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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 200**

**AQUATIC ANIMAL HEALTH  
ENVIRONMENTAL PROTECTION  
FISHERIES  
SEA FISHERIES  
WATER AND SEWERAGE**

**The Environment (Miscellaneous Amendments)  
Regulations (Northern Ireland) 2018**

*Made* - - - - *30th November 2018*

*Coming into operation* *24th December 2018*

The Department of Agriculture, Environment and Rural Affairs **(1)** makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972**(2)**.

The Department of Agriculture, Environment and Rural Affairs is designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to—

- (a) measures relating to the prevention, reduction and elimination of pollution caused by waste**(3)**;
- (b) measures relating to the management of packaging and packaging waste**(4)**;
- (c) measures relating to the common agricultural policy of the European Union**(5)**; and,
- (d) the environment**(6)**.

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**(1)** Formerly the Department of Agriculture and Rural Development (DARD see Article 3(4) of the Departments (Northern Ireland) Order 1999 ([S.I. 1999/283 \(N.I.1\)](#)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by Article 1(2) of the Departments Act (Northern Ireland) 2016 ([2016 c.5 \(N.I\)](#)). The Department of the Environment was dissolved by section 1(9) of the Departments Act (Northern Ireland) 2016 and, by virtue of Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016, its functions for the purpose of these Regulations were transferred to the Department of Agriculture, Environment and Rural Affairs.

**(2)** [1972 c.68](#) section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 ([2006 c.51](#)) (the 2006 Act), section 27(1)(a) and the European Union (Amendment) Act 2008 ([2008 c.7](#)) (the 2008 Act), the Schedule Part 1. Paragraph 1A of Schedule 2 was inserted by the 2006 Act, section 28, and was amended by the 2008 Act, the Schedule Part 1. Section 2(2) and paragraph 1A of Schedule 2 are prospectively repealed by the European Union (Withdrawal) Act 2018 ([2018 c.16](#)), section 1 from exit day (see section 20 of that Act).

**(3)** [S.I. 1992/2870](#)

**(4)** [S.I. 1996/266](#)

**(5)** [S.I. 1972/1811](#) and [S.I. 2000/2812](#)

**(6)** [S.I. 2008/301](#)

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

## PART 1

### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Environment (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 and shall come into operation on 24th December 2018.

(2) The Interpretation Act (Northern Ireland) 1954(7) applies to these Regulations as it applies to an Act of the Assembly.

## PART 2

### Amendment of Waste Provisions

2.—(1) Schedule 1 of these Regulations amends the Waste Provisions.

(2) For the purposes of these Regulations “the Waste Provisions” means—

- (a) the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999(8);
- (b) the Waste Management Licensing Regulations (Northern Ireland) 2003(9);
- (c) the Landfill Regulations (Northern Ireland) 2003(10);
- (d) the Landfill Allowances Scheme (Northern Ireland) Regulations 2004(11);
- (e) the Hazardous Waste Regulations (Northern Ireland) 2005(12);
- (f) the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(13);
- (g) the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009(14);
- (h) the Waste Regulations (Northern Ireland) 2011(15);
- (i) the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013(16); and,
- (j) the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013(17).

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(7) 1954 c.33 (N.I.)

(8) S.R. 1999 No. 362 to which there are no relevant amendments

(9) S.R. 2003 No. 493 relevant amendments are S.R. 2003 No. 496, S.R. 2005 No. 300, S.R. 2006 No. 280, S.R. 2006 No. 519, S.R. 2009 No. 76, S.R. 2009 No. 159, S.R. 2011 No. 127, S.R. 2011 No. 124, S.R. 2013 No. 241, S.R. 2014 No. 137, S.R. 2015 No. 288 and S.R. 2016 No. 95

(10) S.R. 2003 No. 496 as amended by S.R. 2004 No. 297 and S.R. 2005 No. 300

(11) S.R. 2004 No. 416 as amended by S.R. 2005 No. 588 and S.R. 2009 No. 46

(12) S.R. 2005 No. 300 as amended by S.R. 2005 No. 461 and S.R. 2006 No. 280

(13) S.R. 2007 No. 198 as amended by S.R. 2008 No. 77 and S.R. 2008 No. 373

(14) S.R. 2009 No. 252 as amended by S.R. 2009 No. 361, S.R. 2011 No. 127 and S.R. 2015 No. 231

(15) S.R. 2011 No. 127 as amended by S.R. 2011 No. 232 and S.R. 2013 No. 241

(16) S.R. 2013 No. 4 as amended by 2014 c.7 (N.I.)

(17) S.R. 2013 No. 255 as relevantly amended by S.R. 2014 No. 117

## PART 3

### Amendment of Water Provisions

- 3.—(1) Schedule 2 of these Regulations amends the Water Provisions.
- (2) For the purposes of these Regulations “the Water Provisions” means—
- (a) the Control of Asbestos in Water Regulations (Northern Ireland) 1995(18);
  - (b) the Urban Waste Water Treatment Regulations (Northern Ireland) 2007(19);
  - (c) the Quality of Bathing Water Regulations (Northern Ireland) 2008(20);
  - (d) the Groundwater Regulations (Northern Ireland) 2009(21);
  - (e) the Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010(22);
  - (f) the Chemical Analysis of Water Status (Technical Specifications) Regulations (Northern Ireland) 2011(23);
  - (g) the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015(24);
  - (h) the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017(25);
  - (i) the Private Water Supplies Regulations (Northern Ireland) 2017(26); and,
  - (j) the Water Supply (Water Quality) Regulations (Northern Ireland) 2017(27).

## PART 4

### Amendment of Air and Environmental Quality Provisions

- 4.—(1) Schedule 3 of these Regulations amends the Air and Environmental Quality Provisions.
- (2) For the purposes of these Regulations “the Air and Environmental Quality Provisions” means—
- (a) the Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007(28);
  - (b) the Air Quality Standards Regulations (Northern Ireland) 2010(29);
  - (c) the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(30); and,
  - (d) the Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016(31).

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(18) S.R. 1995 No. 93 as amended by S.R. 1996 No. 602

(19) S.R. 2007 No. 187

(20) S.R. 2008 No. 231 as amended by S.R. 2102 No. 218, S.R. 2013 No. 151, S.R. 2017 No. 81 and S.R. 2018 No. 104

(21) S.R. 2009 No. 254 as amended by S.R. 2009 No. 359, S.R. 2011 No. 211, S.R. 2014 No. 208, S.R. 2016 No. 119 and S.R. 2017 No. 81

(22) S.R. 2010 No. 157

(23) S.R. 2011 No. 238 as amended by S.R. 2017 No. 81

(24) S.R. 2015 No. 351 as amended by S.R. 2017 No. 81

(25) S.R. 2017 No. 81

(26) S.R. 2017 No. 211

(27) S.R. 2017 No. 212

(28) S.R. 2007 No. 272 as amended by S.R. 2014 No. 147

(29) S.R. 2010 No. 188 as amended by S.R. 2017 No. 2 and SR 2018 No. 33

(30) S.R. 2013 No. 160 as amended by S.R. 2014 No. 304 and SR 2015 No. 14

(31) S.R. 2016 No. 28

## PART 5

### Amendment of Aquatic Animal Health, Fisheries, Marine and Sea Fisheries Provisions

5.—(1) Schedule 4 of these Regulations amends the Aquatic Animal Health, Fisheries, Marine and Sea Fisheries Provisions.

