



Proposed new Code of Practice on Sampling and Reporting at Materials Facilities

Consultation Paper

2024



Department of
Agriculture, Environment
and Rural Affairs

An Roinn

Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe

Department o'

Fairmin, Environment
an' Kintra Matthers

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Associated Documents

DAERA has completed a Section 75 Equality Screening and a Rural Needs Impact Assessment. As part of the consultation process and in line with our duties under Section 75 of the Northern Ireland Act 1998 and the Rural Needs Act (Northern Ireland) 2016, we will continue to assess the equality impacts of our proposals in Section 75 Groups and those living in rural areas on an ongoing basis.

DAERA has also completed a draft Regulatory Impact Assessment which examines the impact the Proposed new Code of Practice on Sampling and Reporting at Materials Facilities could have on businesses.

The Equality Screening, Rural Needs Impact Assessment and draft Regulatory Impact Assessment are available on request by email at: EPRTeam@daera-ni.gov.uk or by writing to:

Extended Producer Responsibility 1

Department of Agriculture, Environment and Rural Affairs

First Floor West

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303 Airport Road West

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1. About this consultation

1.1 This consultation paper seeks views and comments on proposals for a new Code of Practice on Sampling and Reporting at Materials Facilities. The document sets out the requirement for sampling and reporting of waste materials received by Materials Facilities (MFs). This consultation is likely to be of interest to waste businesses, waste stakeholders and environmental groups that have an interest in sampling and reporting.

1.2 Purpose of this consultation

1.2.1 DAERA recognises the need to keep people informed and to give people the opportunity to comment on our policy proposals. The consultation therefore invites people to answer a number of questions on our proposed new Code of Practice on Sampling and Reporting at Materials Facilities in line with the requirements of “Managing Public Money NI” in order to deliver a more effective policy.

1.3 Timing and duration of this consultation

1.3.1 The consultation will commence on the 16 September 2024 and close on the 12 November 2024.

1.3.2 You can respond to this consultation online by completing the Citizen Space response template which can be accessed using the link below:

<https://consultations.nidirect.gov.uk/>

1.3.3 When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents, and where applicable, how the views of members were considered.

1.3.4 The consultation will be available in other formats upon request. You can email any queries to:

EPRTeam@daera-ni.gov.uk

2. How we consult

2.1 Consultation principles

2.1.1 The consultation can be responded to in full or in part, guided by where your interest lies. You may find it helpful to answer questions as they arise at the end of each section.

2.1.2 We know that not everyone will wish or feel able to answer all the questions in this consultation. You are encouraged to answer the questions you would like to respond to, but you don't have to respond to all of them. There are some questions to be answered on the 'About you' page. Once these have been completed you may submit your response.

2.1.3 Following the closing date, all responses will be analysed and considered.

2.2 Confidentiality

2.2.1 The Department will publish a synopsis of responses to the consultation. This will include a list of names of organisations that responded but not personal names, addresses or other contact details. Your response, and all other responses to this consultation, may be disclosed on request and/or made available on the DAERA website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this consultation.

2.2.2 The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 give the public a right of access to any information held by a public authority, in this case DAERA. The right of access to information includes information provided in response to a consultation

2.2.3 The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this publication should be made public or treated as confidential.

2.2.4 The information provided in your response, excluding personal data, may be published or disclosed in accordance with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Any personal information you provide in your response will be handled in accordance with the UK-GDPR and will not be published.

2.2.5 If you want the non-personal information that you provide to be treated as confidential, please tell us why, but be aware that under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 we cannot guarantee confidentiality.

2.2.6 For information regarding your personal data please refer to the DAERA Privacy Statement at [DAERA Privacy Statement | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](#).

2.2.7 For further information about confidentiality of responses please contact the Information Commissioners Office. Please see its website at www.ico.org.uk .

3. Executive Summary

- 3.1 The proposed new Code of Practice on Sampling and Reporting at Materials Facilities (which shall be referred to as ‘the Code’) sets out the requirement for sampling and reporting of waste materials received by Materials Facilities (MFs). England, Scotland, and Wales have had similar sampling regulations in place since 2015/16. The Waste (Recyclate Quality) (Scotland) Regulations 2015¹; and the Environmental Permitting (England and Wales) Regulations 2016².
- 3.2 The Code is issued by DAERA to provide guidance to operators of MFs which manage waste on the discharge of certain duties, specifically those in the Waste Management Licensing (Northern Ireland) Regulations 2003³ and the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013⁴. Compliance with this Code is to be made a condition of any waste management licence or Pollution Prevention Control permit (which authorises treatment of such waste material) that is granted or varied by NIEA.
- 3.3 The Department of Agriculture, Environment and Rural Affairs (DAERA) is seeking views from interested stakeholders on the proposed new and relevant draft regulation.

¹ <https://www.legislation.gov.uk/ssi/2015/101/contents/made>

² <https://www.legislation.gov.uk/uksi/2016/1154/contents>

³ <https://www.legislation.gov.uk/nisr/2003/493/contents/made>

⁴ <https://www.legislation.gov.uk/nisr/2013/160/contents>

Definition of a Materials Facility (MF)

A MF is defined in this Code and the Materials Facilities Code (Northern Ireland) Regulations 2025 as follows:

- a. a facility or part of a facility where waste material is received in order to:
 - i. separate it into specified output, or
 - ii. consolidate it into bulk quantities (whether as a first point of consolidation for such waste or following the first consolidation of bulk quantities transferred from other suppliers),

for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be prepared for re-use or recycling.
- b. any reference to a “Materials Facility” excludes a facility or part of a facility:
 - i. at which all the waste material received during a reporting period is attributable exclusively to a single supplier, unless the waste material so received is separated into specified output material at that facility;
 - ii. that is provided pursuant to arrangements made under section 25(1)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997⁵;
 - iii. that undertakes the processing or sorting of WEEE, waste batteries or accumulators.

