

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

**EXITING THE EUROPEAN
UNION, NORTHERN IRELAND
ENVIRONMENTAL PROTECTION,
NORTHERN IRELAND**

**The Waste and Environmental Protection (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019**

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*Coming into force in accordance with regulation 1(2)
and (3)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(1) of Schedule 7 to that Act a draft has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Waste and Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.

(2) Parts 1 and 3 come into force on the day on which these Regulations are made.

(3) Part 2 comes into force on exit day.

(4) These Regulations extend to Northern Ireland only.

PART 2

Amendment of primary legislation

Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997

2. In Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997(2), in paragraph 4(1), omit “, taking into account the best available techniques”.

PART 3

Amendment of subordinate legislation

Amendment of the Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

3. In regulation 5(3) of the Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(3), in the inserted text of regulation 9D, for paragraph (8) substitute—

“(8) In Article 16—

(a) in paragraph 1, in the first sub-paragraph—

- (i) the words from “,in cooperation with” to “advisable,” were omitted; and
- (ii) “,taking into account the best available techniques” were omitted; and

(b) in paragraph 2—

- (i) for “Community as a whole to become” there were substituted “United Kingdom as a whole to move towards the aim of becoming”; and
- (ii) the words “and to enable Member States to move towards that aim individually,” were omitted.”.

Amendment of the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

4. In paragraph 11 of Schedule 3 to the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(4), for sub-paragraph (10) substitute—

“(10) Article 16 is to be read as if—

(a) for paragraph 1 there were substituted—

“The United Kingdom shall take appropriate measures to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collections also covers such waste from other producers.”;

(b) in paragraph 2—

- (i) for “Community as a whole to become” there were substituted “United Kingdom as a whole to move towards the aim of becoming”; and

(2) [S.I. 1997/2778 \(N.I. 19\)](#); Schedule 3 was substituted by [S.R. 2011 No.127](#) regulation 40 and amended by [S.I. 2019/584](#) regulation 14
(3) [S.I. 2019/271](#)
(4) [S.I. 2019/289](#)

- (ii) the words “and to enable Member States to move towards that aim individually,” were omitted.”.

Amendment of the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

5. In the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(5), in regulation 14(a), for “become” substitute “move towards the aim of becoming”.

Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular the deficiencies referred to in paragraphs (a), (d) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 makes an amendment to Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778).

Regulation 3 makes an amendment to the Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/271).

Regulation 4 makes an amendment to the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/289).

Regulation 5 makes an amendment to the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/584).

An impact assessment has not been produced for this instrument as no, or no significant impact on the private or voluntary sector is foreseen.