(2) For the purposes of these Regulations “the Aquatic Animal Health, Fisheries, Marine and Sea Fisheries Provisions” means—

- (a) the Sea Fish Licensing Order 1992(32);
- (b) the Prohibition of Fishing with Multiple Trawls Order 2001(33);
- (c) the Shrimp Fishing Nets Order (Northern Ireland) 2005(34);
- (d) the Aquatic Animal Health Regulations (Northern Ireland) 2009(35);
- (e) The Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011(36); and,
- (f) the Mussels (Prohibition of Fishing) Regulations (Northern Ireland) 2013(37).

## PART 6

### Amendment of Conservation and Environmental Impact Assessment Provisions

6.—(1) Schedule 5 amends the Conservation and Environmental Impact Assessment Provisions.

(2) For the purposes of these Regulations “the Conservation and Environmental Impact Assessment Provisions” means—

- (a) the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995(38);
- (b) the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004(39);
- (c) the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006(40);
- (d) the Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007(41); and,
- (e) the Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017(42).

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(32) S.I. 1992 No. 2633

(33) S.I. 2001 No. 650

(34) S.R. 2005 No. 349 as amended by S.R. 2007 No. 499

(35) S.R. 2009 No. 129 as amended by S.R. 2011 No. 118

(36) S.R. 2011 No. 78

(37) S.R. 2013 No. 1

(38) S.R. 1995 No. 380. Amendments have been made by S.R. 2004 No. 435, S.R. 2007 No. 345, S.R. 2009 No. 8, S.R. 2011 No. 216, S.R. 2012 No. 368, 2013 c.10 (N.I.) and S.R. 2015 No. 182

(39) S.R. 2004 No. 280

(40) S.R. 2006 No. 518 as amended by S.R. 2007 No. 355 and S.R. 2017 No. 86

(41) S.R. 2007 No. 421 as amended by S.R. 2008 No. 278 and S.R. 2017 No. 198

(42) S.R. 2017 No. 85

Sealed with the Official Seal of the Department of Agriculture Environment and Rural Affairs on 30th November 2018.



*David Small*  
A senior officer of the Department of Agriculture  
Environment and Rural Affairs

## SCHEDULE 1

Regulation 2

## AMENDMENT OF WASTE PROVISIONS

**Amendment of the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999**

1. In the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999, in regulation 1(2) (Citation, commencement and interpretation) for the definition of “the Community Regulation” substitute—

““the Community Regulation” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003;”.

**Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003**

2. The Waste Management Licensing Regulations (Northern Ireland) 2003 are amended as follows.

3. In regulation 1(3) (Citation, commencement and interpretation)—

(a) in the definition of “the Community Regulation” at the end add “as amended by [Directive 2010/63/EU](#) of the European Parliament of the Council(43);”;

(b) for the definition of “the Directive” substitute—

““the Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste (44) as last amended by Directive (EU) 2017/997(45);”;

(c) in the definition of “the End of Life Vehicles Directive” omit from “as amended” to the end and replace with “as last amended by Directive (EU) 2017/2096/EC(46);”.

4. In Schedule 3, Part 1, paragraph 1 (Interpretation of Schedule 3), in the definition of “best available techniques”, for “Article 2(12) of [Directive 2008/1/EC](#)(47)” substitute “Article 3(10) of [Directive 2010/75/EU](#)(48)”.

5. In Schedule 3 Part IV in paragraph 2 (meaning of planning authority)—

(a) in sub-paragraph (c) for “the 1991 Order and the 2006 Order.” substitute “the Planning Act (Northern Ireland) 2011; and”;

(b) after sub-paragraph (c) insert—

“(d) a district council.”.

**Amendment of the Landfill Regulations (Northern Ireland) 2003**

6. The Landfill Regulations (Northern Ireland) 2003 are amended as follows.

7. In regulation 2(2) (Interpretation)—

(a) in the definition of “European Waste Catalogue” for “as for the time being amended” substitute “as amended from time to time”;

(b) in the definition of “waste” at the end add “as last amended by Council Regulation (EU) 2017/997”; and,

(43) OJ No L 276, 20.10.2010, p.33-79

(44) OJ No L 312, 22.11.2008, p.3-30 as last amended by OJ No L 150, 14.6.2018, p.109-140

(45) OJ No L 150 14.6.2017 p.1-4

(46) OJ No L 299 16.11.2017

(47) OJ No L 24, 29.1.2008, p.8-29

(48) OJ No L 334, 17.12.2010, p.17-119

- (c) for the definition of “waste battery or accumulator” at the end add “as last amended by Directive (EU) 2017/997;”.
- 8. In Schedule 1 (General principles for the acceptance of waste at landfills)—
  - (a) in paragraph 5(1)(g) at the end add “as amended from time to time”;
  - (b) in paragraph 18(1) for “[Directive 1999/31/EC](#)(49) on landfill of waste” substitute “the Directive”.

#### **Amendment of the Landfill Allowances Scheme (Northern Ireland) Regulations 2004**

- 9. In the Landfill Allowances Scheme (Northern Ireland) Regulations 2004 in regulation 2(2) (Interpretation)—
  - (a) in the definition of “disposal”, at the end add “as last amended by Council Regulation (EU) 2017/997”; and,
  - (b) in the definition of “recovery”, at the end add “as last amended by Council Regulation (EU) 2017/997;”.

#### **Amendment of the Hazardous Waste Regulations (Northern Ireland) 2005**

- 10. The Hazardous Waste Regulations (Northern Ireland) 2005(50) are amended as follows.
- 11. In regulation 2 (General Interpretation) in the definition of “waste battery or accumulator” at the end add “as last amended by Directive (EU) 2017/997”.
- 12. In regulation 3(1)(a) (The Waste Directive and the meaning of waste) in the definition of “the Waste Directive” at the end add “as last amended by Directive (EU) 2017/997”.
- 13. In regulation 35 (Mutual recognition of consignment notes), in paragraph (1), for “[Council Regulation \(EEC\) No 259/93](#)(51) other than Title III of that Regulation” substitute “Regulation (EC) No.1013/2006 (52) of the European Parliament and of the Council”.
- 14. In Schedule 7 (Cross Border Movement of Hazardous Waste), for paragraph 1(a) substitute—
  - “(a) Annex 1A and 1B of Regulation ([EC](#)) No. 1013/2006 of the European Parliament and of the Council on shipments of waste as last amended by Commission Regulation (EC) No.1379/2007(53);”.