⁵ <https://www.legislation.gov.uk/nisi/1997/2778/contents>

3.4 The Code will support the introduction of extended producer responsibility for packaging (pEPR). There are several benefits in relation to this waste management and regulation, including:

- increasing transparency on material quality in the supply chain, through provision of accurate information on contamination levels, and variances in these levels to the market and to customers;
- demonstrating Northern Ireland's commitment to deliver high quality recycling;
- improving the contracting environment, for operators of MFs and for all businesses involved in the material supply chain;
- encouraging innovation in the operation of MFs and supply chain dynamics;
- enabling NIEA to ensure consistency of approach and practice in MFs material and sampling control, irrespective of the technology available to the authorisation MF operator; and
- enhancing the quantity and quality of waste data, especially packaging data, required to achieve the effective implementation of the packaging Extended Producer Responsibility system and realise the associated environmental benefits.

3.5 Packaging EPR is being introduced by DAERA, alongside the governments of the other UK nations, as part of our work to build a more circular economy and address the global climate emergency. This sampling and the Code are important for the effective implementation of pEPR and will provide parity for Northern Ireland with other UK nations.

- 3.6 The purpose of this consultation with interested stakeholders is to ensure that the Code, (which puts these changes into practice), is clear and avoids any unforeseen circumstances.
- 3.7 The consultation will run from 16 September to 12 November. We welcome responses from all interested stakeholders and especially waste-management companies and waste-sector trade bodies. We intend to lay the relevant legislation (in early 2025) which will bring in the requirement to follow the Code from 1 April 2025.

4. Introduction

4.1 The Code of Practice

4.1.1 The purpose of the Code of Practice on Sampling and Reporting at Materials Facilities (hereafter referred to as “the Code”) is to set out requirements for MFs operators on the discharge of certain duties, specifically those in the Waste Management Licensing (Northern Ireland) Regulations 2003⁶ and the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013⁷.

4.1.2 The Code will bring Northern Ireland into line with the rest of the UK who already have similar sampling in place. The requirements set out in this consultation are broadly equivalent to those in place in other UK nations.

4.1.3 The legislation to bring in the Code amends the Waste Management Licensing (Northern Ireland) Regulations 2003 and the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 to make compliance with the Code a condition of any waste management licence or Pollution Prevention Control permit (which authorise treatment of such waste material) that is granted or varied by NIEA.

⁶ <https://www.legislation.gov.uk/nisr/2003/493/contents/made>

⁷ <https://www.legislation.gov.uk/nisr/2013/160/contents>

4.1.4 The Code will apply to operators of Materials Facilities (MFs), handling 1,000 tonnes or more of waste material (mixed or single stream) in any reporting year. Under new legislation that will be made following the outcome of this consultation these operators will have to comply with the Code as a condition of their waste-management licence or permit.

4.1.5 The Code places a range of sampling and reporting requirements on the operators of MFs; in particular, it requires them to take samples of the material they handle, both at the input stage and at the output stage (i.e. when it arrives at the Materials Facility (MF) and when it leaves). The operator must report data to DAERA on the composition of each sample, including reporting the weights of individual materials (glass, paper, cardboard, metal, and plastic) contained in each sample.

4.1.6 Facilities handling under 1,000 tonnes of waste material in a reporting year, and Council facilities, are out of scope of the Code.

4.2 Extended Producer Responsibility for Packaging (pEPR)

4.2.1 DAERA has been working collaboratively with the other UK governments to introduce pEPR. pEPR places responsibility on businesses for the environmental impact of their packaging. This is to incentivise recyclability and reuse of packaging, and in turn encourage more domestic reprocessing and overall system improvements and savings.

4.2.2 Packaging EPR will see producers pay to local authorities (via a scheme administrator) for the full net cost of operating an efficient and effective household packaging collection system.

4.2.3 DAERA has consulted twice on the introduction of pEPR in 2019 and 2021 with Defra, the Scottish and Welsh governments. The joint Government Response published in March 2022⁸ confirmed policy details for packaging EPR.

4.2.4 As set out in the government response, robust sampling and compositional analysis from MFs is an important factor in calculating local authorities' disposal costs. The government response confirmed the intention to implement a reporting regime at MFs, including:

- requiring MFs that bulk waste from two or more suppliers to carry out sampling and reporting;
- implementing the current minimum threshold of 1,000 tonnes of waste per annum;
- implementing a list of material categories for reporting;
- implementing a sampling frequency for input sampling to 60kg per 100 tonnes.

4.2.5 Regulations to bring these reporting requirements in for England and Wales were made in October 2023 and will come into force on 1 October 2024⁹. Scotland made relevant legislation that will come into force on 1 April 2025¹⁰. MFs sampling and reporting legislation has been in place throughout England, Wales, and Scotland since 2015/16. There is currently no requirement in NI to sample or report on waste entering or leaving a MF site.

⁸https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/106358/9/epr-consultation-government-response.pdf

⁹ <https://www.legislation.gov.uk/uksi/2023/1156/contents/made>

¹⁰ <https://www.legislation.gov.uk/ssi/2024/191/contents/made>

4.2.6 New reporting requirements are being brought in through the Code. The drafting of the Code reflects a close examination of the relevant regulations in England and Wales (the Environmental Permitting (England and Wales) Regulations 2016¹¹ and the Environmental Permitting (England and Wales) (Amendment) Regulations 2023¹²) and the newly updated Scottish Code of Practice.

4.2.7 As these requirements have already been consulted upon, the purpose of this consultation with affected stakeholders is not to seek further views on whether these requirements should be introduced, but to ensure that the Code is clear, understandable, and achieves its aims.

4.3 Relevant legislation

4.3.1 To introduce the new requirements amendments will be made to **the Waste Management Licensing (Northern Ireland) Regulations 2003** and **the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013** to refer to the Code once published, and to require the newly in-scope sites to comply with the Code.

4.3.2 The draft legislation is contained in this consultation for review.

¹¹ <https://www.legislation.gov.uk/ukxi/2016/1154/contents>

¹² <https://www.legislation.gov.uk/ukxi/2023/1156/contents/made>

4.4 How to answer this consultation

4.4.1 DAERA welcomes answers to this consultation from all affected stakeholders and waste-management companies, and waste-sector trade bodies.

4.4.2 Details regarding this consultation has been circulated to interested stakeholders by email. Please respond to the consultation by completing the digital consultation document.

4.4.3 Throughout this consultation the questions refer to the Code this document can be found attached to the consultation.

