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Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2019 No. 000

EXITING THE EUROPEAN UNION

ENVIRONMENTAL PROTECTION

WASTE

The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019

Made - - - - ***

Coming into force in accordance with regulation 1(2)

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The Secretary of State makes these Regulations in exercise of the powers conferred by—

(a) in relation to Part 1, the provisions mentioned in paragraphs (b) and (c);

(b) in relation to Part 2, section 2(2) of the European Communities Act 1972(**a**);

(c) in relation to the remainder of the Regulations, section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**b**).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste(**c**).

In accordance with paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019.

(2) They come into force as follows—

(a) as regards this Part and Part 2, on the day after the day on which they are made;

(**a**) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act). Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by the European Union (Amendment) Act 2008, the Schedule, Part 1 and S.I. 2007/1388. It is prospectively repealed by the European Union (Withdrawal) Act 2018, section 1 from exit day (see section 20 of that Act). Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794.

(**b**) 2018 c. 16.

(**c**) S.I. 1992/2870, to which there are amendments not relevant to these Regulations.

(b) as regards the remainder, on exit day.

PART 2

Amendment of out of date references

Environmental Protection Act 1990

2.—(1) The Environmental Protection Act 1990(**a**) is amended as follows.

(2) In section 33(13)(**b**), as it extends to England and Wales, for the words from "Directive 2008/98/EC(**c**)" to the end substitute "the Waste Framework Directive".

(3) In section 34(2A)(**d**), as it extends to Scotland, for "Waste Directive" substitute "Waste Framework Directive".

(4) In section 57(8)(**e**), as it extends to England and Wales, in the definition of "waste", for "Directive 2008/98/EC of the European Parliament and of the Council on waste" substitute "the Waste Framework Directive".

(5) In section 62A(1)(b) and (2)(b)(**f**), for "Directive 2008/98/EC, as last amended by Council Regulation (EU) 2017/997(**g**)" substitute "the Waste Framework Directive".

(6) In section 75(**h**)—

(a) after subsection (1), insert—

"(1A) "Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997.";

(b) in subsection (2)—

(i) as it extends to England and Wales, for "Directive 2008/98/EC of the European Parliament and of the Council on waste" substitute "the Waste Framework Directive";

(ii) as it extends to Scotland, in paragraph (a), for "Waste Directive" substitute "Waste Framework Directive";

(c) omit subsection (12) as it extends to Scotland.

Waste and Emissions Trading Act 2003

3.—(1) Section 37 of the Waste and Emissions Trading Act 2003(**i**) is amended as follows.

(2) In subsection (2), as it extends to England and Wales and Scotland, at the end insert ", as last amended by Council Regulation (EU) 2017/997".

(3) For subsection (2), as it extends to Northern Ireland, substitute—

"(2) For the purposes of this section, "the Waste Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997.".

(**a**) 1990 c. 43.
(**b**) Section 33(13) was inserted in relation to England and Wales by S.I. 2007/3538, and amended by S.I. 2016/738.
(**c**) OJ No L 312, 22.11.2008, p 3.
(**d**) Section 34(2A) was inserted in relation to Scotland by S.S.I. 2011/226.
(**e**) Section 57(8) was substituted in relation to England and Wales by S.I. 2005/3026, and amended by S.I. 2011/988.
(**f**) Section 62A was inserted by S.I. 2005/894, and amended by S.I 2011/988, 2015/1360, 2018/721 (W. 140) and 942.
(**g**) OJ No L 150, 14.6.2017, p 1.
(**h**) Section 75(2) as it extends to England and Wales, was substituted by S.I. 2011/988; section 75(2) as it extends to Scotland was amended by S.S.I. 2018/219. Section 75(12) as it extends to Scotland was substituted by S.S.I 2015/188.
(**i**) 2003 c. 33. Section 37, as it extends to England and Wales, was amended by S.I. 2011/988; section 37, as it extends to Scotland, was substituted by S.S.I. 2011/226.

PART 3

Amendment of primary legislation

Control of Pollution (Amendment) Act 1989

4. Section 1(3) of the Control of Pollution (Amendment) Act 1989(**a**) is amended as follows—

(a) after paragraph (a), omit the final "or";

(b) omit paragraph (b).

Environmental Protection Act 1990

5.—(1) The Environmental Protection Act 1990 is amended as follows.