#### **Amendment of the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007**

- 15. The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(54) are amended as follows.
- 16. In regulation (2)(1) (Interpretation and notices), in the definition of “the Packaging Waste Directive”—
  - (a) at the end of (b) omit “and”;
  - (b) at the end of paragraph (c) insert “and”, and after paragraph (c) insert—

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(49) OJ No L 182, 16.7.1999, p.1-19

(50) [S.R. 2005 No. 300](#) as last amended by [S.R. 2011 No. 127](#), [S.R. 2015 No. 288](#) and [S.R. 2016 No. 95](#)

(51) OJ No L 30, 6.2.1993, p.1-28

(52) OJ No L 190, 12.7.2006, p.1-98

(53) OJ No L 309, 27.11.2007, p.7-20

(54) [S.R. 2007 No. 198](#) as relevantly amended by [S.R. 2008 No. 373](#) and [S.R. 2010 No. 396](#)

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“(d) Directive (EU) 2015/720 of the European Parliament and of the Council amending [Directive 94/62/EC\(55\)](#) reducing the consumption of lightweight carrier bags.”.

17. In regulation (2)(2) (Interpretation and notices)—

(a) for the definition of “disposal” substitute ““disposal” means any of the operations listed in Schedule 1A;”;

(b) for the definition of “energy recovery” substitute—

““energy recovery” means the use of combustible packaging waste as a means to generate energy through direct incineration with or without other waste but with the recovery of heat;”

(c) for the definition of “organic recycling” substitute—

““organic recycling” means the aerobic (composting) or anaerobic (biomethanisation) treatment under controlled conditions and using microorganisms, of the biodegradable parts of packaging waste which produces organic residues or methane. Landfill shall not be considered a form of organic recycling;”

(d) for the definition of “packaging” substitute—

““packaging” means all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods from raw materials to processed goods from the producer to the user or consumer; non-returnable items for the same purpose shall also be considered to constitute packaging if it consists only of—

- (i) sales packaging or primary packaging;
- (ii) grouped packaging or secondary packaging;
- (iii) transport packaging or tertiary packaging;

The definition shall be further based on the following criteria—

- (aa) the products fill the functions mentioned above without prejudice to other functions which the packaging might also perform, unless the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together;
- (bb) the products are designed and intended to be refilled at the point of sale and disposable items sold, filled or designed or intended to be filled at the point of sale, if they fulfil a packaging function;
- (cc) the products are packaging components or ancillary elements integrated into packaging;”;

(e) for the definition of “packaging waste” substitute—

““packaging waste” means any packaging or packaging material being any substance or object falling within the categories mentioned in Schedule 1B which the holder discards or intends or is required to discard;”;

(f) for the definition of “recycling” substitute—

““recycling” means the reprocessing in a production process of waste materials for the original purpose or for other purposes including organic recycling but excluding energy recovery and “recycle” shall be construed accordingly;”;

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(g) for the definition of “re-use” substitute—

““re-use” means any operation by which packaging, which has been conceived or designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market enabling the packaging to be refilled, such re-used packaging will become packaging no longer subject to re-use;”;

(h) for the definition of “transit packaging” substitute—

““transit packaging” means grouped packaging or secondary packaging or transport packaging or tertiary packaging;”.

(i) In alphabetical order insert—

““sales packaging or primary packaging” means packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;”;

““grouped packaging or secondary packaging” means packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale if it can be removed from the product without affecting its characteristics;”;

““transport packaging or tertiary packaging” means packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packaging in order to prevent physical handling or transport damage. Transport packaging shall not include road, rail, ship and air containers;”.

18. After Schedule 1 insert Schedule 1A and Schedule 1B.

#### “SCHEDULE 1A

##### DISPOSAL OPERATIONS

1. Deposit into or on to land (for example landfill).
2. Land treatment (for example biodegradation of liquid or sludgy discards in soils).
3. Deep injection (for example injection of pumpable discards into wells, salt domes or naturally occurring repositories).
4. Surface impoundment (for example placement of liquid or sludgy discards into pits, ponds or lagoons).
5. Specially engineered landfill (for example placement into discreet cells which are capped and isolated from one another and from the environment).
6. Release into a water body except seas or oceans.
7. Release into seas or oceans including sea bed insertion.
8. Biological treatment not specified in this Schedule which results in compounds or mixtures which are discarded by means of any of the operations mentioned in paragraphs 1 to 7 or 9 to 12.
9. Physio-chemical treatment not specified elsewhere in this Schedule which results in final compounds or mixtures which are discarded by means of any of the operations mentioned in paragraphs 1 to 7 or 10 to 12.
10. Incineration on land.
11. Incineration at sea.

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12. Permanent Storage (for example emplacement in containers in a mine).
13. Blending or mixing prior to submission to any of the operations mentioned in paragraphs 1 to 12.
14. Repackaging prior to submission to any of the operations mentioned in paragraphs 1 to 13.
15. Storage pending any of the operations mentioned in paragraphs 1 to 14 excluding temporary storage, pending collection, on the site where it is produced.

## SCHEDULE 1B

### CATEGORIES OF WASTE

1. Production or consumption residues not otherwise specified in paragraphs 2 to 12 of this Schedule.
2. Off specification products.
3. Products whose date for appropriate use has expired.
4. Materials spilled, lost or having undergone other mishap including and any materials or equipment contaminated as a result of that mishap.
5. Materials contaminated or soiled as a result of planned actions (for example residues from cleaning operations, packaging materials of containers).
6. Unusable parts (for example reject batteries or exhausted catalysts).
7. Substances which no longer perform satisfactorily (for example contaminated acids, contaminated solvents or exhausted tempering salts).
8. Residues of industrial processes (for example slags or still bottoms).
9. Residues from pollution abatement processes (for example scrubber sludge's, baghouse dusts or spent fillers).
10. Machining or finishing residues (for example lathe turnings or mill scales).
11. Residues from raw materials extraction and processing (for example mining residues or oil field slops).
12. Adulterated materials (for example oils contaminated with PCB's)."
19. In Schedule 5 (Conditions of accreditation)—
  - (a) in paragraph (r)—
    - (i) in sub-paragraph (i), after "waste" insert "as last amended by Commission Regulation (EU) 2015/2002 (56)"; and
    - (ii) in sub-paragraph (ii), after "apply", insert "as last amended by [Commission Regulation \(EU\) No 733/2014\(57\)](#)".

(56) OJ No L 294, 11.11.2015, p.1-31

(57) OJ No L 197, 4.7.2014, p.10

## **Amendment of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009**

20. The Environment Liability (Prevention and Remediation) Regulations (Northern Ireland 2009)(**58**) are amended as follows.

21. In regulation 2(2) (Interpretation)—

(a) in the definition of “natural habitats” —

(i) in paragraph (a) for “Article 4(2) of, or Annex 1 to Council [Directive 79/409/EEC](#)(**59**)”, substitute “Article 4(1) of and Annex 1 to [Directive 2009/147/EC](#)(**60**) of the European Parliament and of the Council” and for “[Directive 92/43/EEC](#)” substitute “[Directive 97/62/EC](#)(**61**)”;

(ii) in paragraph (b) for “Council [Directive 92/43/EEC](#)(**62**)” substitute “Council [Directive 97/62/EC](#)”;

(b) in the definition of “protected species” for “Article 4(2) of Council [Directive 79/409/EEC](#)” substitute “Article 4(1) of [Directive 2009/147/EC](#)(**63**) of the European Parliament and of the Council” and for “Annexes II and IV to Council [Directive 92/43/EEC](#)” substitute “Annex II to Council [Directive 97/62/EC](#) and Annex IV to Council [Directive 92/43/EEC](#)”.

