

## SCHEDULE 3

Regulation 2

### PART I

#### DEFINITION OF WASTE — ARTICLE 1 OF AND ANNEX 1 TO THE WASTE DIRECTIVE

##### Article 1

1. “Waste” shall mean any substance or object in the categories set out in Annex 1 which the holder discards or intends or is required to discard.

##### Annex 1

#### CATEGORIES OF WASTE

- Q1. production or consumption residues not otherwise specified below;
- Q2. off-specification products;
- Q3. products whose date for appropriate use has expired;
- Q4. materials spilled, lost or having undergone other mishap, including any materials, equipment, etc. contaminated as a result of the mishap;
- Q5. materials contaminated or soiled as a result of planned actions (for example, residues from cleaning operations, packing materials, containers, etc.);
- Q6. unusable parts (for example, reject batteries, exhausted catalysts, etc.);
- Q7. substances which no longer perform satisfactorily (for example, contaminated acids, contaminated solvents, exhausted tempering salts, etc.);
- Q8. residues of industrial processes (for example, slags, still bottoms, etc.);
- Q9. residues from pollution abatement processes (for example, scrubber sludges, baghouse dusts, spent filters, etc.);
- Q10. machining/finishing residues (for example, lathe turnings, mill scales, etc.);
- Q11. residues from raw materials extraction and processing (for example, mining residues, oil filed slops, etc.);
- Q12. adulterated materials (for example, oils contaminated with polychlorinated biphenyls, etc.);
- Q13. any materials, substances or products whose use has been banned by law;
- Q14. products for which the holder has no further use (for example, agricultural, household, office, commercial and shop discards, etc.);
- Q15. contaminated materials, substances or products resulting from remedial action with respect to land; and
- Q16. any materials, substances or products which are not contained in the above categories.

Regulation 2

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## PART II

### DEFINITION OF RECOVERY — ANNEX IIB TO THE WASTE DIRECTORY

2. This Part is intended to list recovery operations as they are carried out in practice; in accordance with Article 4 of the Waste Directive, waste must be recovered without endangering human health and without the use of processes or methods likely to harm the environment—

- R1. solvent reclamation/regeneration;
  - R2. recycling/reclamation of organic substances which are not used as solvents;
  - R3. recycling/reclamation of metals and metal compounds;
  - R4. recycling/reclamation of other inorganic materials;
  - R5. regeneration of acids or bases;
  - R6. recovery of components used for pollution abatements;
  - R7. recovery of components from catalysts;
  - R8. oil re-finishing or other re-uses of oil;
  - R9. use principally as a fuel or other means to generate energy;
  - R10. spreading on land resulting in benefit to agriculture or ecological improvement, including composting and other biological transformation processes, except in the case of waste excluded under Article 2(1)(b)(iii), of the Waste Directive;
  - R11. use of wastes obtained from any of the operations numbered R1-R10;
  - R12. exchange of wastes for submission of any of the operations numbered R1-R11; and
  - R13. storage of materials intended for submission to any operation in this Part, excluding temporary storage, pending collection, on the site where it is produced.
- Regulation 4(4)

## PART III

### DEFINITION OF SPECIAL PRODUCERS

3. A special producer is a producer who in the preceding year handled—
- (a) primary packaging, that is to say packaging within part (a) of the definition of packaging in regulation 2, any of which, in his reasonable opinion, when discarded was—
    - (i) likely to be special waste as defined in regulation 2 of the Special Waste Regulations (Northern Ireland) 1998<sup>(1)</sup>; or
    - (ii) likely to have been used to contain or used in connection with the containment of such waste; or
  - (b) packaging which is a package within the meaning given in regulation 2 of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997<sup>(2)</sup> and which in his reasonable opinion was likely to be subject to the requirements of regulations 8 to 10 of those regulations (particulars to be shown on packages containing dangerous goods) other than any package referred to in regulation 8(5) of those Regulations.

---

(1) S.R. 1998 No. 289

(2) S.R. 1997 No. 247

Regulation 4(4)

## PART IV

### SPECIAL PRODUCERS — OBLIGATIONS

4. For the purposes of the provision of further information by a special producer under paragraphs (4) or (8) of regulation 6, if applicable, and 8, such information shall only be in respect of packaging or packaging materials other than packaging referred to in Part III.

5. For the purposes of the calculation of the recovery and recycling obligations of a special producer, Schedule 2 shall apply and item “P” in that Schedule shall be the amount by tonnage of packaging and packaging materials handled by the producer in the preceding year other than packaging referred to in Part III.

Regulation 4(4)

## PART V

### SPECIAL PRODUCERS — RECORDS AND RETURNS

6. A special producer shall, in relation to any relevant year—

- (a) maintain records and furnish returns as required under regulation 22 in relation to the packaging and packaging materials referred to in paragraph 4, and in relation to such packaging and packaging materials when it becomes waste; and
- (b) in addition to any records and returns he is required to make under regulation 22 maintain for at least four years after the record is made, records of the information referred to in paragraph 7 in respect of each relevant year, and shall make a return to the Department of that information on or before 31st January in the year immediately following the relevant year.

7. The information is—

- (a) the amount in tonnes to the nearest tonne of packaging handled by the producer in the preceding year;
- (b) the amount in tonnes to the nearest tonne of the packaging referred to in sub-paragraph (a) which was the packaging referred to in Part III; and
- (c) any steps taken by the producer to promote or increase the recovery of the packaging referred to in sub-paragraph (b) when it becomes waste.

8. In relation to a special producer the reference in regulation 7(c) to regulation 22 shall be read as a reference to regulation 22 and this Part.