(2) In section 57(8), as it extends to England and Wales, in the definition of "waste", after "Waste Framework Directive" (as substituted by regulation 2(4)), insert ", as read with Articles 5 and 6 of that Directive,".

(3) In section 75(1A) (as inserted by regulation 2(6)(a)), at the end insert ", and read in accordance with section 75A".

(4) After section 75 insert—

"**Modification of the Waste Framework Directive**

75A.—(1) For the purposes of this Part, the Waste Framework Directive is to be read in accordance with this section.

(2) A reference to one or more member States in a provision of the Waste Framework Directive imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, waste regulation authority or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England, Wales or Scotland.

(3) Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for "other Community legislation" there were substituted "retained EU law";

(ii) in points (b) and (c), for "Regulation (EC) No 1774/2002" there were substituted "Regulation (EC) No 1069/2009";

(iii) in point (d), as it extends to England and Wales, for the words from "Directive 2006/21/EC(**b**)" to the end there were substituted "the Mining Waste Directive";

(iv) for point (d), as it extends to Scotland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010 (S.S.I. 2010/60)(**c**).";

(b) in paragraph 3, the words from "Without prejudice" to "Community legislation," were omitted;

(c) paragraph 4 were omitted.

(4) Article 5 is to be read as if paragraph 2 were omitted.

(**a**) 1989 c. 14.

(**b**) OJ No L 102, 11.4.2006, p 15, as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14).

(**c**) S.S.I. 2010/60.

(5) Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

(6) Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"**1A.** Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894)(**a**), or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806 (W.138))(**b**), that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act(**c**) (lists of waste displaying hazardous properties);

(e) a determination by the Scottish Ministers that a specific batch or type of waste—

(i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;

(ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6, there were inserted—

(**a**) S.I. 2005/894; relevant amending instruments are S.I. 2011/988 and 2015/1360.

(**b**) S.I. 2005/1806 (W. 138); relevant amending instruments are S.I. 2011/971 (W. 141) and 2015/1417 (W. 141). The functions of the National Assembly for Wales under these Regulations were transferred to the Welsh Ministers by virtue of paragraph 30(1) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**c**) The functions of the National Assembly for Wales under section 62A(2) were transferred to the Welsh Ministers by virtue of paragraph 30(1) of Schedule 11 to the Government of Wales Act 2006.

"**6A.** In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

(7) Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

(8) In subsection (2)—

"appropriate authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Ministers;

"local authority" means—

(a) in England outside Greater London—

(i) a district council,

(ii) a county council, or

(iii) the Council of the Isles of Scilly;

(b) in Greater London—

(i) the council of a London borough,

(ii) the Common Council of the City of London,

(iii) the Sub-Treasurer of the Inner Temple, or

(iv) the Under-Treasurer of the Middle Temple;

(c) in Wales—

(i) a county council, or

(ii) a county borough council;

(d) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**a**).".

Waste and Emissions Trading Act 2003

6.—(1) The Waste and Emissions Trading Act 2003 is amended as follows.

(2) In section 1—

(a) in subsection (1), for "must" substitute "may";

(b) omit subsection (2);

(c) for subsection (4) substitute—

"(4) The power under subsection (1)(a) is exercisable only with the agreement of the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

(4A) The power under subsection (1)(c) is exercisable only with the agreement of the Scottish Ministers.

(4B) The power under subsection (1)(d) is exercisable only with the agreement of the Welsh Ministers.

(4C) The power under subsection (1)(e) is exercisable only with the agreement of the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.";

(d) omit subsection (5).

(3) In section 23, for subsection (3) substitute—

(**a**) 1994 c. 39.

"(3) The power under subsection (2) is exercisable only with the agreement of the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.".

(4) In section 37—

(a) in subsection (2)—

(i) after "section" insert "and section 37A";

(ii) at the end (and, in that subsection as it extends to England and Wales and Scotland, after the insertion made by regulation 3(2)) insert ", and read in accordance with subsections (3) to (9)";

(b) after subsection (2) insert—

"(3) A reference to one or more member States in a provision of the Waste Directive imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England, Wales, Scotland or Northern Ireland.

(4) Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for "other Community legislation" there were substituted "retained EU law";

(ii) in points (b) and (c), for "Regulation (EC) No 1774/2002" there were substituted "Regulation (EC) No 1069/2009";

(iii) in point (d), as it extends to England and Wales, for the words from "Directive 2006/21/EC" to the end there were substituted "the Mining Waste Directive" (see section 37A);

(iv) for point (d), as it extends to Scotland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010 (S.S.I. 2010/60).";

(v) for point (d), as it extends to Northern Ireland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 85)(**a**).";

(b) in paragraph 3, the words from "Without prejudice" to "Community legislation," were omitted;

(c) paragraph 4 were omitted.