22. In regulation 2(3) (Interpretation) after “damage” insert “as last amended by [Directive 2013/30/EU](#) of the European Parliament and of the Council(**64**)”.

23. After regulation 2(3) (Interpretation) insert—

“(4) A reference to Council [Directive 1999/31/EC](#)(**65**) on the landfill of waste shall be construed as a reference to that Directive as amended from time to time.”.

24. In regulation 2A (References), for “Schedule 2” substitute “Schedules 2 and 3”.

25. In regulation 3 (Meaning of “environmental damage”)—

(a) in paragraph (3) after “water policy” insert “as last amended by Commission [Directive 2014/101/EU](#)(**66**)”;

(b) in paragraph (3)(b) after “Directive” add “as amended by [Directive 2013/39/EU](#) of the European Parliament and of the Council(**67**)”;

(c) in paragraph (4)(b) at the end add “as amended by Commission [Directive 2014/80/EU](#)(**68**)”; and

(d) in paragraph (4A) at the end add “as amended by Commission Directive (EU) 2017/845(**69**)”.

26. In Schedule 2 (Activities causing damage)—

(a) in paragraph 1 for “2008/1/EC(**70**)” substitute “2010/75/EU(**71**)”;

(b) for paragraph 2(2) substitute—

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(**58**) [S.R. 2009 No. 252](#) as last amended by [S.R. 2015 No. 231](#)

(**59**) OJ No L 103, 25.4.1979, p.1-18

(**60**) OJ No L 20 26.1.2010 p.7-25

(**61**) OJ No L 305, 8.11.1997 p.42-65

(**62**) OJ No L 206, 22.7.1992 p.7-50

(**63**) OJ No L 20, 26.1.2010 p7-25

(**64**) OJ No L 178, 28.6.2013, p.66-106

(**65**) OJ No L 182, 16.7.1999, p.1-19

(**66**) OJ No L 311, 31.10.2014, p.32-35

(**67**) OJ No L 226, 24.8.2013, p.1-17

(**68**) OJ No L 182, 21.6.2014, p.52-55

(**69**) OJ No L 125, 18.5.2017, p.27-33

(**70**) OJ No L 24, 29.1.2008, p.8-29

(**71**) OJ No L 334, 17.12.2010, p.17-119

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- “The operation of landfill sites under Council [Directive 1999/31/EC](#) as amended by Directive (EU) 2011/97/EU(72) and the operation of incineration plants under [Directive 2010/75/EU\(73\)](#) of the European Parliament and of the Council.”;
- (c) in paragraph 4(1) for the words from “[Directive 2006/11/EC\(74\)](#)” to the end, substitute—  
“Directive 2000/60 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.”;
- (d) in paragraph 4(2) for the words from “Council [Directive 80/68/EEC\(75\)](#)” to the end, substitute—  
“[Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.”;
- (e) in paragraph 6(a), at the end add “as last amended by Commission Regulation (EU) 2017/776(76)”;
- (f) in paragraph 6(b), at the end add “as last amended by Commission Regulation (EU) 2017/776”;
- (g) in paragraph 7 for sub-paragraphs (a) to (c) substitute—  
 (a) Annex 1 to [Directive 2008/68/EC\(77\)](#) of the European Council and of the Council on inland transport of dangerous goods as last amended by Commission Directive (EU) 2016/2309(78);  
 (b) Annex II to that Directive;  
 (c) [Directive 2002/59/EC\(79\)](#) of the European Parliament and of the Council establishing a Community vessel traffic information system and repealing Council [Directive 93/75/EC\(80\)](#) as last amended by Commission [Directive 2014/100/EU\(81\)](#).”;
- (h) in paragraph 8(1), for “Council [Directive 90/219/EEC](#)” substitute “[Directive 2009/41/EC](#) of the European Parliament and the Council(82)”;
- (i) in paragraph 8(2), at the end add “as last amended by (EU) 2015/412 of the European Parliament and of the Council(83)”.
27. In Schedule 3 (Permits etc.)—  
 (a) in paragraph 1, for the words from “Council Directive” to the end substitute—  
 “[Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (Integrated pollution prevention and control).”;
- (b) in paragraph 4, from the word “Directive” to the end substitute—  
 “[Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (Integrated pollution prevention and control).”; and,
- (c) in paragraph 9(2), at the end add “as last amended by (EU) 2015/412 of the European Parliament and of the Council.”.

(72) OJ No L 328, 10.12.2011, p49-52  
 (73) OJ No L 334, 17.12.2010, p.17-119  
 (74) OJ No L 64, 4.3.2006, p.52-59  
 (75) OJ No L 20, 26.1.1980, p.43.-48  
 (76) OJ No L 116, 5.5.2017, p.1-19  
 (77) OJ No L 260, 30.9.2008, p.13-59  
 (78) OJ No L 345, 20.12.2016, p.48-49  
 (79) OJ No L 208, 5.8.2202, p.10-27  
 (80) OJ No L 326, 17.12.1996, p.64-65  
 (81) OJ No L 308, 29.10.2014, p. 82-87  
 (82) OJ No L 125, 21.5.2009, p.75-97  
 (83) OJ No L 68, 13.3.2015, p.1-8

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

28. The Waste Regulations (Northern Ireland) 2011<sup>(84)</sup> are amended as follows.
29. In regulation 9 (Interpretation of Part 3) in paragraph (1)—
- (a) for the definition of “best available techniques” substitute—  
““best available techniques” means best available techniques as defined in Article 3(10) of [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control);”; and
  - (b) for the definition of “Waste Framework Directive” at the end add “as last amended by Directive (EU) 2017/997”.

### **Amendment of the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013**

30. In the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013<sup>(85)</sup> in Schedule 1 (Exemptions), in paragraph 1(3) in the definition of “EEA health professional” for “regulation 1(2) of the Medicines for Human Use (Prescribing by EEA Practitioners) Regulations 2008” substitute “regulation 213(1) of the Human Medicines Regulations 2012<sup>(86)</sup>”.

### **Amendment of the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013**

31. The Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013<sup>(87)</sup> are amended as follows.
32. In regulation 2(4)(b) (Waste which is not to be treated as household waste, industrial waste or commercial waste) in the definition of “the Animal By-Products Regulation”, at the end add “as amended by [Directive 2010/63/EU](#) of the European Parliament of the Council<sup>(88)</sup>”.
33. In the Schedule—
- (a) in paragraph 1 (Interpretation of the Schedule)—
    - (i) in the definition of “clinical waste”, from “Council [Directive 67/548/EEC](#)<sup>(89)</sup>” to the end substitute “Regulation (EC) [1272/2008](#) on classification, labelling and packaging of substances and mixtures (CLP)<sup>(90)</sup>”; and,
    - (ii) for the definition of “European Waste Catalogue”, substitute, ““European Waste Catalogue” has the same meaning as in the Waste Management Licensing Regulations (Northern Ireland) 2003;”.

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<sup>(84)</sup> S.R. 2011 No. 127

<sup>(85)</sup> S.R. 2013 No. 4 as amended by 2014 c.7 (N.I.)

