

S.I. No. 147/1998 — Waste Management (Movement of Hazardous Waste) Regulations, 1998

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In exercise of the powers conferred on the Minister for the Environment and Local Government by [sections 7 , 15 , 18 and 36](#) of the [Waste Management Act, 1996](#) (No. 10 of 1996), which said powers are delegated to me by the Environment and Local Government (Delegation of Ministerial Functions) (No. 2) Order, 1997 ([S.I. No. 428 of 1997](#)), I, Dan Wallace, Minister of State at the Department of the Environment and Local Government, hereby make the following Regulations:—

1. (1) These Regulations may be cited as the Waste Management (Movement of Hazardous Waste) Regulations, 1998.

(2) These Regulations shall come into operation on the 20th day of May, 1998.

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of—

(a) Council Directive 91/689/EEC of 12 December, 1991 on hazardous waste (1), and

(b) Council Regulation (EEC) No. 259/93 of 1 February, 1993 on the supervision and control of shipments of waste within, into and out of the European Community (2) as amended.

3. (1) In these Regulations, any reference to an article or sub-article which is not otherwise identified is a reference to, respectively, an article of these Regulations or to a sub-article of the provision in which the reference occurs.

(1) O.J. No. L 377/20, 31 December, 1991.

(2) O.J. No. L 30/1, 6 February, 1993.

(2) In these Regulations, save where the context otherwise requires—

"the Act" means the [Waste Management Act, 1996](#) ;

"carrier" means a person who undertakes the movement of waste, other than a

consignor, and includes a representative of that person;

"consignee" means a person to whom waste is moved for recovery or disposal and includes a representative of that person;

"consignor" means a producer or holder of waste who causes such waste to be moved from the premises at which it is being held, and includes a representative of that person;

"representative" means a person in the employment of, and duly authorised to act on behalf of, another person.

4. A person shall not consign, move from the premises where it is being held, or accept, or facilitate by consent, connivance or neglect the consignment, movement or acceptance of, hazardous waste otherwise than in accordance with the requirements of these Regulations.

5. (1) Subject to sub-article (3), a consignor shall not—

(a) in the course of transferring hazardous waste to another person, mix together hazardous waste of one category with hazardous waste of any other category or with any non-hazardous waste, or

(b) transfer hazardous waste to another person unless all containers or other packaging to be used for the movement of the waste are labelled in accordance with Community and other standards which are in force in relation to such labelling.

(2) A carrier shall take due precautions to ensure that—

(a) waste consigned in separate containers are not mixed together, and

(b) the labelling provided for under sub-article (1)(b) is maintained in a legible condition at all times,

while the carrier is the holder of the waste in question.

(3) (a) Sub-article (1) shall not apply in relation to the mixture of wastes in a consignment where such mixture has been approved in writing by the local authority in whose functional area the said consignment originates.

(b) A local authority shall not grant an approval under paragraph (a) unless it is satisfied that the mixture of the wastes in question is warranted and will not contravene section 32(1) of the Act.

6. (1) Subject to sub-article (2), a consignment note shall be completed and copies thereof transmitted in accordance with articles 7 or 8, as appropriate, in respect of each consignment of hazardous waste which is moved within the State.

(2) Articles 7 and 8 shall not apply in respect of a consignment of hazardous waste—

(a) in relation to which there is in force a certificate issued under article 8 of the Waste Management (Transfrontier Shipment of Waste) Regulations, 1998;

(b) the movement of which is undertaken by or on behalf of a local authority or the Agency;

(c) the movement of which is undertaken on foot of a direction given under section 14(5)(a) of the Act.

(3) A consignment note shall—

(a) be obtained from the local authority in whose functional area the consignment of hazardous waste to which it relates originated,

(b) be in three Parts, labelled A, B and C, in such form as may from time to time be specified by the Minister, and

(c) comprise five bound and numbered copies.

7. (1) Subject to article 9, the following provisions shall apply in respect of a consignment of hazardous waste which is moved by a carrier—

(a) the consignor shall, before transferring the consignment to a carrier, complete Part A on five copies of a consignment note;

(b) the carrier shall, on accepting the consignment, complete Part B on the five copies of the consignment note, which Part shall be witnessed by the consignor;

(c) the said consignor shall—

(i) give the top four copies of the consignment note to the carrier, and

(ii) retain the remaining copy;

(d) the carrier shall ensure that the consignment while in transit is accompanied at all times by the four copies of the consignment note given in accordance with paragraph (c) of this article and, upon the transfer of the consignment to the consignee, give the four copies to that person;

(e) the consignee shall, on accepting the consignment,—

(i) complete Part C on the four copies,

(ii) retain a copy,

(iii) return a copy to the carrier,

(iv) furnish a copy to the local authority in whose functional area the consignment of waste originated, and

(v) furnish a copy to the local authority in whose functional area the consignee is situated;

(f) a copy of the consignment note returned under paragraph (e) shall be retained by the carrier.

