

REGULATION

on the recovery of waste

Article 1.

Objective.

The objective of this regulation is to promote the recovery of waste so that it ceases to be considered waste and in a manner that does not endanger public and animal health or damage the environment.

Article 2.

Scope.

This regulation applies to the commercial recovery of waste in so far as there have not been established any criteria concerning the end-of-waste status of the waste in question, under Article 21 of the Act on Waste Management.

Article 3

Definitions.

For the purposes of this Regulation the following definitions apply:

Recovery: means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

Advisory opinion: means the opinion of the Environment Agency of Iceland as to whether it considers that a particular waste can cease to be waste by undergoing a recovery operation in accordance with the evaluation criteria mentioned in this Regulation.

Waste: means any substances or objects which the holder decides to discard, intends to discard or is required to discard.

Article 4

Role of the Environment Agency of Iceland.

Before a particular waste, for which there are no available criteria for end-of-waste status, undergoes a recovery operation and before the intended product of the waste recovery is put on the market, the economic operator intending to market the product shall seek the advisory opinion of the Environment Agency of Iceland as to whether the waste will cease to be waste once it has undergone the recovery operation.

Should a specific necessity arise, the Environment Agency of Iceland is authorised, subject to consultation with the applicant, to seek expert opinion, at the expense of the applicant, for the process of preparing an advisory opinion.

Article 5

Application for an advisory opinion.

An application for an advisory opinion shall be in writing and shall be sent to the Environment Agency of Iceland. The application shall be in conformity with the Environment Agency's instructions and shall contain:

1. Applicant details.
2. Authorisation details.
3. Data and information regarding the waste intended for recovery and on the method of recovery to be used.
4. Data and information regarding the product that will be created once the waste has undergone the recovery operation. This point covers, inter alia, justification for conformity with the evaluation criteria of Article 6.

The Environment Agency of Iceland evaluates whether the data and information attached to the application are satisfactory. The Agency shall deliver its advisory opinion within three months of satisfactory data and information from the applicant becoming available.

The Environment Agency of Iceland is authorised to levy fees pursuant to the list of tariffs of the Agency under Article 65(4) of the Act on Waste Management, for the application, the preparation of an advisory opinion and, where relevant, for expenses due to consultations acquired externally. The Environment Agency of Iceland must inform the applicant of the estimated expenses of giving its advisory opinion before it begins preparing the opinion.

Article 6

Evaluation factors.

When preparing the advisory opinion, the Environment Agency of Iceland shall, inter alia, take note of the following criteria in its evaluation of whether a particular waste ceases to be waste when it has undergone the recovery operation specified in an application:

1. The waste will be turned into a marketable product.
2. The waste undergoing a recovery operation can be used in a manner comparable with comparable products that have not been produced from waste and are already on the market.
3. The waste undergoing a recovery operation can be stored and used in a such a manner that it does not cause worse environmental effects than comparable products that have not been produced from waste and are already on the market.
4. The applicant ensures that the product complies with the applicable requirements at all times.

The Environment Agency of Iceland is authorised to consider available national criteria on the end-of-waste status in individual EEA member states when preparing an advisory opinion.

Article 7

The Environment Agency of Iceland's advisory opinion on the recovery of waste.

The advisory opinion of the Environment Agency of Iceland shall be justified.

An economic operator intending to recover waste to make a product intended to be put on the market, is responsible for ensuring that its operations are at all times in compliance with the laws and regulations applying to the operations and shall take account of the advisory opinion on the recovery of waste.

The advisory opinion of the Environment Agency of Iceland shall cease to apply upon the establishing of criteria for the end-of-waste status for the waste, upon which the economic operator must comply with those criteria for the end-of-waste status.

The Environment Agency of Iceland is authorised to withdraw its advisory opinion in the case of more pollution from the use of the product concerned than was expected when the opinion was given, or in the case that other premises that were taken into consideration when drawing up the opinion have changed.

The Agency shall follow the procedure of the Administrative Procedure Act No 37/1993 when processing applications regarding the recovery of waste.

Article 8

Entry into force and legal reference.

This Regulation is adopted in accordance with Article 11(3), with reference to Article 43, of Act no. 55/2003 on Waste Management and becomes effective immediately. This Regulation is adopted after consultation with the Icelandic Association of Local Authorities and SA-Business Iceland.