<sup>(86)</sup> S.I. 2012/1916 as last amended by S.I. 2014/490

<sup>(87)</sup> S.R. 2013 No. 255 as relevantly amended by S.R. 2014 No. 117

<sup>(88)</sup> OJ No L 276, 20.10.2010, p 33-79

<sup>(89)</sup> OJ No L 196, 16.8.1967, p.1-98

<sup>(90)</sup> OJ No L 353, 31.12.2008, p.13-55

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## SCHEDULE 2

Regulation 3

## AMENDMENT OF WATER PROVISIONS

**Amendment of the Control of Asbestos in Water Regulations (Northern Ireland) 1995**

1. In the Control of Asbestos in Water Regulations (Northern Ireland) 1995<sup>(91)</sup>, in regulation 2(1) (Interpretation), for the definition of “the Directive” substitute—

““the Directive” means Council [Directive 87/217/EEC](#) on the prevention and reduction of environmental pollution by asbestos as last amended by Decision (EU) 2018/853 as regards procedural rules in the field of environmental reporting<sup>(92)</sup>.”.

**Amendment of the Urban Waste Water Treatment Regulations (Northern Ireland) 2007**

2. The Urban Waste Water Treatment Regulations (Northern Ireland) 2007<sup>(93)</sup> are amended as follows.

3. In regulation 2(1) (Interpretation), for the definition of “the Directive” substitute—

““the Directive” means Council [Directive 91/271/EEC](#) concerning urban waste water treatment as last amended by Council [Directive 2013/64/EU](#)<sup>(94)</sup>.”.

4. In Schedule 1(CRITERIA FOR IDENTIFICATION OF SENSITIVE AREAS), Part 1, subparagraph (b), for the words from “the concentration” to “Member States” substitute “50mg/l of nitrates in 95% of the samples”.

**Amendment of the Quality of Bathing Water Regulations (Northern Ireland) 2008.**

5. The Quality of Bathing Water Regulations (Northern Ireland) 2008<sup>(95)</sup> are amended as follows.

6. In regulation 2(2) (Interpretation), for the definition of “Bathing Water Directive” substitute—

““Bathing Water Directive” means [Directive 2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality as last amended by Council [Directive 2013/64/EU](#)<sup>(96)</sup>.”.

7. In Schedule 4, paragraph 2, for “the Directive” substitute “the Bathing Water Directive”.

**Amendment of the Groundwater Regulations (Northern Ireland) 2009**

8. The Groundwater Regulations (Northern Ireland) 2009<sup>(97)</sup> are amended as follows.

9. In regulation 2(1) (Interpretation), for the definition of “the Water Framework Directive” substitute—

““the Water Framework Directive” means [Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy as last amended by Commission [Directive 2014/101/EU](#)<sup>(98)</sup>.”.

<sup>(91)</sup> S.R. 1995 No. 93 as amended by S.R. 1996 No. 602

<sup>(92)</sup> OJ No L 85, 28.3.1987 p.40-45 as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p.155-161)

<sup>(93)</sup> S.R. 2007 No. 187

<sup>(94)</sup> OJ No L 135, 30.5.91, p.40-52 as last amended by Council [Directive 2013/64/EU](#) (OJ No L 353, 28.12.2013, p.8-12)

<sup>(95)</sup> S.R. 2008 No. 231 as amended by S.R. 2012 No. 218, S.R. 2013 No. 151, S.R. 2017 No. 81 and S.R. 2018 No. 104

<sup>(96)</sup> OJ No L 64, 4.3.2006, p.37-51 as last amended by Council [Directive 2013/64/EU](#) (OJ No L 353, 28.12.2013, p.8-12)

<sup>(97)</sup> S.R. 2009 No. 254 as amended by S.R. 2009 No. 359, S.R. 2011 No. 211, S.R. 2014 No. 208, S.R. 2016 No. 119 and S.R. 2017 No. 81

<sup>(98)</sup> OJ No L 327, 22.12.2000, p.1-73 as last amended by Commission [Directive 2014/101/EU](#) (OJ No L 311, 31.10.2014, p.32-35)

10. In regulation 13 (Review of existing disposal licences and existing resolutions of a District Council), for “Council [Directive 80/68/EEC](#)” substitute “the Directive”.

#### **Amendment of the Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010**

11. In the Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010(**99**), in regulation 1(2)(b) (Citation, commencement and interpretation), for the definition of “the Drinking Water Directive” substitute—

““the Drinking Water Directive” means Council [Directive 98/83/EC](#) on the quality of water intended for human consumption as last amended by Commission Directive (EU) 2015/1787(**100**);”.

#### **Amendment of the Chemical Analysis of Water Status (Technical Specifications) Regulations (Northern Ireland) 2011**

12. In the Chemical Analysis of Water Status (Technical Specifications) Regulations (Northern Ireland) 2011(**101**), in regulation 2(1) (Interpretation), for the definition of “the Water Framework Directive” substitute—

““the Water Framework Directive” means Directive 2000/60 EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy as last amended by Commission [Directive 2014/101/EU](#)(**102**).”.

#### **Amendment of the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015**

13. In the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015 (**103**), in regulation 15(2)(b) (Watch List), for “2008 Directive” substitute “the Directive”.

#### **Amendment of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017**

14. In the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017(**104**), for Schedule 3 (EU instruments for the protection of water) substitute—

“SCHEDULE 3

Regulation 20(2)(a)

##### EU INSTRUMENTS FOR THE PROTECTION OF WATER

1. Council [Directive 91/271/EEC](#) concerning urban waste-water treatment as last amended by Council [Directive 2013/64/EU](#)(**105**).
2. Council [Directive 91/676/EEC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources as last amended by Regulation ([EC](#)) No. [1137/2008](#)(**106**).

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(99) S.R. 2010 No. 157

(100) OJ No L 330, 5.12.1998, p.32-54 as last amended by Commission Directive (EU) 2015/1787 (OJ No L 260, 7.10.2015 p.6-17)

(101) S.R. 2011 No. 238 as amended by S.R. 2017 No. 81

(102) OJ No L 327, 22.12.2000, p.1-73 as last amended by Commission [Directive 2014/101/EU](#) (OJ No L 311, 31.10.2014, p.32-35)

(103) S.R. 2015 No. 351 as amended by S.R. 2017 No. 81

(104) S.R. 2017 No. 81

(105) OJ No L 135, 30.5.1991, p.40-52 as last amended by Council [Directive 2013/64/EU](#) (OJ No L 353, 28.12.13, p.8-12)

(106) OJ No L 375, 31.12.1991, p.1-8 as last amended by Regulation ([EC](#)) No. [1137/2008](#) (OJ No L 311, 21.11.08, p.1-54)

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3. Council [Directive 92/43/EEC](#) on the conservation of natural habitats of wild fauna and flora as last amended by Council [Directive 2013/17/EU](#)(**107**).
4. Council [Directive 98/83/EC](#) on the quality of water intended for human consumption as last amended by Council [Directive 2015/1787](#)(**108**).
5. [Directive 2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality as last amended by Council [Directive 2013/64/EU](#)(**109**).
6. [Directive 2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration as last amended by Commission [Directive 2014/80/EU](#)(**110**).
7. [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy as last amended by [Directive 2013/39/EU](#)(**111**).
8. [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds as last amended by Council [Directive 2013/17/EU](#)(**112**).
9. [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)(**113**).
10. [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment as last amended by the [Directive 2014/52/EU](#)(**114**).
11. [Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances(**115**).”.