4.4.4 If you are reading this digital consultation and have any queries, please email DAERA at eprteam@daera-ni.gov.uk.

4.4.5 Responses must be received by 12 November 2024 to be considered.

4.4.6 As part of your digital response, your contact details and any personal data you mention as part of your response will be collected. DAERA will treat all personal information collected in line with the departmental privacy statement¹³.

4.5 After the consultation

4.5.1 After the consultation closes DAERA will analyse responses and feedback received, and produce a finalised Code and lay legislative amendments.

¹³ <https://www.daera-ni.gov.uk/daera-privacy-statement>

4.6 About You

4.6.1 Please provide us with the following information about your organisation. This is to help improve our data about the sites in scope of this Code and to establish whether there are any patterns in different organisations' responses to the consultation.

Questions: Contact Details:

Question 1: What is the name of your business? (Kept Anonymous)

Question 2: What is your email address? (Kept Anonymous)

Question 3: Which of the following sectors best describes your organization?

<u>Options</u>	<u>Business Description</u>
1	Waste management business
2	Council
3	Charity
4	Business organisation
5	Political representative
6	Government department
7	Trade Association
8	Trade Union
9	NGOs
10	Individual
11	Other (if answered 'Other' please provide details)

5. Questions on 1: introduction and scope

5.1 This section covers the introduction and scope of the Code and provides some detail about the purpose of the Code and sets out if your business will fall within its scope.

1. Introduction and scope

- 1.1. This Code of Practice, “the Code” supports the Materials Facilities Code (Northern Ireland) Regulations 2025 by setting out the requirements for sampling and reporting of waste packaging materials received at in scope Materials Facilities (MFs). The Code has been prepared under the powers contained in Article 6(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997 and Article 4(1) of the Environment (Northern Ireland) Order 2002. The purpose of this Code is to support the introduction of Extended Producer Responsibility (EPR) for packaging by providing the data required for the packaging EPR Scheme Administrator to calculate local authorities’ disposal costs.
- 1.2. If you are uncertain about what your facility needs to do to comply with the Code, you should contact the Northern Ireland Environment Agency (NIEA).
- 1.3. The Code applies to any site if they meet the requirements of a Materials Facility (MF) and receive, or are likely to receive the waste material amounts stated below (in any reporting year). The requirements include:
 - a) sites operating under the Waste Management Licensing Regulations (Northern Ireland) 2003); or
 - b) sites operating under a Pollution and Prevention Control (PPC) permit under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013; **and**
 - c) meets the definition of a MF as defined in the Materials Facilities Code (Northern Ireland) Regulations 2025 and in this code; **and**
 - d) sites that receive or are likely to receive more than 1,000 tonnes of waste material in any reporting year (1 April to 31 March the following year).
- 1.4. The Materials Facilities Code (Northern Ireland) Regulations 2025 amends the Waste Management Licensing (Northern Ireland) Regulations 2003¹⁴ and the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013¹⁵ to make compliance with the Code a condition of any waste management licence or PPC permit (which authorise treatment of such waste material) that is granted or varied by NIEA.

¹⁴ <https://www.legislation.gov.uk/nisr/2003/493/contents/made>

¹⁵ <https://www.legislation.gov.uk/nisr/2013/160/contents>

1.5. A MF is defined in this Code and the Materials Facilities Code (Northern Ireland) Regulations 2025 as follows:

- c. a facility or part of a facility where waste material is received in order to:
 - i. separate it into specified output, or
 - ii. consolidate it into bulk quantities (whether as a first point of consolidation for such waste or following the first consolidation of bulk quantities transferred from other suppliers),

for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be prepared for re-use or recycling.

- d. any reference to a “Materials Facility” excludes a facility or part of a facility:
 - i. at which all the waste material received during a reporting period is attributable exclusively to a single supplier, unless the waste material so received is separated into specified output material at that facility;
 - ii. that is provided pursuant to arrangements made under section 25(1)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997¹⁶;
 - iii. that undertakes the processing or sorting of WEEE, waste batteries or accumulators.

1.6. An operator of a MF must ensure they comply with the requirements of this Code or risk being deemed to be non-compliant with their licence, or permit conditions.

1.7. Not all MFs are in scope of this Code. In particular a MF that receives or is likely to receive less than 1,000 tonnes of waste material in any reporting year does not have any requirements under this Code. Facilities for the treatment of household waste where the authorisation holder is a council (for example household waste recycling centres) are also not in scope of this Code.

1.8. In addition, guidance will be made available from NIEA entitled, - ‘Materials Facilities – Testing and Reporting Guidance’. This is intended to help MF operators to design and carry out their material testing and reporting procedures.

1.9. Key terms used in the Code are defined in **13. Definitions of terms used in the Code**. If you are unsure about the meaning of any terms used you should contact NIEA via the following email address - WRU.Queries@daera-ni.gov.uk

¹⁶ <https://www.legislation.gov.uk/nisi/1997/2778/contents>

Q4. Is the Code specifically (1. Introduction and Scope) clear about which sites must comply with the Code?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear.

Q5. In the Code specifically (1. Introduction and Scope) are the requirements of a Materials Facility (MF) clear:

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear.

5.2 We intend for reporting under this Code to begin from 1 April 2025 to help inform disposal cost calculations for packaging EPR. We would welcome MF operators' views on the likely implementation time.

Q6. When do you expect to be ready to comply with the Code?

- a. we are ready to comply now
- b. 1 October 2024 in line with the rest of the UK
- c. 1 January 2025
- d. 1 April 2025
- e. we are already in compliance with some of the requirements
- f. we are already in compliance with all of the requirements
- g. don't know

6. Questions on 2: Aims

6.1 This section states the aims of the Code:

2. Aims

2.1. The aims of the Code are to:

- a. increase transparency on material quality in the supply chain, through provision of accurate information on contamination levels, and variances in these levels to the market and to customers;
- b. demonstrate Northern Ireland's commitment to deliver high quality recycling;
- c. improve the contracting environment, for operators of MFs and for all businesses involved in the material supply chain;
- d. encourage innovation in the operation of MFs and supply chain dynamics;
- e. enable NIEA to ensure consistency of approach and practice in MF material and sampling control, irrespective of the technology available to the MF operator; and
- f. enhance the quantity and quality of waste data, especially packaging data, required to achieve the effective implementation of the packaging Extended Producer Responsibility system and realise the associated environmental benefits.

