EXPLANATORY MEMORANDUM TO

THE WASTE MANAGMENT LICENSING (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2014

SR 2014 No. 137

Introduction

This Explanatory Memorandum has been prepared by the Department of the Environment (the Department) to accompany S.R. 2014 No. x The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2014 (the Regulations) which is laid before the Northern Ireland Assembly.

The Statutory Rule is made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and Article 6(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997.

Purpose

The Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2014 amend a number of definitions in accordance with Article 3 of the Waste Framework Directive (Directive 2008/98/EC). They also substitute references to the conditions of site licences for the storage or treatment of WEEE and technical requirements in relation to exemptions from waste management licensing in accordance with the Directive.

Background

EU legislation promoting the collection and recycling of WEEE has been in force since 2003 (Directive 2002/96/EC). The aim of the original WEEE Directive was the prevention or minimisation of discarded electrical and electronic equipment (EEE) within the general waste stream by improving the environmental performance of all operators involved in the lifecycle of EEE. It extended the ‘producer responsibility’ obligations placed upon those who manufacture EEE and/or place it on the market and provided for the creation of collection schemes where consumers return their WEEE free of charge.

On 24 July 2012 the WEEE recast Directive (Directive 2012/19/EU) (the Directive) was published in the EC Official Journal with the aim to further enhance the implementation and enforcement of the original Directive and reduce the regulatory and cost burdens on business.

The Directive was transposed on a UK wide basis through the Waste Electrical and Electronic Equipment Regulations 2013 (S.R. 2013 No 3113) however separate amending Regulations are required in Northern Ireland to introduce amendments to the site licensing and WEEE treatment requirements of the Directive.

Consultation

Northern Ireland participated in a UK-wide consultation between 17 April 2013 and 21 June 2013. The consultation sought views on options for the implementation of changes in the Directive and proposals to help reduce the overall burden of regulation on business. Nine responses were received from stakeholders in Northern Ireland; no issues were raised in relation to Waste Management Licensing.

Equality Impact

There are no equality issues associated with these Regulations.

Regulatory Impact

An Impact Assessment, carried out by BIS on a UK-wide basis, was attached as an appendix to the consultation document. A copy is available on the BIS website at https://www.gov.uk/government/publications/impact-assessment-opinion-waste-electrical-and-electronic-equipment-weee-system-final-stage

Financial Implications

There are no financial implications.

Section 24 of the Northern Ireland Act 1998

The Statutory Rule complies with the provisions set out in Section 24.

EU Implications

The Statutory Rule helps ensure that Northern Ireland continues to fulfil its obligation with regard to the transposition of EU Directive 2012/19/EU on Waste Electrical and Electronic Equipment.

Parity or Replicatory Measure

The Waste Electrical and Electronic Equipment Regulations 2013 (S.R. 2013 No. 3113) introduced corresponding amendments to Environmental Permitting in England, Scotland and Wales.

Additional Information

Not applicable