#### **Amendment of the Private Water Supplies Regulations (Northern Ireland) 2017**

15. In the Private Water Supplies Regulations (Northern Ireland) 2017(**116**) in Schedule 4 (Sampling and Analysis), Part 3, paragraph 7 and Table D, footnote 1 for “laid down in Annex III, Table A of Directive 96/29/Euratom” substitute “referred to as “standard values and relationships” in Article 13, and recommended for the estimation of doses from internal exposure in the definition of “standard values and relationships” in Article 4(96), of the Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation(**117**)”.

#### **Amendment of the Water Supply (Water Quality) Regulations (Northern Ireland) 2017**

16. The Water Supply (Water Quality) Regulations (Northern Ireland) 2017(**118**) are amended as follows.

17. In Schedule 5 (Monitoring for Individual Radionuclides)—

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(**107**) OJ No L 206, 22.7.1992, p.7-50 as last amended by Council [Directive 2013/17/EU](#) (OJ No L 158, 10.6.13, p.193-229)  
 (**108**) OJ No L 330, 5.12.1998, p.32-54 as last amended by Commission [Directive \(EU\) 2015/1787](#) (OJ No L 260, 7.10.2015, p.6-17)  
 (**109**) OJ No L 64, 4.3.2006, p.37-51 as last amended by Council [Directive 2013/64/EU](#) (OJ No L 353, 28.12.2013, p.8-12)  
 (**110**) OJ No L 372, 27.12.2006, p.19-31 as last amended by Commission [Directive 2014/80/EU](#) (OJ No L 182, 21.6.14, p.52-55)  
 (**111**) OJ No L 348, 24.12.2008, p.84-97 as last amended by [Directive 2013/39/EU](#) (OJ No L 226, 24.8.13, p.1-17)  
 (**112**) OJ No L 20, 26.1.2010, p.7-25 as last amended by Council [Directive 2013/17/EU](#) (OJ No L 158, 10.6.13, p.193-229)  
 (**113**) OJ No L 334, 17.12.2010, p.17-119  
 (**114**) OJ No L 26, 28.1.2012, p.1-21 as last amended by Council [Directive 2014/52/EU](#) (OJ No L 124, 25.4.14, p.1-18)  
 (**115**) OJ No L 197, 24.7.2012, p.1-37  
 (**116**) [S.R. 2017 No. 211](#)  
 (**117**) OJ No L 13, 17.1.2014, p.1-73 For the estimation of doses from external exposure, Article 4(96) refers to chapter 1 of ICRP (International Commission on Radiological Protection) Publication 119. See Table F.1 in Annex F  
 (**118**) [S.R. 2017 No. 212](#)

- (a) In paragraph 2, for “laid down in Annex III, Table A of Directive 96/29/Euratom” substitute “referred to as “standard values and relationships” in Article 13, and recommended for the estimation of doses from internal exposure in the definition of “standard values and relationships” in Article 4(96), of the Council Directive 2013/59/Euratom laying down basic safety standards for the protection against the dangers arising from exposure to ionising radiation **(119)**”;
- (b) In footnote 1, to Table 1, for “laid down in Annex III of Directive 96/29/Euratom” substitute “referred to as “standard values and relationships” in Article 13, and recommended for the estimation of doses from internal exposure in the definition of “standard values and relationships” in Article 4(96), of the Council Directive 2013/59/Euratom laying down basic safety standards for the protection against the dangers arising from exposure to ionising radiation”.

### SCHEDULE 3

Regulation 4

#### AMENDMENT OF AIR AND ENVIRONMENTAL QUALITY PROVISIONS

##### **Amendment to the Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007**

1. The Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007(**120**) are amended as follows.

2. In regulation 2(1) (Interpretation) for the definition “Council [Directive 1999/32/EC](#)(**121**)” substitute—

““Directive (EU) 2016/802” means Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels(**122**);”.

3. For regulation 2(3) (Interpretation), substitute “Expressions used in these Regulations that also appear in Directive (EU) 2016/802 have the same meaning as they do in that Directive.”.

4. In regulation 4(2) (Maximum sulphur content of heavy fuel oil), in paragraphs (a)(i) and (ii) and (b), for “[Directive 2001/80/EC](#)” substitute “[Directive 2010/75/EU](#)(**123**)”.

##### **Amendment of the Air Quality Standards Regulations (Northern Ireland) 2010**

5. The Air Quality Standards Regulations (Northern Ireland) 2010(**124**) are amended as follows.

6. In regulation 19(4) (Duty in relation to target values), for “[Directive 2008/1/EC](#) of the European Parliament and of the Council concerning integrated pollution, prevention and control”, substitute “[Directive 2010/75/EU](#) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)”.

7. In regulation 25(5) (Air quality plans) after “atmospheric pollutants” insert “as last amended by Directive (EU) 2016/2284(**125**)” and after “noise” insert “as last amended by Commission Directive (EU) 2015/996(**126**)”.

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(119) OJ No L 13, 17.1.2014, p.1-73 For the estimation of doses from internal exposure Article 4 (96) refers to chapter 1 of ICRP (International Commission on Radiological Protection) Publication 119. See Table F.1 in Annex F

(120) S.R. 2007 No. 272

(121) OJ No L 121, 11.5.1999, p.13

(122) OJ No L 132, 21.5.2016, p.58-78

(123) OJ No L 334 17.12.2010 p.17

(124) S.R. 2010 No. 188 as amended by S.R. 2017 No. 2

(125) OJ No L 344, 17.12.10 p.1-31

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## **Amendment of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013**

8. The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(127) are amended as follows.

9. In regulation 2(1) (Interpretation: general)—

- (a) in the definition of “poultry”, for “Council Directive 90/539/EEC” to the end, substitute “Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs as last amended by Commission Implementing Decision 2011/879/EU(128);”;
- (b) in the definition of “recovery” for “the Directive”, substitute “Directive 2008/98/EC(129)”.

10. In regulation 12(7) (Conditions of permits: specific conditions for all installations and mobile plant) after “2003/87/EC” insert “as last amended by Directive (EU) 2018/410 of the European Parliament and of the Council(130)”.

11. In regulation 26(6) (Duty of the enforcing authority to undertake inspections and to ensure compliance with conditions) after “25 November 2009” insert “as last amended by Commission Regulation (EU) 2017/1505(131)”.

