

SCHEDULE 2

Regulation 5

Activities causing damage

Operations to which this Schedule applies

1. This Schedule lists the activities for which there is liability under regulation 5(1).

[^{F1}1A. A reference in this Schedule to an activity being authorised, prohibited, operated or managed pursuant to, or subject to, a permit or registration under an EU Directive includes, after exit day, any activity authorised, prohibited, operated or managed pursuant to, or subject to, a permit or registration under any [^{F2}assimilated] law which transposed that Directive.]

Textual Amendments

- F1** Sch. 2 para. 1A inserted (31.12.2020) by The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/244), regs. 1, **2(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in Sch. 2 para. 1A substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023 (S.I. 2023/1332), regs. 1(2), **9(3)**

Textual Amendments

- F1** Sch. 2 para. 1A inserted (31.12.2020) by The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/244), regs. 1, **2(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in Sch. 2 para. 1A substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Wales) Regulations 2023 (S.I. 2023/1332), regs. 1(2), **9(3)**

[^{F3}Operation of permitted installations

2. The operation of installations subject to permit in pursuance of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control).]

Textual Amendments

- F3** Sch. 2 para. 2 substituted (18.12.2015) by The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (No.2) Regulations 2015 (S.I. 2015/1937), regs. 1(2), **5(a)**

Waste management operations

3.—(1) Waste management operations, including the collection, transport, recovery and disposal of waste and hazardous waste, including the supervision of such operations and after—care of disposal sites, subject to permit or registration in pursuance of [^{F4}Directive 2008/98/EC of the European Parliament and of the Council on waste].

(2) The operation of landfill sites under Council Directive 1999/31/EC on the landfill of waste ^{M1} and the operation of incineration plants under [^{F5}Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control).]

Changes to legislation: There are currently no known outstanding effects for the The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009, SCHEDULE 2. (See end of Document for details)

(3) This does not include the spreading of sewage sludge from urban waste water treatment plants, treated to an approved standard, for agricultural purposes.

Textual Amendments

- F4** Words in Sch. 2 para. 3(1) substituted (29.3.2011) by [The Waste \(Miscellaneous Provisions\) \(Wales\) Regulations 2011 \(S.I. 2011/971\)](#), regs. 1(2), 6
- F5** Words in Sch. 2 para. 3(2) substituted (18.12.2015) by [The Environmental Damage \(Prevention and Remediation\) \(Wales\) \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1937\)](#), regs. 1(2), 5(b)

Marginal Citations

- M1** OJ No L 182, 16.7.99, p. 1 as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p. 1).

Mining waste

4. The management of extractive waste under Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries ^{M2}.

Marginal Citations

- M2** OJ No L102, 11.4.2006, p. 15.

Discharges requiring authorisation

5.—(1) All discharges into the inland surface water that require prior authorisation in pursuance of Directive [2006/11/EC](#) of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community ^{M3}.

(2) All discharges of substances into groundwater that require prior authorisation in pursuance of Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances ^{M4}[^{F6}or Directive [2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration].

(3) All discharges or injections of pollutants into surface water or groundwater that require a permit, authorisation or registration under Directive [2000/60/EC](#) of the European Parliament and of the Council of establishing a framework for Community action in the field of water policy ^{M5}.

Textual Amendments

- F6** Words in Sch. 2 para. 5(2) inserted (18.12.2015) by [The Environmental Damage \(Prevention and Remediation\) \(Wales\) \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1937\)](#), regs. 1(2), 5(e)

Marginal Citations

- M3** OJ No L 64 ,4.3.2006, p. 52.
- M4** OJ No L 20, 26.1.80, p. 43 as amended by Council Directive 91/692/EC (OJ No L 377, 31.12.1991, p. 48).
- M5** OJ No L 327, 22.12.2000, p. 1 as amended by Directive 2008/105/EC of the European Parliament and of the Council (OJ No L 348, 24.12.2008, p. 84).

Water abstraction and impoundment

6. Water abstraction and impoundment of water subject to prior authorisation in pursuance of Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.

