

# **S.I. No. 350/2010 — Waste Management (Licensing) (Amendment) Regulations 2010.**

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*Notice of the making of this Statutory Instrument was published in*

*“Iris Oifigiúil” of 16th July, 2010.*

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 7 of the Waste Management Act 1996 (No. 10 of 1996) and Section 3 of the European Communities Act 1972 (No. 27 of 1972) and to give further effect to Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003<sup>1</sup>, hereby make the following regulations:

1. These Regulations may be cited as the Waste Management (Licensing) (Amendment) Regulations 2010.

2. These Regulations shall come into operation on 13 July 2010.

3. The Waste Management (Licensing) Regulations 2004 ( S.I. No. 395 of 2004 ) are hereby amended by—

(i) The insertion after sub-article (i) of article 3 of the following—

“(j) Council Directive 2000/76/EC on the Incineration of Waste”;

(ii) The substitution of the following paragraph for paragraph 34(3)(b)—

“(b) having examined the concerns and opinions expressed by the public concerned under article 15

(i) the reasons and consideration on which the decision is based, including information on the public participation process;

(ii) a statement that a person shall not question the validity of the decision of the Agency other than by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts ( S.I. No. 15 of 1986 ) and

(iii) a statement describing where practical information on the review mechanism may be obtained.”



GIVEN under my Official Seal,

13 July 2010.

JOHN GORMLEY,

Minister for the Environment, Heritage and Local Government.

#### EXPLANATORY NOTE

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

These Regulations are for the purpose of giving effect to Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.

1 O.J. No. L 156, 25.06.2003 p. 17

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