12. In Schedule 1, Part 1 (Activities, Installations and Mobile Plants)—

- (a) in Section 1.2, Interpretation of Part C, paragraph 2, after “stations” insert “as last amended by Council Regulation (EC) No.1137/2008(132);”;
- (b) in Section 5.1, Part C, in paragraph (vii) in the definition of “excluded plant” after “consumption” insert “as last amended by Council Regulation (EC) No. 1385/2013(133);”;
- (c) in Section 5.4, Part A, in paragraph (a) after “treatment” insert “as last amended by Council Directive 2013/64/EU(134);”;
- (d) in Section 5.4, Part A, in paragraph (b) after “91/271/EEC”, insert “as last amended by Council Directive 2013/64/EU”;
- (e) in Section 6.10, Part A, in paragraph (a) after “dioxide” insert “as last amended by Directive 2011/92/EU(135);”;
- (f) in Section 6.11, Part A, in paragraph (a) after “Directive 91/271/EEC” insert “as last amended by Directive 2013/64/EU”;
- (g) in Section 7, Interpretation of Part C, in paragraph 2, in the definition of “other coating activities” for “Directive” to the end, substitute “Directive 2007/46/EC as last amended by Commission Regulation 2017/2400/EU(136);”;

(126) OJ No L 168, 1.7.15 p.1-823

(127) S.R. 2013 No. 160

(128) OJ No L 343, 22.12.2009 p.74 as last amended by Commission Implementing Decision 2011/879/EU (OJ No L 343, 23.12.2011, p.105)

(129) OJ No L 312, 19.11.2008 p.3

(130) OJ No L 275, 25.10.2003 p.32 as last amended by Directive (EU) 2018/410 (OJ No L 76, 19.3.2018, p.3)

(131) OJ No L 342, 22.12.2009 p.1 as last amended by Commission Regulation (EU) 2017/1505 (OJ No L 222, 29.8.2017, p.1)

(132) OJ No L 365, 31.12.1994 p.24 as last amended by Council Regulation (EC) No. 1137/2008 (OJ No L 311, 21.12.2008, p.1)

(133) OJ No L 300, 14.11.2009 p.1 as last amended by Council Regulation (EC) No. 1385/2013 (OJ No L 354 17.12.2013, p.86)

(134) OJ No L 135, 30.5.1991 p.40 as last amended by Council Directive (EU) No.64/2013 (OJ No L 353, 28.12.2013, p.8)

(135) OJ No L 140, 5.6.2009, p.141 as last amended by Directive (EU) No.2011/92 (OJ No L 26, 28.1.2012, p.1)

(136) OJ No L 263, 9.10.2007, p.1-160 as last amended by Commission Regulation (EU) No.2017/2400 (OJ No L 349, 29.12.2017, p.1)

- (h) in Section 7, Interpretation Part C, in paragraph 2, in the definition of “specified substances or mixtures” after “Regulation No. 1272/2008”, in both places it occurs, insert “as last amended by Commission Regulation 2017/776/EU(137)”; and,
  - (i) in Section 7, Interpretation of Part C, in paragraph 2 in the definitions “vehicle coating” and “vehicle refinishing”, for “Directive 70/156/EEC” in all places it occurs, substitute “Directive 2007/46/EC as last amended by Commission Regulation 2017/2400/EU”.
13. In Schedule 4 (Grant of Permits)—
- (a) in Part 1, paragraph 4(2)(b), after “mixtures” the second time it occurs, insert “as last amended by Commission Regulation 2017/776/EU”; and,
  - (b) in Part 2, paragraph 16, after “environment” insert “as last amended by Directive 2014/52/EU(138)”.
14. In Schedule 13A (Energy Efficiency Directive), paragraph 12(2), after “2009/31/EC” insert “as last amended by Directive 2011/92/EU(139)”.

### **Amendment of the Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016**

15. In the Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016(140) in regulation 2(2) (Interpretation) for the definition of “the Monitoring and Reporting Regulation” substitute—

““the Monitoring and Reporting Regulation” means Commission Regulation (EU) No. 601/2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council as last amended by Commission Regulation (EU) 743/2014(141);”.

## SCHEDULE 4

Regulation 5

### AMENDMENT OF AQUATIC ANIMAL HEALTH, FISHERIES, MARINE AND SEA FISHERIES PROVISIONS

#### **Amendment of the Sea Fish Licensing Order 1992**

1. In the Sea Fish Licensing Order 1992 (142) in Article 2 (Interpretation), in so far as it applies to Northern Ireland fishing boats, in the definition of “length” for the words from “Council Regulation,” to the end substitute “Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels(143);”.

#### **Amendment of the Prohibition of Fishing with Multiple Trawls Order 2001**

2. In the Prohibition of Fishing with Multiple Trawls Order 2001(144), in Article 2(1) (Interpretation), in the definition of “the Council Regulation” for “as corrected by” to the end substitute “as last amended by Regulation (EU) 2015/812 (145)”.

(137) OJ No L 116, 5.5.2017, p.1

(138) OJ No L 26, 28.1.2012, p.1 as last amended by Directive 2014/52/EU (OJ No L 124, 25.4.14, p.1)

(139) OJ No L 140, 5.6.2009, p.144 as last amended by Directive 2011/92/EU (OJ No L 26, 28.1.12, p.1)

(140) S.R. 2016 No. 28

(141) OJ No L 181, 12.7.2012, p.30 as last amended by Commission Regulation (EU) 743/2014 (OJ No L 201, 10.7.2014, p.1)

(142) S.I. 1992 No. 2633

(143) OJ No L 169 30.6.2017, p.1-7

(144) S.I. 2001 No. 650

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### **Amendment of Shrimp Fishing Nets Order (Northern Ireland) 2005**

3. In the Shrimp Fishing Nets Order (Northern Ireland) 2005(**146**), in Article 2(2) (Interpretation) for “Commission Regulation (EEC) No. 2108/1984” to the end substitute—

“Commission Regulation (EC) No. 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets(**147**);”.

### **Amendment of the Aquatic Animal Health Regulations (Northern Ireland) 2009**

4. The Aquatic Animal Health Regulations (Northern Ireland) 2009(**148**) are amended as follows.

5.—(1) In regulation 2 (Interpretation)—

(a) in paragraph (2)—

(i) for the definition of “Decision 2004/453” substitute—

““Commission Decision 2010/221” means Commission Decision of 15 April 2010 approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC as last amended by Commission Implementing Decision (EU) 2018/998(**149**);”;

(ii) in the definition of “Directive 2006/88” at the end, insert “as last amended by Commission Implementing Directive 2014/22/EU(**150**);”;

(b) omit paragraphs (4) and (5).

(2) In regulation 20 (Health Certification Requirements)—

(a) in paragraph (1), delete “Article 5 Decision 2004/453 or” and “Article or”; and,

(b) in paragraph (3), delete “Article 5 of Decision 2004/453 or”.