2.2. Regular sampling at MFs will allow any quality issues linked to specific material suppliers to be identified, and assess the effectiveness, or otherwise, of the sorting process to produce clean, high-quality material that is suitable for reprocessing.

Q7. Are you happy with the clarity of this section and the aims stated?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

7. Questions on 3: Notification requirements / Facilities not in scope

7.1 This section clarifies what MFs are in scope and when they should notify NIEA.

3. Notification requirements

3.1. If a MF is receiving, or likely to receive, 1,000 tonnes or more of waste material in any reporting year the operator is required to notify NIEA immediately in writing that they fall within the in scope of this Code. The requirement to sample materials and report sample data applies to any license or permit holders that receive more than 1,000 tonnes of waste material in any reporting year. NIEA should be advised if circumstances change for example the facility is no longer in scope.

3.2. Where a MF has not previously received 1,000 tonnes or more of waste material in any reporting year and, during the course of a reporting year, proceeds to receive 1,000 tonnes or more of waste material for the first time, the operator must notify NIEA immediately in writing that they are in scope. At the time of notification, the MF operator must seek agreement from NIEA on a timescale for commencement of sampling and reporting. However, sampling must commence no later than the second reporting period after the date on which the cumulative total of waste material received in that reporting year reaches 1,000 tonnes.

For the avoidance of doubt if the operator of a MF has multiple MFs, the above applies to each individual MF that is in scope.

4. Facilities not in scope

4.1. For the avoidance of doubt the following are not in scope of the Code:

- a. facilities which carry out activities that are exempt from waste management licensing requirements (as listed in the Waste Management Licensing Regulations (Northern Ireland) 2003);
- b. accredited reprocessors, or exporters;
- c. facilities for the treatment of household waste where the authorisation holder is a council (for example household waste recycling centres);
 - i. however, MF sites that receive waste from council household waste recycling centres could be in scope if they fulfil the criteria of section 3.1. and 3.2. above.

Q8. Are you content with the clarity of this section?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

8. Questions on 5: Reporting periods

8.1 This section provides clarification around the reporting periods.

5. Reporting periods

- 5.1. Operators of MF that fall within the scope of this Code must report the results of material sampling to NIEA every 3 months in a format specified by NIEA. Data reported must be as accurate as reasonably practicable.
- 5.2. The first reporting period will start on XX.XX.XXX, and sampling should commence from this date. In any reporting year, there will be four reporting periods. Reports must be submitted electronically within one month of the end of the reporting period as set out below:
- a. 1 April to 30 June with reports to NIEA due by 31 July.
 - b. 1 July to 30 September with reports to NIEA due by 31 October.
 - c. 1 October to 31 December with reports to NIEA due by 31 January.
 - d. 1 January to 31 March with reports to NIEA due by 30 April.

Q9. Are you content with the reporting periods and that this section is clear?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

9. Questions on 6: Sampling of input material

9.1 This section applies to sampling of input material from a MF. It covers the frequency of the sampling, the weight of the samples and the material to be identified in a sample.

6. Sampling of Input material

- 6.1. The operator of a MF must measure the total weight in tonnes of waste material received at that facility, from each supplier, during each reporting period.
- 6.2. The operator of a MF must take samples of the waste material received at that facility, from each supplier, during each reporting period. The exception to this is where that material is identified and kept apart to be transferred by the operator to another MF or person for the purpose of enabling it to be prepared for re-use or recycling.
- 6.3. One sample must be taken for every 75 tonnes of waste material received at the MF from each supplier. For the avoidance of doubt, if less than 75 tonnes of waste material is received from a given supplier in a single reporting year, there is no requirement to sample the material from that supplier in that reporting year.
- 6.4. The total weight of all the samples taken must provide an average weight of 60kg or more per sample, and each sample taken must not weigh less than 55kg. A sample may be collected in several parts, provided that no part weighs less than 20kg.
- 6.5. Measuring the composition of a sample taken means identifying the materials comprising that sample by reference to:
 - a) the types of target material, non-target material and non-recyclable material that is contained in the sample;
 - b) subject to section 6.7., the type of packaging (see **13. Definitions of terms used in the Code**) that is contained in each type of target material, non-target material and non-recyclable material identified in that sample. Please note the lid, seal or other part of a drink container should be considered as drink container packaging; and
 - c) the weight in kilograms of each type of target material, non-target material and non-recyclable material and each type of packaging that is so identified.

6.6. Material that is identified in a sample must, as a minimum, be separately identified by reference to the following:

- a) glass;
- b) paper;
- c) card;
- d) steel;
- e) aluminium;
- f) plastic bottles
- g) plastic pots, tubs and trays;
- h) film or other flexible plastic;
- i) other plastic (not falling within paragraphs f. to h.);
- j) fibre-based composite material.

6.7. Any glass that is identified in a sample taken for the purposes of section 6.2. must be separately identified and weighed as a type of packaging in accordance with section 6.5.b. only where the operator is given written notice by NIEA of the requirement to do so, and any such notice:

- a) must be given at least four weeks prior to the commencement of the reporting period in respect of which the measurements are to be taken; and
- b) must specify the minimum number of samples for each supplier in respect of which the measurements are required.

6.8. If the sample taken contains material particles, they are deemed to comprise the proportions of the types of target materials, non-target materials and non-recyclable materials and packaging (including glass packaging where notice has been given under section 6.7.) already identified as making up the other contents of that sample. Therefore, the weight of the material particles must be apportioned according to those proportions for that particular sample.

6.9. For the purposes of **6. Sampling of input material**, where a batch of waste material received at a MF comprises material from more than one supplier, and the proportion of that batch attributable to a particular supplier cannot reasonably be ascertained, an estimate of the proportion is sufficient.

6.10. The operator of a MF must ensure that the composition of each sample taken for the purposes of **6. Sampling of input material** is representative of the materials comprising the waste material from which it is taken.

For the avoidance of doubt if the operator of a MF has multiple MFs, the above applies to each individual MF that is in scope.