Dangerous substances, plant protection products and biocidal products

7. Manufacture, use, storage, processing, filling, release into the environment and onsite transport of—

- (a) dangerous substances as defined in Article 2(2) of Council Directive [67/548/EEC](#) on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous substances ^{M6};
- (b) dangerous preparations as defined in Article 2(2) of Directive [1999/45/EC](#) of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations ^{M7};
- [^{F7}(ba) hazardous substances as defined in Article 3 of Regulation (EC) No. [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures;]
- (c) plant protection products [^{F8}which has the same meaning as in Article 2(1) of Regulation (EC) No [1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#)]; and
- (d) biocidal products as defined in Article 2(1)(a) of Directive [98/8/EC](#) of the European Parliament and of the Council concerning the placing of biocidal products on the market ^{M8}[^{F9}or as defined in Article 3(1)(a) of Regulation No. [528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products].

Textual Amendments

- F7** Sch. 2 para. 7(ba) inserted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), **19**
- F8** Words in Sch. 2 para. 7(c) substituted (24.9.2011) by [The Plant Protection Products Regulations 2011 \(S.I. 2011/2131\)](#), reg. 1(1), **Sch. 4** (with reg. 29)
- F9** Words in Sch. 2 para. 7(d) inserted (18.12.2015) by [The Environmental Damage \(Prevention and Remediation\) \(Wales\) \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1937\)](#), regs. 1(2), **5(d)**

Marginal Citations

- M6** OJ No L 196, 16.8.67, p. 1 as last amended by Regulation (EC) No 2008/1272 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p. 1).
- M7** OJ No L 200, 30.7.99, p. 1 as last amended by Regulation (EC) No 2008/1272 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p. 1).
- M8** OJ No L 123, 24.4.98, p. 1 as last amended by Directive 2008/31/EC of the European Parliament and of the Council (OJ No L 81, 20.3.2008, p. 57).

Changes to legislation: There are currently no known outstanding effects for the The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009, SCHEDULE 2. (See end of Document for details)

[^{F10}Transport

8. Transport by road, rail, inland waterways, sea or air of dangerous goods; or polluting goods as defined in—

- (a) Directive [2002/59/EC](#) of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system; and
- (b) Directive [2008/68/EC](#) of the European Parliament and of the Council on the inland transport of dangerous goods.]

Textual Amendments

F10 Sch. 2 para. 8 substituted (18.12.2015) by [The Environmental Damage \(Prevention and Remediation\) \(Wales\) \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1937\)](#), regs. 1(2), **5(e)**

Genetically modified organisms

9.—(1) Any contained use, including transport, involving genetically modified organisms (including genetically modified micro-organisms as defined by Council Directive [90/219/EEC](#) on the contained use of genetically modified micro-organisms ^{M9}).

(2) Any deliberate release into the environment, transport and placing on the market of genetically modified organisms as defined by Directive [2001/18/EC](#) of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms ^{M10}.

Marginal Citations

M9 OJ No L 117, 8.5.90, p. 1 as last amended by Commission Decision 2005/174/EC (OJ No L 59, 5.3.2005, p. 20).

M10 OJ No L 106, 17.4.2001, p. 1 as last amended by Directive 2008/27/EC of the European Parliament and of the Council (OJ No L 81, 20.3.2008, p. 45).

Transboundary shipment of waste

10. Transboundary shipment of waste within, into or out of the [^{F11}European Union, or after exit day into or out of the United Kingdom, requiring an authorisation or prohibited under Regulation (EC) No [1013/2006](#) of the European Parliament and of the Council on shipments of waste.]

Textual Amendments

F11 Words in Sch. 2 para. 10 substituted (31.12.2020) by [The Environmental Damage \(Prevention and Remediation\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/244\)](#), regs. 1, **2(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F12}Operation of carbon dioxide storage sites

11. The operation of storage sites pursuant to Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide.]

Changes to legislation: There are currently no known outstanding effects for the The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009, SCHEDULE 2. (See end of Document for details)

Textual Amendments

F12 Sch. 2 para. 11 inserted (18.12.2015) by [The Environmental Damage \(Prevention and Remediation\) \(Wales\) \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1937\)](#), regs. 1(2), **5(f)**

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009, SCHEDULE 2.