(5) Article 5 is to be read as if paragraph 2 were omitted.

(6) Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

(7) Article 7 is to be read as if—

(**a**) S.R. 2015 No. 85.

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"**1A.** Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894), or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806 (W.138)), or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005 (S.R. 2005 No. 300)(**a**), that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties);

(e) a determination by the Scottish Ministers that a specific batch or type of waste—

(i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;

(ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6, there were inserted—

"**6A.** In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

(8) Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

(9) In this section—

"appropriate agency" means—

(a) in relation to England, the Environment Agency;

(**a**) S.R. 2005 No. 300; relevant amending instruments are S.R. 2005 No. 301, S.R 2011 No. 127 and S.R 2015 No. 288.

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland, the Scottish Environment Protection Agency;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

"appropriate authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Ministers;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

"local authority" means—

(a) in England outside Greater London—

(i) a district council,

(ii) a county council, or

(iii) the Council of the Isles of Scilly;

(b) in Greater London—

(i) the council of a London borough,

(ii) the Common Council of the City of London,

(iii) the Sub-Treasurer of the Inner Temple, or

(iv) the Under-Treasurer of the Middle Temple;

(c) in Wales—

(i) a county council, or

(ii) a county borough council;

(d) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(e) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972(**a**).".

(5) After section 37 insert—

"Meaning of "the Mining Waste Directive" in section 37: England and Wales

37A.—(1) In section 37(4)(a)(iii), "the Mining Waste Directive" means Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries, read in accordance with subsections (2) to (5).

(2) Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC(**b**) were a reference to that Article read in accordance with subsection (4);

(b) paragraphs 3 and 4 were omitted.

(3) Article 3(1) is to be read as if, for "Article 1(a) of Directive 75/442/EC(**c**)" there were substituted "Article 3(1) of the Waste Directive, as read with Articles 5 and 6 of that Directive".

(**a**) 1972. c. 9 (N.I.); section 1 was amended by the Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7) (N.I.), section 3(1) and S.I. 1985/454.

(**b**) OJ No L 327, 22.12.2000, p 1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p 32).

(**c**) OJ No L 194, 25.7.1975, p 47, repealed by Directive 2006/12/EC of the European Parliament and of the Council (OJ No L 114, 27.4.2006, p 9).

(4) For the purposes of subsection (2)(a), Article 11(3)(j) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy is to be read as if—

(a) the reference to "Member States" were a reference to the appropriate authority or appropriate agency;

(b) in the words after the final indent, "environmental objectives"—

(i) in relation to the Northumbria River Basin District, means the environmental objectives referred to in the WFD Regulations as applied by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 (S.I. 2003/3245)(**a**);

(ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 (S.I. 2004/99)(**b**);

(iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.

(5) In subsection (4)—

"appropriate agency" and "appropriate authority" have the meanings given in section 37(9);

"the WFD Regulations" means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (S.I. 2017/407)(**c**).".

Saving: regulations under section 1(1) or 23(2) of the Waste and Emissions Trading Act 2003

7. The amendments made by regulation 6(2) or 6(3) do not affect any regulations made under section 1(1) or 23(2) of the Waste and Emissions Trading Act 2003 before the coming into force of this Part.

PART 4

Amendment and revocation of retained direct EU legislation

CHAPTER 1

Regulations

Commission Regulation (EU) No 1103/2010 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators

8.—(1) Commission Regulation (EU) No 1103/2010 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators is amended as follows.

(2) In Article 1—

(a) in paragraph 1, for "the date referred to in Article 5" substitute "30th November 2010";

(b) after paragraph 1, insert—

"1A. In paragraph 1, 'placed on the market' means supplied or made available, whether in return for payment or free of charge, to a third party within the United Kingdom and includes import into the United Kingdom.".

(**a**) S.I. 2003/3245, amended by S.I. 2016/139 and 2017/407.
(**b**) S.I. 2004/99, amended by S.I. 2016/139; there are other amending instruments but none is relevant.
(**c**) S.I. 2017/407.

(3) Omit Article 5.

(4) After Article 5, omit the words from "This Regulation" to "Member States".