(2) A consignor shall take appropriate steps to obtain documentary evidence that any consignment of hazardous waste which is moved on his behalf by a

carrier is received by the relevant consignee.

8. Subject to article 9, the following provisions shall apply in respect of a consignment of hazardous waste which is moved by a consignor—

(a) the consignor shall complete Part A on five copies of a consignment note, and leave Part B blank ;

(b) the said consignor shall—

(i) retain a copy of the consignment note; and

(ii) ensure that the waste while in transit is accompanied at all times by four copies of the consignment note and, upon the transfer of the consignment to the consignee, give to that person the said four copies;

(c) the consignee shall—

(i) complete Part C on the four copies,

(ii) retain a copy,

(iii) furnish a copy to the consignor,

(iv) furnish a copy to the local authority in whose functional area the consignment of waste originated, and

(v) furnish a copy to the local authority in whose functional area the consignee is situated.

9. Where a consignee refuses to accept a consignment of waste to which Articles 7 and 8 apply,

(a) the consignee shall—

(i) write in Part C on all copies that the consignment has not been accepted,

(ii) retain a copy,

(iii) return a copy to the carrier, in the case of a consignment to which article 7 refers, or to the consignor, in the case of a consignment to which article 8 refers,

(iv) furnish a copy to the local authority in whose functional area the consignment of waste originated, and

(v) furnish a copy to the local authority in whose functional area the consignee is situated;

(b) the consignor shall—

(i) ensure that the said consignment is returned to the consignor or moved to an alternative consignee as soon as possible, and

(ii) shall complete a consignment note in respect of the consignment, and furnish copies thereof, in accordance with article 8;

(c) the consignor shall, not later than three days from the date of completion of the movement of the consignment in accordance with paragraph (b) (i), furnish a report in writing to the Agency and to the local authority in whose functional area the consignment originated of -

(i) the fact that the said consignment was not accepted, and the reason or reasons therefor, and

(ii) the steps taken by the consignor for the purpose of compliance with paragraph (b) (i).

10. (1) Copies of consignment notes shall be furnished to the relevant local authority in accordance with articles 7 and 8 not later than five days from the date on which the waste to which they refer is transferred.

(2) Copies of consignment notes retained pursuant to articles 7 and 8, and of documentary evidence required to be obtained under article 7(2) shall be kept by the consignor or carrier, as the case may be, for at least five years from the date on which the waste to which they refer is transferred.

11. (1) The Agency may, by notice in writing, require a consignor, carrier or consignee of hazardous waste or of a specified class or classes of hazardous waste to give such prior notice to the Agency of proposed consignments of such waste for movement within the State as may be specified by the Agency.

(2) The Agency may require a local authority to carry out an inspection of a consignment of hazardous waste, whether prior to despatch or otherwise, and to report to the Agency on the findings of such inspection, and a local authority shall comply with any such requirement.

12. A local authority shall -

(a) maintain appropriate records with regard to a consignment of hazardous waste to which article 6(2)(b) or 6(2)(c) refers, and

(b) furnish to the Agency such information derived from the records referred to in paragraph (a) or consignment notes furnished to the said local authority in accordance with articles 7 and 8, in such form and at such frequency, as may be specified by the Agency for the purpose of this article.

13. A person shall not furnish information which is false or misleading to a material extent in any consignment note, report, notice or other document used for the purposes of these Regulations.

14. (1) A local authority, may, by notice in writing, require a consignor, carrier or consignee of a consignment of waste to which these Regulations apply to defray or contribute towards any costs incurred by the local authority in the performance of its functions under these Regulations in respect of the said consignment, including the cost of any inspection or investigations carried out or caused to be carried out by the local authority, and the taking and analysis of any sample of waste.

(2) A person on whom a notice is served under sub-article (1) shall comply with the requirements of the notice within such period, being a period of not

less than three weeks, as may be specified in the notice, and in default of such payment, the amount concerned may be recovered by the local authority concerned as a simple contract debt in any court of competent jurisdiction.

15. For the purposes of these Regulations, where a consignment of waste is moved from a location within the State which is not within the functional area of a local authority, the first local authority into whose functional area the said consignment enters shall be deemed to be the local authority in whose functional area the said consignment originated.

Dated this 12th day of May, 1998

DAN WALLACE

Minister of State at the Department of the Environment and Local Government.

EXPLANATORY NOTE

These Regulations give effect to article 13 of Council Regulation (EEC) No. 259/93 of 1 February, 1993 on the supervision and control of shipments of waste within, into and out of the European Community, as amended.

The Regulations provide, inter alia, for a system of consignment notes in respect of the movement of hazardous waste within the State. They also transpose into Irish legislation certain EU requirements regarding the labelling of waste containers and the mixture of wastes.

These Regulations will replace provisions of the European Communities (Toxic and Dangerous Waste) Regulation, 1982, which will be revoked with effect from 20 May, 1998 by virtue of [section 6](#) of the [Waste Management Act, 1996](#).

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