraph (3A) applies to a transformer in respect of which it is reasonable to assume that it contains—

(a) 0.005% by weight, or less, of PCBs within the fluids containing PCBs; or

(b) a total volume of 0.05dm^3, or less, of fluids containing PCBs.

(3A) A transformer to which this paragraph applies—

(a) may be held until the end of its useful life; and

(b) must then be decontaminated in accordance with paragraph (4)(b) to (d), or disposed of, as soon as possible.

(3B) Paragraph (3C) applies to a transformer in respect of which it is reasonable to assume that it contains—

(a) more than 0.005% but no more than 0.05% by weight of PCBs within the fluids containing PCBs; and

(b) a total volume of more than 0.05dm^3 of PCBs fluids containing PCBs.

(3C) A transformer to which this paragraph applies—

(a) may be held until the end of 31st December 2025; and

(b) must then be decontaminated in accordance with paragraph (4)(b) to (d), or disposed of, as soon as possible."

(3) in paragraph (4)(a), for "less than 0.05% by weight and, if possible, to no more than 0.005% by weight" substitute "0.005% by weight, or less, or to reduce the total volume of fluids containing PCBs to 0.05dm^3, or less".

(4) In regulation 4(8)—

(i) in sub-paragraph (a), for ", (3)" substitute " to (3C)";

(ii) in sub-paragraphs (b) and (c), for "not contaminated", in both places it occurs, substitute "relevant";

(iii) after paragraph (8) insert—

"(9) In paragraph (8), "relevant equipment" means any equipment (including any capacitor or receptacle containing residual stocks) which—

(a) contains PCBs; or

(b) having contained PCBs, has not been decontaminated, other than one which contains a total volume of PCBs exceeding 0.05dm^3.

(10) For the purposes of paragraph (9)—

(a) the PCB volume of a power capacitor shall be measured by reference to all of the separate elements of a combined set; and

(b) anything of a type which may contain PCBs shall be treated as containing PCBs unless it is reasonable to assume the contrary."

Amendment of regulation 5

5. In regulation 5, for paragraph (3), substitute—

"(3) Equipment in respect of which it is reasonable to assume that—

(a) within the equipment the fluids contain 0.005% by weight, or less, of PCBs; or

(b) the equipment contains a total volume of $0.05dm^3$, or less, of fluids containing PCBs, may be labelled as "PCBs contaminated <0.005% or $<0.05dm^3$"."

Amendment of regulation 6

6. In regulation 6, omit regulation 6(2)(b).

Amendment of regulation 9

7. In regulation 9, for paragraph (3), substitute—

"(3) In respect of entries in the inventory compiled on or before 30th September 2000, or an application made under regulation 10(1) before 30th September 2019, an inventory need not record information of the descriptions in paragraph (2)(c) and (d) as regards any equipment in respect of which it is reasonable to assume that the content of PCBs in the fluids is between 0.05% and 0.005% by weight.

(3A) In respect of an application made under regulation 10(1) on or after 30th September 2019, an inventory need not record information of the descriptions in paragraph (2)(c) and (d) as regards any equipment in respect of which it is reasonable to assume that it contains—

(a) 0.005% by weight, or less, of PCBs within the fluids containing PCBs; or

(b) a total volume of $0.05dm^3$, or less, of fluids containing PCBs.".

Amendment of regulation 10

8. In regulation 10—

(1) in paragraph (1), for ", (3)", substitute "to (3C)"; and

(2) in paragraph (2), after "regulation 9(3),", insert "or 9(3A) (as the case may be),".

Amendment of regulation 12

9. In regulation 12, after paragraph(2)(c)(i), insert—

"(ia) in a case to which paragraph (3B) of regulation 4 applies, as soon as possible after 31st December 2025;"

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on XXXX 2025.

Senior Officer
A senior officer of the Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) Regulations (Northern Ireland) 2000 (2000 No. 232).

They are required to partially implement (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast) (OJ No. L 169, 25.6.20192, p. 45). This measure is required to ensure compliance with the Windsor Framework.

Regulation 3(2) amends regulation 4 of the 2000 Regulations so that the references to PCBs in that regulation are to "volumes of fluid containing PCBs" and not to the "volume of PCBs".

Regulation 4 of these Regulations partially implements the second sentence of the entry in the fourth column of the row relating to Polychlorinated Biphenyls in the table at Part A of Annex 1 to Regulation (EU) 2019/1021.This requires the identification and removal from use, equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0.005 % PCBs and volumes greater than 0.05 dm^3, as soon as possible but no later than 31st December 2025.

The remaining provisions make related changes to the 2000 Regulations, in particular to regulation 12 (offences and penalties) and also updates the reference to the Department of Agriculture, Environment and Rural Affairs.

An impact assessment of the effect that these Regulations would have upon the costs of business is available on request, from the Department of Agriculture, Environment and Rural Affairs (DAERA), Clare House, 303 Airport Road West, Belfast BT3 9ED.

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£5.78

http://www.legislation.gov.uk/id/nidsr/2025/9780338024916

ISBN 978-0-33-802491-6

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