



STATUTORY INSTRUMENTS.

**S.I. No. 383 of 2018**



EUROPEAN UNION (PROPERTIES OF WASTE WHICH RENDER IT  
HAZARDOUS) REGULATIONS 2018

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I, DENIS NAUGHTEN, 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 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 (Properties of Waste which Render it Hazardous) Regulations 2018.

*Interpretation*

2. (1) In these Regulations-

"Act of 1996" means the Waste Management Act 1996

*PART II*

Amendment of the Act of 1996

*Amendment of the Second Schedule of the Act of 1996*

3. The Act of 1996 is amended

(a) by substituting the following entry for HP 14 'Ecotoxic' in the Second Schedule:

“HP 14 'Ecotoxic': waste which presents or may present immediate or delayed risks for one or more sectors of the environment.

Waste which fulfils any of the following conditions shall be classified as hazardous by HP 14:

Waste which contains a substance classified as ozone depleting assigned the hazard statement code H420 in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council (\*1) and the concentration of such a substance equals or exceeds the concentration limit of 0,1 %.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 2nd October, 2018.*

$$[c(\text{H420}) \geq 0,1 \text{ \%}]$$

Waste which contains one or more substances classified as aquatic acute assigned the hazard statement code H400 in accordance with Regulation (EC) No 1272/2008 and the sum of the concentrations of those substances equals or exceeds the concentration limit of 25 %. A cut-off value of 0,1 % shall apply to such substances.

$$[\Sigma c (\text{H400}) \geq 25 \text{ \%}]$$

Waste which contains one or more substances classified as aquatic chronic 1, 2 or 3 assigned to the hazard statement code(s) H410, H411 or H412 in accordance with Regulation (EC) No 1272/2008, and the sum of the concentrations of all substances classified as aquatic chronic 1 (H410) multiplied by 100 added to the sum of the concentrations of all substances classified as aquatic chronic 2 (H411) multiplied by 10 added to the sum of the concentrations of all substances classified as aquatic chronic 3 (H412) equals or exceeds the concentration limit of 25 %. A cut-off value of 0,1 % applies to substances classified as H410 and a cut-off value of 1 % applies to substances classified as H411 or H412.

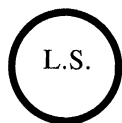
$$[100 \times \Sigma c (\text{H410}) + 10 \times \Sigma c (\text{H411}) + \Sigma c (\text{H412}) \geq 25 \text{ \%}]$$

Waste which contains one or more substances classified as aquatic chronic 1, 2, 3 or 4 assigned the hazard statement code(s) H410, H411, H412 or H413 in accordance with Regulation (EC) No 1272/2008, and the sum of the concentrations of all substances classified as aquatic chronic equals or exceeds the concentration limit of 25 %. A cut-off value of 0,1 % applies to substances classified as H410 and a cut-off value of 1 % applies to substances classified as H411, H412 or H413.

$$[\Sigma c \text{ H410} + \Sigma c \text{ H411} + \Sigma c \text{ H412} + \Sigma c \text{ H413} \geq 25 \text{ \%}]$$

Where:  $\Sigma$  = sum and c = concentrations of the substances.”,

(b) The deletion of the Note below the entry for HP 15.



GIVEN under my Official Seal,  
27 September 2018.

DENIS NAUGHTEN,  
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).*

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 Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic'.

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