



STATUTORY INSTRUMENTS.

S.I. No. 72 of 2013



EUROPEAN COMMUNITIES (METALLIC MERCURY WASTE)
REGULATIONS 2013

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government, 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 Council Directive 2011/97/EU of 5 December 2011¹, hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the European Communities (Metallic Mercury Waste) Regulations 2013.

Amendment of the Waste Management Act 1996

2. The Waste Management Act 1996 (No. 10 of 1996) is amended—

(a) in the Table to section 2, by inserting—

“Council Directive 1999/31/EC of 26 April 1999² on the landfill of waste and Council Directive 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste”

after the reference to “Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances.”

(b) in section 40(4), by inserting after paragraph (bb) the following paragraph:

“(bbb) if the activity concerned involves the storage of metallic mercury considered as waste, the storage shall be—

(i) carried on in accordance with such conditions as may be attached to the licence, and

(ii) comply with Council Directive 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste.”.

¹OJ No L328, 10.12.2011, p. 49.

²OJ No L182, 16.07.1999, p. 0001.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th March, 2013.*

Amendment of Waste Management Licensing Regulations 2004

3. The Third Schedule to the Waste Management (Licensing) Regulations 2004 (S.I. No 395 of 2004) is amended by inserting before the reference to “Articles 4, 6, 7, 10, 11 and 12” the following row:

“Article 1	Council Directive 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste.”.
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GIVEN under my Official Seal,
21 February 2013.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

These Regulations fulfill the requirements on Ireland to bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of COUNCIL DIRECTIVE 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC (commonly known as the landfill directive) as regards specific criteria for the storage of metallic mercury considered as waste. The directive is being transposed in Ireland ahead of the required transposition date which is 15 March 2013.

The storage of metallic mercury that is considered as waste for up to 1 year is subject to the permit requirements according to Article 23 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste (commonly known as the Waste Framework Directive) and which is transposed in Ireland by the European Communities (Waste Directive) Regulations 2011 (S.I. No. 126 of 2011-see in particular Regulation 21 of these Regulations). In addition, such facilities are subject to the general provisions on record keeping as laid down in the Waste Framework Directive-see also Regulations 6 and 35 of the European Communities (Waste Directive) Regulations 2011 (S.I. No. 126 of 2011). The correlation table for each article of the directive reads as follows:

Article of COUNCIL DIRECTIVE 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste	Transposed by Regulation
1	2 and 3. Annexes I, II and III of the Landfill Directive are already transposed by Section 40(4) (bb) of the Waste Management Act 1996 (No 10 of 1996) and Article 35 of the Waste Management (Licensing) Regulations 2004 (S.I. No 395 of 2004). There are additionally EPA guidance documents on landfill investigation, landfill design, landfill monitoring, landfill operational planning, and landfill closure & restoration.
2	Does not need transposition
3	Does not need transposition
4	Does not need transposition
Annex	2 and 3

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