Q10: Does the Code clearly state input material sampling obligations?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

Q11: In this section it states one sample must be taken for every 75 tonnes of waste material received at the MF from each supplier every reporting year. Are you content with this?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

10. Questions on 7: Sampling of output material

10.1 This section applies to sampling of output material from a MF. It covers the sampling requirements, the minimum sampling frequency and the minimum weight of any sample taken.

7. Sampling of Output material

7.1. Apart from the waste material and the specified output material mentioned in this part, the operator of a MF must measure the total weight in tonnes of all other waste material that leaves the facility in each reporting period.

7.2. The sampling requirements are as follows with regards to output materials. An operator of a MF must:

- a) measure the total weight in tonnes of all waste material that leaves the facility in each reporting period that has been identified and kept apart as material to be transferred by the operator to another MF or person for the purpose of enabling that material to be prepared for re-use or recycling.
- b) measure the total weight in tonnes of specified output material that leaves the facility in each reporting period;
- c) take samples of the specified output material produced at that facility in a reporting period and measure the composition of those samples;
- d) the specified output material (mentioned in section 7.2.b. and 7.2.c.) must, as a minimum, be identified by reference to the grade of glass, paper, card, metal (comprising aluminium, steel, or both) plastic or fibre-based composite material making up each batch of specified output material;
 - i. the grade of a material means a description of that kind of material by reference to its particular material specification please see Table 1 below for the list of material types.
- e) the composition of a sample (for the purpose of section 7.2.c.) taken by the operator means identifying the materials comprising that sample, by reference to:
 - i. the type of target material, non-target material and non-recyclable material that is contained in the sample;
 - ii. subject to section 7.3., the type of packaging (see **13. Definitions of terms used in the Code of Practice**) that is contained in each type of target material, non-target material and non-recyclable material identified in that sample. Please

- iii. note the lid, seal or other part of a drink container should be considered as drink container packaging; and the weight in kilograms of each type of target material, non-target material and non-recyclable material and each type of packaging that is so identified.

Table 1 - Material Grades

Material Type	Grades
Card	Cardboard
Paper	Newspapers and magazines Mixed paper
Plastics	High-density polyethylene (HDPE) Bottles Clear
	HDPE Bottles Coloured
	HDPE Bottles Mixed
	Plastic Film
	Low-density polyethylene (LDPE) Film Clear
	LDPE Film Coloured
	Mixed Plastic
	Mixed Plastic Bottles
	Mixed Rigid Plastic
	Polyethylene terephthalate (PET) Bottles Clear
	PET Bottles Coloured
	PET Bottles Mixed
	PET (non-bottle)
	Polypropylene
Pots, Tubs and Trays	
Metals	Aluminium
	Steel
	Other
Glass	Clear
	Brown
	Green
	Mixed coloured glass (aggregate* / glass sand) *while status as recycle remains
	Mixed coloured glass (container / glass fibre)
Fibre-based Composite	Fibre-based drinks cartons
	Fibre-based food containers
	Fibre-based cups

7.3. Any glass that is identified in measuring the composition of a sample for the purpose of section 7.2.c. must be separately identified and weighed as a type of packaging in accordance with section 7.2.e. only where the operator is given written notice by the regulator of the requirement to do so, and any such notice:

- a. must be given at least four weeks prior to the commencement of the

reporting period in respect of which the measurements are to be taken, and

- b. must specify the minimum number of samples for each batch in respect of which the measurements are required.

7.4 Subject to section 7.5. the samples (for the purpose of section 7.2.c.) must be taken at a minimum frequency of once per the amount in tonnes that is specified in the second column of the Table 2, in relation to the type of material that is mentioned in the first column:

Table 2 – Minimum sampling frequency	
Material	Amount
Glass	50 tonnes
Paper	60 tonnes
Card	60 tonnes
Metal (comprising aluminium, steel, or both)	20 tonnes
Plastic	15 tonnes
Fibre-based composite material	60 tonnes

7.5. Where a sample contains more than one type of material, the applicable minimum frequency is to be determined by reference to the lowest figure in the second column of the table that is specified in relation to a material contained in the sample.

7.6. The minimum weight of any sample taken (for the purpose of section 7.2.c.) is:

- a. 10kg in relation to glass,
 - b. 50kg in relation to paper,
 - c. 50kg in relation to card,
 - d. 10kg in relation to metal (comprising aluminium, steel or both),
 - e. 20kg in relation to plastic, and
 - f. 50kg in relation to fibre-based composite material,
- and for these purposes any sample that contains more than one type of material is to be treated as though it comprised only the material to which the lowest sampling frequency applies as determined under section 7.5. .

7.7. If the sample taken (for the purpose of section 7.2.c.) contains material particles, they are deemed to comprise the proportions of the types of

target materials, non-target materials, non-recyclable materials and packaging (including glass packaging where notice has been given under section 7.3. already identified as making up the other contents of that sample, and the weight of the material particles must be apportioned according to those proportions for that particular sample.

7.8. The operator of a MF must ensure that the composition of each sample taken for the purposes of **7.Sampling of output material** is representative of the materials comprising the batch of specified output material from which it is taken.

For the avoidance of doubt if the operator of a MF has multiple MFs, the above applies to each individual MF site that is in scope.

Q12. Does the Code clearly state output material sampling obligations?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear.

11. Questions on 8: Records

11.1 This section applies to information the operator of a MF must record for the purposes of **6. Sampling of Input material** and **7. Sampling of output material**.

8. Records

- 8.1. The operator of a MF must record the following information obtained for the purposes of **6.Sampling of input material** and **7.Sampling of output material**:
- a) the measurements taken under section 6.1. and, for each batch of material of which the total weight is comprised:
 - i. the date the batch was received; and
 - ii. the name and address of the supplier (or of each supplier) for the batch concerned.
 - b) details of all the samples and measurements taken for the purposes of section 6.2., including the weight in kilograms of each sample and its composition and the date the sample was taken;
 - c) details of the methodology used in each case to ensure that the composition of the sample is representative for the purposes of section 6.10.;
 - d) the measurements taken under section 7.1., and details of where the other waste material that leaves the facility in each reporting period is sent and the date it is sent;
 - e) the measurements taken under section 7.2. and:
 - i. details of where the waste material that leaves the facility in each reporting period is sent and the date it is sent;
 - ii. details of where the specified output material that leaves the facility in each reporting period is sent and the date it is sent;
 - iii. details of all the samples and measurements taken for the purposes of section 7.2.c. including the weight in kilograms of each sample and its composition, the date the sample was taken and any other details identifying the batch of specified output material from which it was taken; and
 - iv. details of the amount in tonnes of specified output material that is produced by the MF in a reporting period, by reference to the grade of glass, aluminium, steel, paper, card and plastic material that makes up that batch of material.
- 8.2. Details of the methodology used in each case to ensure that the composition of the sample is representative for the purposes of section 7.8.;

- 8.3. The information recorded under section 8.1. must:
- a. be retained by the operator of a MF for a minimum of 7 years from the date that it is first recorded; and
 - b. be produced for inspection by the regulator if required during the period in which the information concerned is required to be retained.

