



STATUTORY INSTRUMENTS.

S.I. No. 321 of 2020

EUROPEAN UNION (LANDFILL) REGULATIONS 2020

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EUROPEAN UNION (LANDFILL) REGULATIONS 2020

I, EAMON RYAN, Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive (EU) 2018/850¹ of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC² on the landfill of waste, hereby make the following regulations:

PART 1
PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Union (Landfill) Regulations 2020.

Purpose of Regulations

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of European Parliament and Council Directive (EU) 2018/850 of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste with a view to supporting the Union's transition to a circular economy and meeting the requirements of Directive 2008/98/EC³ of the European Parliament and of the Council, and in particular Articles 4 and 12 thereof.

3. The aim of these Regulations is to ensure a progressive reduction of landfilling of waste, in particular of waste that is suitable for recycling or other recovery, and, by way of stringent operational and technical requirements on the waste and landfills, to provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill.

¹ OJ L 150, 14.6.2018, p. 100

² OJ L 182, 16.7.1999, p. 1

³ OJ L 312, 22.11.2008, p. 3

Commencement

4. These Regulations shall come into operation on the date of signature.

Interpretation

5. In these Regulations, “Regulations of 2004” refers to the Waste Management (Licensing) Regulations 2004 (S.I. No. 395/2004).

“The Act of 1996” means the Waste Management Act 1996 (No. 10 of 1996).

PART 2

AMENDMENTS TO REGULATIONS OF 2004

Amendment to regulation 4 in the regulations of 2004 (Definitions)

6. Regulation 4(3) of the Regulations of 2004 is amended by:

(i) the insertion of the following:

“The definitions of “waste”, “hazardous waste”, “non-hazardous waste”, “municipal waste”, “waste producer”, “waste holder”, “waste management”, “separate collection”, “recovery”, “preparing for re-use”, “recycling” and “disposal” laid down in section 5 of the Act of 1996 shall apply for the purposes of these regulations;

“Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste as amended.”

(ii) The definition of “Landfill Directive” is replaced as follows:

“Landfill Directive” means Council Directive (EU) 2018/850 of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste.”

Amendment to regulation 49 in the regulations of 2004 (Wastes prohibited from landfill)

7. The following text is inserted after sub regulations 49 (5) (b)

“(c) measures taken in accordance with regulation 49 (5) (a) should not compromise the achievement of the objectives of Directive 2008/98/EC, notably on the waste hierarchy and on the increase of preparing for re-use and recycling as set out in Article 11 of that Directive;

- (6) waste that has been separately collected for preparing for re-use and recycling pursuant to Article 11(1) of Directive 2008/98/EC and Article 22 of that Directive, shall not be accepted at landfill, with the exception of waste resulting from subsequent treatment operations of the separately collected waste for which landfilling delivers the best environmental outcome in accordance with Article 4 of that Directive.
- (7) As of 2030, all waste suitable for recycling or other recovery, in particular in municipal waste, shall not be accepted in a landfill with the exception of waste for which landfilling delivers the best environmental outcome in accordance with Article 4 of Directive 2008/98/EC.

Local Authorities shall include information on the measures taken pursuant to this paragraph in the waste management plans referred to in Article 28 of Directive 2008/98/EC, or in other strategic documents covering the entire territory of the State.”

Insertion of regulation 49a into the regulations of 2004 (Landfill reduction target and Rules on the calculation of the attainment of the targets)

8. The following regulation is inserted after regulation 49

“Landfill reduction target and Rules on the calculation of the attainment of the targets. 49a

1. The Agency and the local authorities, in carrying out their respective functions under the Act of 1996 and related waste management legislation and policy, shall take the necessary measures to ensure that:

- (i) from 2020 the biodegradable municipal waste going to landfills is reduced to below 35 % of the total amount (by weight) of biodegradable municipal waste produced in 1995.
and
- (ii) by 2035 the amount of municipal waste landfilled is reduced to 10 % or less of the total amount of municipal waste generated (by weight).

2. For the purpose of calculating whether the targets laid down in para (1) have been attained:

- (a) the weight of the municipal waste generated and directed to landfilling shall be calculated in a given calendar year;
- (b) the weight of waste resulting from treatment operations prior to recycling or other recovery of municipal waste, such as sorting or mechanical biological treatment, which is subsequently landfilled shall be included in the weight of municipal waste reported as landfilled;
- (c) the weight of municipal waste that enters incineration disposal operations and the weight of waste produced in the stabilisation operations of the biodegradable fraction of municipal waste in order to be subsequently landfilled shall be reported as landfilled;
- (d) the weight of waste produced during recycling or other recovery operations of municipal waste which is subsequently landfilled shall not be included in the weight of municipal waste reported as landfilled.

3. Relevant bodies, including operators, waste producers, extended producer responsibility schemes, and brokers shall provide the Agency with information required under para 2, in a format to be prescribed by the Agency, taking into consideration the reporting requirements set out under regulation 54.

4. The Agency and the local authorities in carrying out their functions under the Act and related waste management legislation and policy shall establish an effective system of quality control and traceability of the municipal waste landfilled to ensure that the conditions laid down in paragraph 2 of this regulation are met.

