

Statutory Instruments

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EUROPEAN COMMUNITIES (INCINERATION OF WASTE) REGULATIONS 2003.

The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by Section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purposes of giving effect to Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste (1), hereby makes the following regulations: -

(1) O.J.No.L332/91, 28 December, 2000.

Citation

1. These Regulations may be cited as the European Communities (Incineration of Waste) Regulations 2003.

Interpretation

2 In these Regulations-

"Act of 1992" means the Environmental Protection Agency Act 1992 (No. 7 of 1992);

"Act of 1996" means the Waste Management Act 1996 (No. 10 of 1996);

"the Agency" means the Environmental Protection Agency established under section 19 of the Act of 1992;

"co-incineration plant" has the meaning assigned to it by Directive 2000/76/EC;

"Directive 2000/76/EC" means Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2002 on the incineration of waste;

"existing incineration or co-incineration plant" has the meaning assigned to it by Directive 2000/76/EC;

"incineration plant" has the meaning assigned to it by Directive 2000/76/EC;

"licence" means a licence including a revised licence within the meaning of Part IV of the Act of 1992;

"new plant" has the meaning assigned to it by Article 20 of Directive 2000/76/EC;

"waste licence" has the meaning assigned to it by Section 37 of the Act of 1996;

Application

3 (1) Subject to sub-articles (2) and (3) of this article, these Regulations apply to the incineration of waste in a new plant from 28 December 2002.

(2) These Regulations do not apply to a plant excluded from the scope of Directive 2000/76/EC by virtue of article 2.2 of that Directive.

(3) These Regulations shall apply to an existing incineration or co-incineration plant from 28 December 2005.

Matters on which the Agency must be satisfied

4. Without prejudice to Section 83(3) of the Act of 1992 or Section 40(4) of the Act of 1996, the Agency shall not grant a licence or a waste licence to an incineration plant or co-incineration plant unless it is satisfied that the activity will be carried out in a manner, and in an installation or facility, which complies with the requirements of Directive 2000/76/EC.

Conditions necessary to give effect to certain provisions of the Council Directive

5. Notwithstanding Sections 83(1) and 84 of the Act of 1992 and Sections 40(1) and 41 of the Act of 1996, the Agency shall attach to any licence or waste licence (as the case may be) that may be granted by it in relation to any activity to which these Regulations apply such conditions as are, in the opinion of the Agency, necessary to give effect to articles 3 to 13 of Directive 2000/76/EC.



Given under the Official Seal of the Minister for the Environment, Heritage and Local Government

Dated this 3rd day of July 2003.
MARTIN CULLEN

Minister for the Environment, Heritage & Local Government

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations implement Directive 2000/76/EU of the European Parliament and of the Council of 4 December 2000 on the incineration of waste. They apply to both incineration and co-incineration plants. The Directive specifies more stringent standards and other operational requirements to be applied in relation to these facilities. The Regulations provide for implementation of the Directive in the context of the licensing systems operated by the EPA in relation to facilities which fall to be licensed under the Environmental Protection Agency Act 1992(IPC activities) or the Waste Management Act 1996.