For the avoidance of doubt if the operator of a MF has multiple MFs, the above applies to each individual MF that is in scope.

Q13. Is this section clear?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

Q14. Would you have anything further to add to this section?

- a. Yes
- b. No

If you answered 'Yes, please provide details of anything that you would like to add in this section.

12. Questions on 9: Reports to NIEA

12.1 This section applies to what the operator of a MF must report to NIEA:

9. Reports to NIEA

- 9.1. The operator of a MF must provide a report to NIEA that includes the information set out in section 9.3. and 9.4. .
- 9.2. The report must be produced in electronic format (and in the form specified by NIEA), and submitted to NIEA in respect of a reporting period within 1 month of the expiry of that period.
- 9.3. The following information must be provided for all waste material that is received by the MF (**Sampling of input Material**) during a reporting period:
- a) the measurements set out in section 6.1. and the details for each batch of material recorded in accordance with section 8.1.a.;
 - b) the total number of all samples taken for each supplier under section 6.2.; and
 - c) the total weight in kilograms of all samples taken for each supplier under section 6.2. and the details for those samples as recorded in accordance with section 8.1.b. .
- 9.4 The following information must be provided in respect of material that leaves the MF (**Sampling of output Material**) during a reporting period:
- a) the measurements taken under section 7.1. and details of where the other waste material is sent in and recorded in accordance with section 8.1.d.;
 - b) the measurements taken under section 7.2. and details of where the waste material is sent in and recorded in accordance with section 8.1.e.;
 - c) the measurements taken under section 7.2. and details of where the specified output material is sent and recorded in accordance with section 8.1.e.;
 - d) the total number of all samples taken under section 7.2.; and
 - e) the total weight in kilograms of all the samples that are taken under section 7.2. with the details for those samples recorded in accordance with section 8.1.e. .

Q15. Are you content with this section?

- a. Yes
- b. No

If you answered 'No', please provide details of why you are not content.

Q16. Would you have anything further to add to this section?

- a. Yes
- b. No

If you answered 'Yes, please provide details of anything that you would like to add in this section.

13. Questions on 10: Disclosure of information by NIEA, 11. Licensing and 12. Compliance

13.1 These sections apply to disclosure of information, licensing, and compliance.

10. Disclosure of information by NIEA

10.1. NIEA may share any information obtained from the operator of a MF under this Part with:

- a) a person who is appointed, by virtue of regulations made under Part 1 of Schedule 5 to the Environment Act 2021¹⁷, as an administrator of a scheme for producer responsibility for disposal costs (“the administrator”); and
- b) any other person who is exercising functions on that administrator’s behalf,

for the purpose of enabling the exercise of functions conferred on the administrator under those regulations.

11. Licensing

11.1. Compliance with the requirements of this Code will be a condition of a relevant Waste Management Licence or a Pollution and Prevention Control (PPC) permit.

12. Compliance

12.1. In managing the Code’s sampling and reporting requirements, NIEA have the option to undertake unannounced inspections of MFs in order to assess the quality and accuracy of testing and reporting procedures. NIEA’s on-site inspections would include:

- a. mapping and understanding MF processing capabilities relative to inputs and outputs from the MF;
- b. sampling of baled outputs to independently assess bale quality against MF license holders;
- c. an assessment of whether staff are adequately trained; and
- d. whether appropriate equipment and facilities are available on site to enable testing to be undertaken in line with the Code.

¹⁷ <https://www.legislation.gov.uk/ukpga/2021/30/contents>

12.2. NIEA may undertake inspections of MFs based upon intelligence, outcomes of previous inspections or quarterly data returns. The targeting of site inspections will change once the sampling and reporting regime has become established to focus more on underperforming sites.

Q17. Are you content with these sections?

- a. Yes
- b. No

If you answered 'No', please provide details of why you are not content.

14. Questions on 13: Definitions used in the Code

14.1 This section covers the definitions used in the Code and reads as follows:

13. Definitions of terms used in the Code

13.1. The following definitions are of terms that are used in the Code. The singular includes the plural and the plural the singular.

Drink Container: a bottle or can which:

- a. contains or used to contain drink;
- b. is made wholly or mainly from polyethylene terephthalate (PET) plastic, glass, steel or aluminium;
- c. has a capacity of at least 150 millilitres but no more than three litres of liquid;
- d. is designed or intended to be sealed in an airtight and watertight state at the point of supply to a consumer in the United Kingdom; and
- e. is not conceived, designed or marketed to be refilled or reused in any other way by any person.

EPR Scheme Administrator: A person who is appointed, by virtue of regulations made under section 51 and paragraph 4 of Schedule 5 to the Environment Act 2021, as an administrator of a scheme for producer responsibility for disposal costs (“the administrator”).

Fibre-based composite material: Means packaging material which is made of paperboard or paper fibres, laminated with plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand.

High Density PolyEthylene (HDPE): is a thermoplastic polymer made from petroleum.

Low-density polyethylene (LDPE): is a thermoplastic made from the monomer ethylene.

Materials Facility (MF):

- a. a facility or part of a facility where waste material is received in order to:
 - i. separate it into specified output, or
 - ii. consolidate it into bulk quantities (whether as a first point of consolidation for such waste or following the first

consolidation of bulk quantities transferred from other suppliers),

for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be prepared for re-use or recycling.

