



STATUTORY INSTRUMENTS.

S.I. No. 372 of 2016



EUROPEAN UNION (WASTE DIRECTIVE) (RECOVERY
OPERATIONS) REGULATIONS 2016

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I, SIMON COVENEY, 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 Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, hereby make the following regulations:

PART I

PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Union (Waste Directive) (Recovery Operations) Regulations 2016.

Interpretation

2. (1) In these Regulations—

“Act of 1996” means the Waste Management Act 1996

Entry into Force

3. These Regulations shall come into operation on 31st July 2016

PART II

AMENDMENT OF THE ACT OF 1996

Substitution of the Fourth Schedule of the Act of 1996

4. The Act of 1996 is amended by substituting the following Schedule for the Fourth Schedule:

“FOURTH SCHEDULE

RECOVERY OPERATIONS

Section 4(1)

R 1 Use principally as a fuel or other means to generate energy: This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

— 0.60 for installations in operation and permitted in accordance with applicable Community acts before 1 January 2009,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th July, 2016.*

— 0.65 for installations permitted after 31 December 2008,

using the following formula, applied in accordance with the reference document on Best Available Techniques for Waste Incineration:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$$

where—

‘ E_p ’ means annual energy produced as heat or electricity and is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year),

‘ E_f ’ means annual energy input to the system from fuels contributing to the production of steam (GJ/year),

‘ E_w ’ means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year),

‘ E_i ’ means annual energy imported excluding E_w and E_f (GJ/year), ‘0.97’ is a factor accounting for energy losses due to bottom ash and radiation.

The energy efficiency formula value will be multiplied by a climate correction factor (CCF) shown below:

1. CCF for installations in operation and permitted in accordance with applicable Union legislation before 1 September 2015.

$$\text{CCF} = 1 \text{ if HDD greater than or equal to } 3350$$

$$\text{CCF} = 1.25 \text{ if HDD less than or equal to } 2150$$

$$\text{CCF} = - (0.25/1200) \times \text{HDD} + 1.698 \text{ when greater than } 2150 \text{ and less than } 3350$$

2. CCF for installations permitted after 31 August 2015 and for installations under paragraph 1 above after 31 December 2029:

$$\text{CCF} = 1 \text{ if HDD greater than or equal to } 3350$$

$$\text{CCF} = 1.12 \text{ if HDD less than or equal to } 2150$$

$$\text{CCF} = - (0.12/1200) \times \text{HDD} + 1.335 \text{ when greater than } 2150 \text{ and less than } 3350$$

(The resulting value of CCF will be rounded at three decimal places).

The value of HDD (Heating Degree Days) should be taken as the average of annual HDD values for the incineration facility location, calculated for a period of 20 consecutive years before the year for which CCF is calculated. For the calculation of the value of HDD the following method established by Eurostat should be applied: HDD is equal to $(18^\circ\text{C} - T_m) \times d$ if T_m is lower than or

equal to 15°C (heating threshold) and is nil if T_m is greater than 15°C; where T_m is the mean $(T_{min}+T_{max}/2)$ outdoor temperature over a period of d days.

Calculations are to be executed on a daily basis ($d= 1$), added up to a year.

R 2 Solvent reclamation/regeneration

R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes), which includes gasification and pyrolysis using the components as chemicals

R 4 Recycling/reclamation of metals and metal compounds

R 5 Recycling/reclamation of other inorganic materials, which includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials

R 6 Regeneration of acids or bases

R 7 Recovery of components used for pollution abatement

R 8 Recovery of components from catalysts

R 9 Oil re-refining or other reuses of oil

R 10 Land treatment resulting in benefit to agriculture or ecological improvement

R 11 Use of waste obtained from any of the operations numbered R 1 to R 10

R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11 (if there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, amongst others, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11)

R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage (being preliminary storage according to the definition of 'collection' in section 5(1)), pending collection, on the site where the waste is produced)."



GIVEN under my Official Seal,
14 July 2016.

SIMON COVENEY,
Minister for the Environment, Community and
Local Government.

EXPLANATORY NOTE

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

These Regulations provide for measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use and transpose Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives.

In particular, these Regulations provide for the transposition of Commission Directive (EU) No. 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain directives.

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