

## 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).

#### Operation of permitted installations

2. The operation of installations subject to permit in pursuance of Directive [2008/1/EC](#) of the European Parliament and of the Council concerning integrated pollution prevention and control<sup>(1)</sup> (all activities listed in Annex I to that Directive with the exception of installations or parts of installations used for research, development and testing of new products and processes).

#### 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 Directive [2006/12/EC](#) of the European Parliament and of the Council on waste<sup>(2)</sup> and Council Directive [91/689/EEC](#) on hazardous waste<sup>(3)</sup>.

(2) The operation of landfill sites under Council Directive [1999/31/EC](#) on the landfill of waste<sup>(4)</sup> and the operation of incineration plants under Directive [2000/76/EC](#) of the European Parliament and of the Council on the incineration of waste<sup>(5)</sup>.

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

#### 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<sup>(6)</sup>.

#### 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<sup>(7)</sup>.

(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<sup>(8)</sup>.

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(1) OJ No L 24, 29.1.2008, p. 8.

(2) OJ No L 114, 27.4.2006, p. 9 as last amended by Directive [2008/98/EC](#) of the European Parliament and of the Council (OJ No L 312, 22.11.2008, p. 3).

(3) OJ No L 377, 31.12.91, p. 20 as last amended by Directive [2008/98/EC](#) of the European Parliament and of the Council (OJ No L 312, 22.11.2008, p. 3)..

(4) 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).

(5) OJ No L 332, 28.12.2000, p. 91 as corrected in OJ No L 145, 31.5.2001, p. 52.

(6) OJ No L102, 11.4.2006, p. 15.

(7) OJ No L 64, 4.3.2006, p. 52.

(8) 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).

*Status: This is the original version (as it was originally made).*

(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<sup>(9)</sup>.

### **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 **(10)**;
- (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<sup>(11)</sup>;
- (c) plant protection products as defined in Article 2(1) of Council Directive [91/414/EEC](#) concerning the placing of plant protection products on the market<sup>(12)</sup>; 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<sup>(13)</sup>.

### **Transport**

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

- (a) Annex A to Council Directive [94/55/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road<sup>(14)</sup>;
- (b) the Annex to Council Directive [96/49/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail<sup>(15)</sup>; and
- (c) Council Directive [93/75/EEC](#) concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods<sup>(16)</sup>.

<sup>(9)</sup> 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).

<sup>(10)</sup> OJ No 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).

<sup>(11)</sup> 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).

<sup>(12)</sup> OJ No L 230, 19.8.91, p. 1 as last amended by Commission Directive [2008/127/EC](#) (OJ No L 344, 20.12.2008, p. 89).

<sup>(13)</sup> 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).

<sup>(14)</sup> OJ No L 319, 12.12.94, p. 7 as last amended by Commission Directive [2006/89/EC](#) (OJ No L 305, 4.11.2006, p. 4).

<sup>(15)</sup> OJ No L 235, 17.9.96, p. 25 as last amended by Commission Directive [2006/90/EC](#) (OJ No L 305, 4.11.2006, p. 6).

<sup>(16)</sup> OJ No L 247, 5.10.93, p. 19 as last amended by Directive [2002/84/EC](#) of the European Parliament and of the Council (OJ No L 324, 29.11.2002, p. 53).

### **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(**17**)).

(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(**18**).

### **Transboundary shipment of waste**

**10.** Transboundary shipment of waste within, into or out of the Community, requiring an authorisation or prohibited under Regulation (EC) No [1013/2006](#) of the European Parliament and of the Council on shipments of waste(**19**).

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(17) 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).

(18) 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).

(19) OJ No L 190, 12.7.2006, p. 1 as last amended by [Commission Regulation \(EC\) No 669/2008](#) (OJ No L 188, 16.7.2008, p. 7).