- b. any reference to a “Materials Facility” excludes a facility or part of a facility:
 - i. at which all the waste material received during a reporting period is attributable exclusively to a single supplier, unless the waste material so received is separated into specified output material at that facility;
 - ii. that is provided pursuant to arrangements made under section 25(1)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997¹⁸;
 - iii. that undertakes the processing or sorting of WEEE, waste batteries or accumulators.

Material Particles:

- a. for specified output material that is made up in largest proportion of glass material, particles of that material that measure less than 13 millimetres along their longest dimension, and
- b. in relation to all other types of specified output material and for waste material, particles of material measuring less than 55 millimetres along their longest dimension;

NIEA: Northern Ireland Environment Agency.

Non-Recyclable Material: Waste material that is not capable of being recycled.

Non-Target Material: material that is capable of being recycled but is not a target material.

Packaging: all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or consumer, including non-returnable items used for the same purposes, but only where the products are:

- a. primary packaging, which is packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;
- b. secondary packaging, which is packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is supplied as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting the product's

¹⁸ <https://www.legislation.gov.uk/nisi/1997/2778/contents>

characteristics;

c. tertiary packaging, which is packaging conceived so as to facilitate handling and transport of a number of sales units or secondary packaging in order to prevent damage from physical handling and transport damage, and for the purposes of these Regulations, tertiary packaging does not include road, rail, ship and air containers;

d. shipment packaging, which is packaging, added in addition to primary packaging, to items which are sold online or by a mail order which are either delivered direct to the purchaser or collected by the purchaser from a shop or other collection point after they have been purchased.

Pollution Prevention and Control (PPC) permits and Waste Management

Licences: regulate business activities that could have an impact on the environment or human health.

Polyethylene terephthalate (PET): is short for polyethylene terephthalate, the chemical name for polyester.

Type of packaging: throughout this document when type of packaging is stated it means the following types of packaging:

- a. household packaging;
- b. non-household packaging;
- c. packaging that commonly ends up in public bins;
- d. drink container;
- e. packaging that is reusable;
- f. packaging that becomes self managed waste.

Polypropylene: is a type of polyolefin that is slightly harder than polyethylene.

Specified Output Material: A batch of material (whether or not waste) that is:

- a. produced from a separating process for mixed waste material, and
- b. made up of one or more of the following kinds of material, in largest proportion:
 - i. glass;
 - ii. paper;
 - iii. card;
 - iv. metal (comprising aluminium, steel, or both);
 - v. plastic;
 - vi. fibre-based composite material.

Supplier: In relation to a batch of mixed waste material received at a Materials Facility:

- a. where that batch comprises material collected pursuant to arrangements made by a waste collection authority under article 20(1)(a) or (b) of the Waste and Contaminated Land (Northern Ireland) Order 1997¹⁹, that authority is the supplier;
- b. where that batch has been transferred from another MF or group of facilities, the operator of a Materials Facility or group of facilities from which that material was transferred is the supplier;
- c. in any other case not falling within (a) or (b), the person or organisation who collected the material or, if that person or organisation is not known, the person or organisation responsible for delivering it to the MF is the supplier;
- d. where the batch comprises material from more than one supplier, and the proportion of that batch attributable to a particular supplier cannot reasonably be ascertained, an estimate of the proportion is sufficient.

Target Material: material (whether of one kind or more) that is identified by the operator of a Materials Facility as destined (whether by that facility or by other facilities or persons) to be separated out from waste material or consolidated in order to produce bulk quantities of that identified material.

Waste Material: Waste material means waste that:

- a. is household waste, or originates from a source other than household waste but is similar to household waste in terms of its nature or composition,
- b. has been separately collected (whether as a single kind of material or two or more kinds of material mixed together) for the primary purpose of preparing it for re-use or recycling, and
- c. consists (whether wholly or in part) of any of the following kinds of material:
 - i. glass;
 - ii. paper;
 - iii. card;
 - iv. metal (comprising aluminium, steel, or both);
 - v. plastic;
 - vi. fibre-based composite material.

Q18. Are all the definitions in this section clear?

- a. Yes
- b. No

If you answered 'No', please provide details of which definitions you consider unclear and why.

¹⁹ <https://www.legislation.gov.uk/nisi/1997/2778/contents>

Q19. Are you content with the definition of Materials Facility (MF):

- a. Yes
- b. No

If you answered 'No', please provide details of which definitions you consider unclear and why.

Q20. Are all terms in the document, for which a clear definition is necessary, given a definition in this section?

- a. Yes
- b. No

If you answered 'No', please specify which terms you would like to see defined in this section.

15. Draft legislation

15.1 Please find the relevant draft legislation that will bring the Code into law in Northern Ireland:

STATUTORY RULES OF NORTHERN IRELAND	
2025 No.	
ENVIRONMENTAL PROTECTION	
The Materials Facilities Code (Northern Ireland) Regulations 2025	
<i>Made</i> - - - -	***
<i>Coming into operation</i>	XX XX 2025
<p>The Department of Agriculture, Environment and Rural Affairs makes these Regulations in exercise of the powers conferred by Article 6(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997⁽²⁰⁾ and Article 4(1) of the Environment (Northern Ireland) Order 2002⁽²¹⁾ and now vested in it⁽²²⁾.</p> <p>In accordance with Article 4 of the Environment (Northern Ireland) Order 2002, the Department of Agriculture, Environment and Rural Affairs has consulted—</p> <ul style="list-style-type: none">(a) district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate;(b) such bodies or persons appearing to it to be representative of the interests of the industry, agriculture and businesses as it considers appropriate; and(c) such other bodies or persons as it considers appropriate. <p>Citation and commencement</p> <p>2. These Regulations may be cited as the Materials Facilities Code (Northern Ireland) Regulations 2025 and come into operation on XX XX 2025.</p>	

⁽²⁰⁾ S.I. 1997/2778 (N.I. 19)

⁽²¹⁾ S.I. 2002/3153

⁽²²⁾ The Department of the Environment was dissolved by Section 1(9) of the Departments Act (Northern Ireland) 2016 and, by virtue of Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016, its functions for the purposes of these Regulations were transferred to the Department of Agriculture, Environment and Rural Affairs.