### **Amendment of the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011**

6. In the Marine Licensing (Exempted Activities) Order (Northern Ireland) 2011(**151**) in Article 3(1) for the definition of “the Waste Framework Directive” substitute—

““the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and Council on waste as last amended by Directive (EU) 2018/851 of the European Parliament and of the Council amending Directive 2008/98/EC on waste(**152**)

### **Amendment of the Mussels (Prohibition of Fishing) Regulations (Northern Ireland) 2013**

7. In the Mussels (Prohibition of Fishing) Regulations (Northern Ireland) Regulations 2013(**153**) in regulation 2(2) (Application), for “Article 3(c) of Council Regulation (EC) No. 2371/2002” to the end substitute—

(145) OJ No L 125, 27.4.1998, p.1 as last amended by Regulation (EU) 2015/812 (OJ No L 133, 29.5.2015, p.1-20)

(146) S.R. 2005 No. 349 as amended by S.R. 2007 No. 499

(147) OJ No L 151, 11.6.2008, p.5-25

(148) S.R. 2009 No. 129 as amended by S.R. 2011 No. 118

(149) OJ No L 98, 20.4.2010, p.7-11 as last amended by Commission Implementing Decision (EU) 2018/998 (OJ No L 178, 16.7.2018, p.9-11)

(150) OJ No L 328, 24.11.2006, p.14 as last amended by Commission Implementing Directive (EU) 2014/22/EU (OJ No L 44, 14.2.2014, p.45)

(151) S.R. 2011 No. 78

(152) OJ No L 312, 22.11.2008, p.3-30 as last amended by Directive (EU) 2018/851 (OJ No L 150, 14.6.2018, p.109-140)

(153) S.R. 2013 No. 1

“Article 4(1)(4) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, as last amended by Regulation (EU) 2017/2092(154).”.

## SCHEDULE 5

Regulation 6

### Amendment of the Conservation and Environmental Impact Assessment Provisions

#### **The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995**

1. The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995(155) are amended as follows.

(1) In regulation 2(2A)(a), for heads (i) and (ii) substitute—

“(i) “the Habitats Directive” means Council [Directive 92/43/EEC\(156\)](#) on the conservation of natural habitats and of wild fauna and flora, as last amended by Council [Directive 2013/17/EU\(157\)](#);

(ii) “the Wild Birds Directive” means [Directive 2009/147/EC\(158\)](#) of the European Parliament and of the Council on the conservation of wild birds, as last amended by Council [Directive 2013/17/EU](#); and,”.

#### **The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004**

2. The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004(159) are amended as follows.

3. In regulation 2(1) (Interpretation), in the definition of “the Habitats Directive”, for “[97/62/EC](#)” substitute “[2013/17/EU\(160\)](#)”;

4. In regulation 5(2) (Environmental assessment for plans and programmes: first formal preparatory act on or after 21 July 2004), for sub-paragraph (b) substitute—

“(b) sets the framework for future development consent of projects listed in Annex I or II to [Directive 2011/92/EU](#) on the assessment of the effects of certain public and private projects on the environment as last amended by [Directive 2014/52/EU](#) of the European Parliament and of the Council of 16 April 2014 (161)

5. In Schedule 2 (information on environmental reports), in paragraph 4, for “Council [Directive 79/409/EEC](#) on the conservation of wild birds” substitute “Council [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds as last amended by Council [Directive 2013/17/EU](#)”.

(154) OJ No L 354, 28.12.2013, p.22-61 as last amended by Regulation EU 2017/2092 (OJ No L 302, 17.11.2017, p.1-2)

(155) S.R.1995 No. 380 as amended by S.R.2004 No. 435, S.R. 2007 No. 345, S.R. 2009 No. 8, S.R. 2011 No. 216, S.R. 2012 No. 368, 2013 c.10 (N.I.) and S.R. 2015 No. 182

(156) OJ No L 206, 22.7.1992, p.7, as amended by Council [Directive 97/62/EC](#) of 27 October 1997 OJ No L 305 p. 42, 8.11.1997; Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 OJ No L 284 p.1, 31.10.2003; Council [Directive 2006/105/EC](#) of 20 November 2006 OJ No L 363 p.368, 20.12.2006; and, last amended by Council [Directive 2013/17/EU](#) of 13 May 2013 OJ No L 158, p.193, 10.6.2013. Further amendments were made by Treaties of Accession in 2003 and 2007 and for corrections see OJ No L 176, 20.7.1993, p. 29 (1992/43) and OJ No L 80, 21.3.2007, p.15

(157) OJ No L 158, 10.6.2013, p.193

(158) OJ No L 20, 26.1.2010, p.7, as last amended by Council [Directive 2013/17/EU](#) (OJ No L 158, 10.6.2013, p.193). This instrument codifies, with minor amendments, Council [Directive 1979/409/EEC](#) as amended.

(159) S.R. 2004 No. 280

(160) OJ No L 20, 26.1.2010, p.7, as amended by OJ No L 158, 10.6.2013 p.193

(161) OJ No L 26, 28.1.2012 as amended by OJ No L 124, 25.4.2014, p.1-18

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

### **The Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006**

6. The Environmental Assessment (Forestry) Regulations (Northern Ireland) 2006(**162**) are amended as follows.

7. In Schedule 1 (Information for inclusion in Environmental Statements), in paragraph 9 after “nuclear installations” insert “as last amended by Council Directive 2014/87/Euratom (**163**)”;

8. In Schedule 3 (Projects having significant effects on the environment: selection criteria), in paragraph 2(c)(v) at the end add “as each last amended by Council Directive 2013/17/EU(**164**)”;

9. In Schedule 4 (Environmental factors), in paragraph (b) at the end add “as last amended by Council Directive 2013/17/EU”.

### **The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007**

10. The Environmental Impact Assessment (Agriculture) Regulations (Northern Ireland) 2007(**165**) are amended as follows.

11. In Schedule 2 paragraph 2(c)(v) for “Directive 92/43/EEC and Directive 2009/147/EEC” substitute “the Habitats Directive or the Birds Directive”;

12. In Schedule 3 (Information for inclusion in the environmental statements) in Part 2, paragraph 8 after “Council Directive 2009/71/Euratom” insert “(as amended by Council Directive 2014/87/Euratom(**166**))”.

### **The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017**

13. The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017(**167**) are amended as follows.

14. In regulation 4(b) at the end add “as each last amended by Council Directive 2013/17/EU(**168**)”.

15. In Schedule 3 (Information about Proposed Project), in paragraph 8 after “Council Directive 2009/71/Euratom” insert “(as amended by Council Directive 2014/87/Euratom)(**169**)”.

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(162) S.R. 2006 No. 518 as amended by S.R. 2007 No. 355 and S.R. 2017 No. 86

(163) OJ No L 219, 25.7.2014, p.42-52

(164) OJ No L 158, 10.6.2013, p.193

(165) S.R. 2007 No. 421 as amended by S.R. 2008 No. 278 and S.R. 2017 No. 198

(166) OJ No L 219, 25.7.2014, p.42-52

(167) S.R. 2017 No. 85

(168) OJ No L 158, 10.6.2013, p.193

(169) OJ No L 219, 25.7.2014, p.42-52

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations are made in exercise of the powers in section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**170**), in order to make minor miscellaneous technical amendments to update outdated references in existing legislation that transposes current EU environmental requirements.

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**(170)** 1972 c.68 section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (2006 c.51) (the 2006 Act), section 27(1)(a) and the European Union (Amendment) Act 2008 (2008 c.7) (the 2008 Act), the Schedule Part 1. Paragraph 1A of Schedule 2 was inserted by the 2006 Act, section 28, and was amended by the 2008 Act, the Schedule Part 1. Section 2(2) and paragraph 1A of Schedule 2 are prospectively repealed by the European Union (Withdrawal) Act 2018 (2018 c.16), section 1 from exit day (see section 20 of that Act).