

POLICY NOTE

THE LANDFILL (SCOTLAND) AMENDMENT REGULATIONS 2013

SSI 2013/222

1. The above Instrument is proposed to be made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative procedure.

Policy Objectives

2. The policy driver to this instrument is the implementation of the requirements of Council Directive (2011/97/EU) amending Directive 199/31/EC (as regards specific criteria for the storage of metallic mercury considered as waste) thereby allowing the storage of liquid metallic mercury waste for more than 12 months provided other relevant requirements are complied with. The Regulations also allow for the take up of the derogation from the prohibition on the landfill of liquid waste in the case of metallic mercury which is allowed for by Regulation (EC) No 1102/2008 of the European Parliament and of the Council (on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of mercury).

Effect of the Regulations

3. Mercury and its compounds are highly toxic to humans, ecosystems and wildlife. High doses can be fatal to humans, but even relatively low doses of mercury containing compounds can have serious adverse neurodevelopmental impacts, and have been linked with possible harmful effects on the cardiovascular, immune and reproductive systems. Mercury is persistent and can change in the environment into methyl-mercury, the most toxic form.

4. These Regulations set criteria allowing for the safe temporary storage of mercury waste.

Consultation

5. These Regulations simply transpose new European law relating to the storage of mercury waste into Scots law. No operator in Scotland is licensed to store mercury waste and due to a lack of market demand it is highly unlikely that anyone will in the future. Therefore no formal consultation took place. SEPA has been consulted on the draft Regulations.

Business & Regulatory Impact Assessment (BRIA)

6. As no waste operator is licensed to store mercury waste, there is no financial or business impact in Scotland. No business impact assessment was conducted.

Financial Implications

7. No waste operator in Scotland is or is likely to be licensed to store mercury waste. Accordingly there are no financial implications to consider.

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