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

3. The Waste Management Licensing Regulations (Northern Ireland) 2003 are amended as follows.

(1) In regulation 1(3)—

(a) After the definition of “exempt activity” insert—

“fibre-based composite material” means packaging material which is made of paperboard or paper fibres, laminated with plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand;”;

(b) After the definition of "industrial battery or accumulator" insert—

““materials facility” means

(a) a facility or part of a facility where waste material is received in order to—

(i) separate it into specified output material, or

(ii) consolidate it into bulk quantities (whether as a first point of consolidation for such waste or following the first consolidation of bulk quantities transferred from other suppliers),

for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be prepared for re-use or recycling.

(b) any reference to a “materials facility” excludes a facility or part of a facility:

(i) at which all the waste material received during a reporting period is attributable exclusively to a single supplier, unless the waste material so received is separated into specified output material at that facility;

(ii) that is provided pursuant to arrangements made under section 25(1)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997;

(iii) that undertakes the processing or sorting of WEEE, waste batteries or accumulators;

“Materials Facilities Code” means the Code of Practice on Sampling and Reporting at Materials Facilities issued by the Department on XX.XX.2025;”;

(c) After the definition of “hazardous waste” insert—

““specified output material” means a batch of material (whether or not waste) that is—

(a) produced from a separating process for mixed waste material, and

(b) made up of one or more of the following kinds of target material—

(i) glass;

(ii) metal;

(iii) paper;

(iv) card;

(v) plastic;

(vi) fibre-based composite material;

“target material” means a material (whether of one kind or more) that is identified by the operator of a materials facility as destined (whether by that facility or by other facilities or persons) to be separated out from waste material or consolidated in order to produce bulk quantities of that identified material;”

(d) After the definition of “the Waste Electrical and Electronic Equipment Directive” or “WEEE Directive” insert—

““waste material” means waste that—

(a) is household waste, or originates from a source other than household waste but is similar to household waste in terms of its nature or composition,

(b) has been separately collected (whether as a single kind of material or two or more kinds of

- material mixed together) for the primary purpose of preparing it for re-use or recycling, and
- (c) consists (whether wholly or in part) of any of the following kinds of material—
- (i) glass;
 - (ii) metal;
 - (iii) paper;
 - (iv) card;
 - (v) plastic;
 - (vi) fibre-based composite material;”.

(2) After regulation 11D insert—

“Conditions of waste management licences: Materials facilities

11E.—(1) The Department shall ensure that any waste management licence granted or varied on or after XX XX 2025 authorising the treatment of waste material at a materials facility contains a condition requiring the holder of the license to comply with the Materials Facilities Code.”.

Amendment of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

4. The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 are amended as follows.

(1) In regulation 2(1)—

(a) After the definition of “existing medium combustion plant” insert—

““fibre-based composite material” means packaging material which is made of paperboard or paper fibres, laminated with plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand;”;

(b) After the definition of “landfill” insert—

““materials facility” means

(a) a facility or part of a facility where waste material is received in order to—

- (i) separate it into specified output material, or
- (ii) consolidate it into bulk quantities (whether as a first point of consolidation for such waste or following the first consolidation of bulk quantities transferred from other suppliers),

for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be prepared for re-use or recycling.

(b) any reference to a “materials facility” excludes a facility or part of a facility:

- (i) at which all the waste material received during a reporting period is attributable exclusively to a single supplier, unless the waste material so received is separated into specified output material at that facility;
- (ii) that is provided pursuant to arrangements made under section 25(1)(b) of the Waste and Contaminated Land (Northern Ireland) Order 1997;
- (iii) that undertakes the processing or sorting of WEEE, waste batteries or accumulators;

“Materials Facilities Code” means the Code of Practice on Sampling and Reporting at Materials Facilities issued by the Department on XX.XX.2025;”;

(c) After the definition of “specified generator” insert—

““specified output material” means a batch of material (whether or not waste) that is—

- (a) produced from a separating process for mixed waste material, and

- (b) made up of one or more of the following kinds of target material—
- (i) glass;
 - (ii) metal;
 - (iii) paper;
 - (iv) card;
 - (v) plastic;
 - (vi) fibre-based composite material;”;
- (d) After the definition of “suspension notice” insert—
- ““target material” means a material (whether of one kind or more) that is identified by the operator of a materials facility as destined (whether by that facility or by other facilities or persons) to be separated out from waste material or consolidated in order to produce bulk quantities of that identified material;”;
- (e) In the definition of “waste incineration installation” substitute “.” with “;”;
- (f) After the definition of “waste incineration installation” insert—
- ““waste material” means waste that—
- (a) is household waste, or originates from a source other than household waste but is similar to household waste in terms of its nature or composition,
 - (b) has been separately collected (whether as a single kind of material or two or more kinds of material mixed together) for the primary purpose of preparing it for re-use or recycling, and
 - (c) consists (whether wholly or in part) of any of the following kinds of material—
- (i) glass;
 - (ii) metal;
 - (iii) paper;
 - (iv) card;
 - (v) plastic;
 - (vi) fibre-based composite material.”.
- (2) After regulation 16, insert—

“ Conditions of permits: Materials facilities

15A.—(1) The Department shall ensure that any permits authorising the operation of a materials facility granted or varied on or after XX XX 2025 contains a condition requiring the holder of the permit to comply with the Materials Facilities Code.”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on XX XX 2025.



XXX

Shane Doris
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

Explanatory Note

(This note is not part of the Regulations)

These Regulations amend the Waste Management Licensing Regulations (Northern Ireland) 2003 and (“the 2003” Regulations”) and the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 (“the 2012 Regulations”).

Q21. Do you wish to make any comments regarding this draft legislation?

16. Charging Regime

16.1 This new sampling regime will require inspections by NIEA to recover the full costs of NIEA's services charges will be applied to relevant MF sites across Northern Ireland.

16.2 We propose our charges to be similar to the rest of the UK who have just recently completed a [consultation](#) on uplifting their charges in line with inflation.

Q22. The fees proposed for this new MF sampling regime are £3,000 a year for each site, do you think this is appropriate:

- a. Yes
- b. No

If you answered, 'no', please specify why this is not appropriate.

17. Compliance

Q23. Do you already comply with the requirements set out in the proposed Code?

- a. Yes
- b. No

18. Closing question

Q24. Do you wish to make any other comments on the document as a whole?

Please provide any final comments.