

2019 No. 1099

ENVIRONMENTAL PROTECTION

**The Persistent Organic Pollutants (Various Amendments)
Regulations 2019**

Made - - - - - 12:45 p.m. on 9th July 2019

Laid before Parliament 4:30 p.m. on 9th July 2019

Coming into force in accordance with regulation 2

The Secretary of State, in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a) (“ECA 1972”), makes the following Regulations.

The Secretary of State has been designated for the purposes of section 2(2) of the ECA 1972 in relation to persistent organic pollutants(b).

These Regulations make provision for a purpose mentioned in section 2(2) of the ECA 1972 and it appears to the Secretary of State that it is expedient for certain references to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast)(c) to be construed as references to that Regulation as amended from time to time.

Citation

1. These Regulations may be cited as the Persistent Organic Pollutants (Various Amendments) Regulations 2019.

Commencement

2.—(1) Regulations 1, 2 and 5 come into force on 15th July 2019.

(2) Regulations 3 and 4 come into force on 12th August 2019.

Amendment to the Environment Act 1995

3. In section 41(1)(e) of the Environment Act 1995(d), for the words from “Regulation” to “Directive 79/117/EEC” substitute “Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast)”.

(a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7); paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and by S.I. 2007/1388.

(b) S.I. 2006/608.

(c) OJ No. L 169, 25.6.2019, p. 45.

(d) 1995 c. 25. Section 41(1)(e) was inserted by S.I. 2007/3106, and amended by S.I. 2013/755 (W. 90).

Amendment to the Hazardous Waste (England and Wales) Regulations 2005

4. For Schedule 8 to the Hazardous Waste (England and Wales) Regulations 2005(a), substitute the new Schedule 8 set out in the Schedule to these Regulations.

Amendments to the Persistent Organic Pollutants Regulations 2007

5. In the Persistent Organic Pollutants Regulations 2007(b)—

(a) for regulation 2 substitute—

“Meaning of Regulation (EU) 2019/1021

2. In these Regulations, “Regulation (EU) 2019/1021” means Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast), as amended from time to time.”;

(b) in regulation 3(1), for “Regulation (EC) No. 850/2004” substitute “Regulation (EU) 2019/1021”;

(c) in regulation 4(1)—

(i) in the words before sub-paragraph (a), for “Regulation (EC) No. 850/2004” substitute “Regulation (EU) 2019/1021”;

(ii) in sub-paragraph (b), for “Pollution Prevention and Control Regulations (Northern Ireland) 2003” substitute “Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(c)”;

(d) in regulation 5, for the words from “Regulation” to “substances)” substitute “Regulation (EU) 2019/1021 (control of manufacturing, placing on the market and use, and the listing of substances)”;

(e) in regulation 6(1), for the words from “Regulation” to “waste)” substitute “Regulation (EU) 2019/1021 (stockpiles)”;

(f) in regulation 7(1), for the words from “Regulation” to “waste)” substitute “Regulation (EU) 2019/1021 (waste management)”;

(g) in regulation 8(1), for “Regulation (EC) No. 850/2004” substitute “Regulation (EU) 2019/1021”;

(h) in regulation 9(2)—

(i) in the words before sub-paragraph (a), for “Regulation (EC) No. 850/2004” substitute “Regulation (EU) 2019/1021”;

(ii) omit sub-paragraph (a) (and the “and” which follows it);

(i) in regulation 10(1)—

(i) in the words before sub-paragraph (a), for “Regulation (EC) No. 850/2004” substitute “Regulation (EU) 2019/1021”;

(ii) in sub-paragraph (a), for “Regulation (EC) No. 850/2004” substitute “Regulation (EU) 2019/1021”.

Thérèse Coffey

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

12:45 p.m. on 9th July 2019

(a) S.I. 2005/894, amended by S.I. 2015/1360; there are other amending instruments but none is relevant.

(b) S.I. 2007/3106, amended by S.I. 2018/1405; there are other amending instruments but none is relevant.