5. Where municipal waste is shipped to another Member State or exported from the Union for the purposes of landfilling, in accordance with Regulation (EC) No 1013/2006⁴ of the European Parliament and of the Council (1), the volume of waste reported and validated in accordance with Article 51 of Regulation (EC) No 1013/2006 shall be counted towards the amount of waste land-filled, in accordance with paragraph 2.”

Amendment to regulation 53 of the regulations of 2004 (Exemptions from the Landfill Directive and these Regulations.)

9. Regulation 53.1.d is amended by the deletion of the following sub-regulation text:

“(iii) unpolluted soil or non-hazardous inert waste resulting from prospecting for, and the extraction, treatment and storage of, mineral resources and the operation of quarries.”

Insertion of regulation 54 (Reporting)

10. The following regulation is inserted after regulation 53

“Reporting. 54

1. The Agency shall report the data concerning the implementation of regulation 49a(1) for each calendar year to the Commission.

2. They shall report the data electronically within 18 months of the end of the reporting year for which the data are collected. The data shall be reported in the formats established by the Commission-in accordance with paragraph 5 of Article 15 of the Directive.

3. The first reporting period on the implementation of regulation 49a (1)(ii) shall start in the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with paragraph 5 of Article 15 of the Directive, and shall cover the data for that reporting period.

4. The Agency shall report the data concerning the implementation of regulation 49a (1)(i) until 1 January 2025.

5. The data reported in accordance with this regulation shall be accompanied by a quality check report.”

⁴ OJ L 190, 12.7.2006, p. 1

Insertion of regulation 55 (Instruments to promote a shift to a more circular economy

11. The following regulation is inserted after regulation 54

“Instruments to promote a shift to a more circular economy. 55

In order to contribute to the objectives laid down in this Regulation and by the Landfill Directive, the Minister, in consultation with other Ministers concerned, shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy. Such instruments and measures may include those indicated in Annex IVa to Directive 2008/98/EC or other appropriate instruments and measures.”



GIVEN under my Official Seal,

27 August 2020.

EAMON RYAN

Minister for Communications, Climate Action
and Environment.

EXPLANATORY NOTE

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

The aim of these Regulations is to ensure a progressive reduction of landfilling of waste, in particular of waste that is suitable for recycling or other recovery, and, by way of stringent operational and technical requirements on the waste and landfills, to provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill.

The purposes for which these Regulations are made include the purpose of giving effect to provisions of European Parliament and Council Directive (EU) 2018/850 of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste, referred to in these Regulations as the Landfill Directive. The Regulations also contribute toward the transition to a circular economy and meeting the requirements of Directive 2008/98/EC of the European Parliament and of the Council (*1), and in particular Articles 4 and 12 thereof.

Earlier iterations of the Landfill Directive have been primarily transposed by the Waste Management Act 1996 and by the Waste Management (Licensing) Regulations 2004. Therefore, these Regulations primarily consist of amendments to these two pieces of legislation.

The following table indicates how the Landfill Directive is transposed-and notes where aspects which are the responsibility of the Commission are not transposed.

Article of Directive 1999/31/EC as amended by Directive 2018/850	Transposed by Regulation
Article 1 - Overall Objectives	Regulations 3 and 4 - Purpose of Regulations
Article 2 - Definitions	Regulation 6 – Amending Regulation 4 in the regulations of 2004 (Definitions)
Article 3 – Scope	Regulation 9 - Amendment to regulation 53 of the regulations of 2004 (Exemptions from the Landfill Directive and these Regulations
Article 5 -Waste and treatment not	Regulation 7 and 8 - Amendment to

acceptable in landfills	regulation 49 in the regulations of 2004 (Wastes prohibited from landfill) and insertion of regulation 49a (Landfill reduction target and Rules on the calculation of the attainment of the targets)
Article 5a- Rules on the calculation of the attainment of the targets	Regulation 8 – Insertion of regulation 49a into the regulations of 2004 (Landfill reduction target and Rules on the calculation of the attainment of the targets)
Article 5b - Early warning report	Not transposed – Commission competency
Article 5c - Exchange of information and best practices	Not transposed – Commission competency
Article 6 - Waste to be accepted in the different classes of landfill	Regulation 7 – amendment to regulation 49 in the regulations of 2004
Article 11 - Waste acceptance procedures	Transposition not required – no exempted landfills.
Article 15 - Reporting	Regulation 10 – Insertion of regulation 54 (Reporting) into the Regulations of 2004
Article 15b - Determination of the permeability coefficient for landfills	Not transposed – Commission competency
Article 15c -Union standard for sampling of waste	Not transposed – Commission competency
Article 16 - Review of the Annexes	Not transposed – Commission competency
Article 17 - Committee procedure	Not transposed – Commission competency
Annex I	No transposition required
Annex II	No transposition required
Annex III	No transposition required
ANNEX IV -IMPLEMENTATION PLAN TO BE SUBMITTED PURSUANT TO ARTICLE 5(6)	Not transposed -Derogation in question will not apply

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2,
D02 DR67.

Tel: 076 110 6834
r-post: publications@opw.ie

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