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STATUTORY RULES OF NORTHERN IRELAND

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**2020 No. 285**

**The Waste (Circular Economy) (Amendment)  
Regulations (Northern Ireland) 2020**

**PART 3**

Amendment of subordinate legislation

**Amendment of the Waste Regulations (Northern Ireland) 2011**

- 10.**—(1) The Waste Regulations (Northern Ireland) 2011<sup>(1)</sup> are amended as follows.
- (2) In regulation 9—
- (a) omit the definition of “Commission Directive (EU) 2015/1127”;
  - (b) for the definition of “municipal waste” substitute—
    - ““municipal waste” means—
    - (a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture; and
    - (b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households;but does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities;”;
  - (c) in the definition of “recovery” for “Annex II to the Directive, as amended by Commission Directive (EU) 2015/1127,” substitute “Annex II to the Waste Framework Directive”;
  - (d) in the definition of “the Waste Framework Directive” for “(EU) 2017/997” substitute “(EU) 2018/851”; and
  - (e) in the definition of “prevention”, in paragraph (g), for “harmful” substitute “hazardous”.
- (3) In regulation 10, in sub-paragraph (1)(a) for “Annex IV of the Waste Framework Directive” substitute “the Schedule”.
- (4) In regulation 11(1)—
- (a) after sub-paragraph (a), insert—
    - “(aa) includes one of more programmes of food waste prevention measures;”;
  - (b) in sub-paragraph (c) for “waste prevention measures; and” substitute “waste prevention measures and their contribution to waste prevention;”;
  - (c) in sub-paragraph (d) for “.” substitute “;” and

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<sup>(1)</sup> [S.R. 2011 No.127](#); relevant amending Regulations are [S.R. 2016 No.95](#) and [S.R. 2018 No.200](#)

- (d) after sub-paragraph (d) insert—
- “(e) sets out at least the waste prevention measures in the Schedule; and
  - (f) where relevant, describes the contribution of instruments listed in Part 4 of Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997(2).”.
- (5) For regulation 12(1)(a) substitute—
- “(a) establish appropriate qualitative and quantitative indicators and targets, such as on the quantity of waste that is generated, against which to monitor and assess the implementation of the waste prevention measures; and”
- (6) In regulation 18—
- (a) in paragraph (1)—
    - (i) omit “, from 1<sup>st</sup> January 2015”;
    - (ii) omit “and are—” and insert “.”; and
    - (iii) omit sub-paragraphs (a) and (b).
  - (b) in paragraph (2) omit “, from 1<sup>st</sup> January 2015,”; and
  - (c) for paragraph (3) substitute—
    - “(3) The duties in this regulation apply where separate collection is necessary to ensure that waste undergoes preparing for re-use, recycling or other recovery operations in accordance with the waste hierarchy and the protection of human health and the environment and to facilitate or improve preparing for re-use, recycling or recovery, unless one of the following conditions is met—
    - (a) collecting the waste paper, metal, plastic or glass together results in output from those operations which is of comparable quality to that achieved through separate collection;
    - (b) separate collection of the waste does not deliver the best environmental outcome when considering the overall environmental impacts of the management of the relevant waste streams;
    - (c) separate collection of the waste is not technically feasible taking into consideration good practices in waste collection; or
    - (d) separate collection of the waste would entail disproportionate economic costs taking into account the costs of adverse environmental and health impacts of mixed waste collection and treatment, the potential for efficiency improvements in waste collection and treatment, revenues from sales of secondary raw materials as well as the application of the polluter-pays principle and extended producer responsibility.”.
- (7) In regulation 19, for paragraphs (1) and (2), substitute—
- “(1) Subject to paragraph (2), a district council which collects, transports or receives waste must ensure that where that waste has been separately collected it is not mixed with other material with different properties.
  - (2) The duty in paragraph (1) applies where keeping waste separate is necessary to ensure that waste undergoes preparing for re-use, recycling or other recovery operations in accordance with the waste hierarchy and the protection of human health and the environment and to facilitate or improve preparing for re-use, recycling or recovery, unless one of the following conditions is met—

- (a) mixing certain types of waste together results in output from those operations which is of comparable quality to that achieved through keeping waste separate;
  - (b) keeping waste separate does not deliver the best environmental outcome when considering the overall environmental impacts of the management of the relevant waste streams;
  - (c) keeping waste separate is not technically feasible taking into consideration good practices in waste collection; or
  - (d) keeping waste separate would entail disproportionate economic costs taking into account the costs of adverse environmental and health impacts of mixed waste collection and treatment, the potential for efficiency improvements in waste collection and treatment, revenues from sales of secondary raw materials as well as the application of the polluter-pays principle and extended producer responsibility.”.
- (8) Add the Schedule—

“SCHEDULE

Regulation 10(1)(a)

WASTE PREVENTION MEASURES

The waste prevention measures are measures to at least—

- (a) promote and support sustainable production and consumption models;
- (b) encourage the design, manufacturing and use of products that are resource-efficient, durable (including in terms of life span and absence of planned obsolescence), repairable, re-usable and upgradable;
- (c) target products containing critical raw materials to prevent those materials becoming waste;
- (d) encourage the re-use of products and the setting up of systems promoting repair and re-use activities, including in particular for electrical and electronic equipment, textiles and furniture, as well as packaging and construction materials and products;
- (e) encourage, as appropriate and without prejudice to intellectual property rights, the availability of spare parts, instruction manuals, technical information, or other instruments, equipment or software enabling the repair and re-use of products without compromising their quality and safety;
- (f) reduce waste generation in processes related to industrial production, extraction of minerals, manufacturing, construction and demolition, taking into account best available techniques;
- (g) reduce the generation of food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households;
- (h) encourage food donation and other redistribution for human consumption, prioritising human use over animal feed and the reprocessing into non-food products;
- (i) promote the reduction of the content of hazardous substances in materials and products;
- (j) reduce the generation of waste, in particular waste that is not suitable for preparing for re-use or recycling;
- (k) identify products that are the main sources of littering and take appropriate measures to prevent and reduce litter from such products;
- (l) aim to halt the generation of marine litter; and

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

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- (m) develop and support information campaigns to raise awareness about waste prevention and littering.”.