(c) S.R. 2013 No. 160, amended by S.R. 2014 No. 304, S.I. 2015/1973, S.R. 2016 No. 309 and S.R. 2018 No. 33.

SCHEDULE

Regulation 4

“SCHEDULE 8

Regulation 54

Form of consignee’s return to producer or holder

Hazardous waste producer returns form

1. Consignee details

Name of consignee	Postcode	Consignee hazardous waste i.d. code	Date(a)

2. Waste return

Consignment note number	Date received	Mode of transport	Frequency of collection(b)	Six-digit code/s(c)	Hazard code/s(d)	Physical form(e)	Quantity (kg)	Mode of disposal/recovery(f)

(a)Date of submission of the return by the consignee.

(b)Where relevant.

(c)The six-digit code/s must correspond to the relevant code/s in the list of wastes. There may be more than one waste stream for each consignment note. All relevant six-digit codes must be recorded.

(d)Hazard code: the hazard code must correspond to the list below. Each individual six-digit code may have more than one hazard code. Each appropriate hazard code for a particular six-digit code must be entered. Choose all of the appropriate hazard codes for the particular waste. If a waste contains a substance listed in Annex IV to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast), and the concentration limit in that Annex is exceeded, the code “POP” must be recorded.

Hazard code	Description
HP 1	Explosive
HP 2	Oxidising
HP 3	Flammable
HP 4	Irritant – skin irritation and eye damage
HP 5	Specific Target Organ Toxicity (STOT)/ Aspiration Toxicity

HP 6	Acute Toxicity
HP 7	Carcinogenic
HP 8	Corrosive
HP 9	Infectious
HP 10	Toxic for reproduction
HP 11	Mutagenic
HP 12	Release of an acute toxic gas
HP 13	Sensitising
HP 14	Ecotoxic
HP 15	Waste capable of exerting a hazardous property listed above not directly displayed by the original waste
POP	Persistent Organic Pollutant

(e)Physical form: Choose one option from the following list as appropriate.

Gas
Liquid
Mixed
Powder
Sludge
Solid

(f)Mode of disposal/recovery or rejected: use the appropriate Dxx/Rxx code for the operation performed on the waste or insert REJ if the waste has been rejected.

Code	Disposal Operation
D01	Deposit into or onto land
D02	Land treatment
D03	Deep injection
D04	Surface impoundment
D05	Specially engineered landfill
D06	Release into a water body except seas/oceans
D07	Release into seas/oceans including seabed insertion
D08	Biological treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
D09	Physio-chemical treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage
D13	Blending or mixing prior to submission to any of the operations numbered D01 to D12
D14	Repackaging prior to submission to any of the operations numbered D01 to D12
D15	Storage pending any of the operations numbered D01 to D14 (excluding temporary storage, pending collection, on the site where produced)

Recovery operation

R01	Use principally as a fuel or other means to generate energy
R02	Solvent reclamation/regeneration
R03	Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
R04	Recycling/reclamation of metals and metal compounds
R05	Recycling/reclamation of other inorganic materials
R06	Regeneration of acids or bases
R07	Recovery of components used for pollution abatement
R08	Recovery of components from catalysts
R09	Oil refining or other re-uses of oil
R10	Land treatment resulting in benefit to agriculture or ecological treatment
R11	Use of wastes obtained from any of the operations numbered R01 to R10
R12	Exchange of wastes for submission to any of the operations numbered R01 to R11
R13	Storage of wastes pending the operations numbered R01 to R12 (excluding temporary storage, pending collection, on the site where they are produced)

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants (recast) (OJ No. L 169, 25.6.2019, p. 45).

Regulation (EU) 2019/1021 replaces and repeals Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants (OJ No. L 158, 30.4.2004, p. 7). Regulations 3 to 5 make various amendments to the following enactments to reflect this—

- (a) the Environment Act 1995 (c. 25),
- (b) the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894), and
- (c) the Persistent Organic Pollutants Regulations 2007 (S.I. 2007/3106).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.