(5) In Annex 1, after point (1) insert—

"(2) In point (1), "Directive 2006/66/EC" means Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators(**a**) as last amended by Directive 2013/56/EU of the European Parliament and of the Council(**b**), and read as if—

(a) in Article 3—

(i) in paragraph 7, for "Article 1(1)(a) of Directive 2006/12/EC(**c**)" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive";

(ii) in paragraph 11, for "Directive 2002/96/EC(**d**)" there were substituted "Article 3(1)(a) of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(**e**), as it had effect immediately before 4th July 2018";

(b) in Article 11—

(i) in the first sentence, for "Member States" there were substituted "The Secretary of State";

(ii) in the second sentence, for "Member States" there were substituted "the Secretary of State".

(3) In point (2)(a)(i), "the Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read as if—

(a) Article 5(2) were omitted;

(b) in Article 6—

(i) paragraphs 1 to 3 were omitted;

(ii) in paragraph 4—

— in the first sentence, for the words from "Where criteria" to ", Member States" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies, the appropriate agency";

— the second sentence were omitted.

(4) In point (3)(b)(ii), "appropriate agency" means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland, the Scottish Environment Protection Agency;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.".

(6) In Annex 4, in Part A, after point (4) insert—

"(5) In point (3), 'appliance' means any electrical or electronic equipment, as defined by Article 3(1)(a) of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE), as it had effect immediately before 4th

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(**a**) OJ No L 266, 26.9.2006, p 1.
(**b**) OJ No L 329, 10.12.2013, p 5.
(**c**) OJ No L 114, 27.4.2006, p 9, repealed by Directive 2008/98/EC of the European Parliament and of the Council (OJ No L 312, 22.11.2008, p 3).
(**d**) OJ No L 37, 13.2.2003, p 24, repealed by Directive 2012/19/EU of the European Parliament and of the Council (OJ No L 197, 24.7.2012, p 38).
(**e**) OJ No L 197, 24.7.2012, p 38.

July 2018, which is fully or partly powered by batteries or accumulators or is capable of being so.".

Council Regulation (EU) No 333/2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council

9.—(1) Council Regulation (EU) No 333/2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council is amended as follows.

(2) In Article 2—

(a) the existing text becomes paragraph 1;

(b) in that paragraph—

(i) in point (e), in the definition of "importer"—

(aa) for "Union" in the first place it occurs substitute "United Kingdom";

(bb) for "customs territory of the Union" substitute "United Kingdom";

(ii) after point (h), insert—

"(i) "competent authority" means—

(i) in relation to England, the Environment Agency;

(ii) in relation to Wales, the Natural Resources Body for Wales;

(iii) in relation to Scotland, the Scottish Environment Protection Agency;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(j) "EU-derived domestic legislation" has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018;

(k) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council;

(iv) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(v) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.".

(3) After Article 2 insert—

"*Article 2A*

Modification of Directive 2008/98/EC of the European Parliament and of the Council

1. For the purposes of this Regulation, a reference to Directive 2008/98/EC is a reference to Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with this Article.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the competent authority, appropriate authority or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion.

3. Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for "other Community legislation" there were substituted "retained EU law";

(ii) in points (b) and (c), for "Regulation (EC) No 1774/2002" there were substituted "Regulation (EC) No 1069/2009";

(iii) in point (d), as it extends to England and Wales, for the words from "Directive 2006/21/EC" to the end there were substituted "the Mining Waste Directive";

(iv) for point (d), as it extends to Scotland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010.";

(v) for point (d), as it extends to Northern Ireland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.";

(b) in paragraph 3, the words from "Without prejudice" to "Community legislation," were omitted;

(c) paragraph 4 were omitted.

4. Article 3(20) is to be read as if for "Article 2(11) of Directive 96/61/EC(**a**)" there were substituted "Article 3(10) of the Industrial Emissions Directive".

5. Article 5 is to be read as if paragraph 2 were omitted.

6. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

7. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(**a**) OJ No L 257, 10.10.1996, p 26, repealed by Directive 2008/1/EC of the European Parliament and of the Council (OJ No L 24, 29.1.2008, p 8).

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties);

(e) a determination by the Scottish Ministers that a specific batch or type of waste—

(i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;

(ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

8. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

9. In paragraph 2, "the appropriate authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Environment Protection Agency;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

Article 2B

Meaning of "the Mining Waste Directive" and "the Industrial Emissions Directive"

1. In Article 2A(3)(a)(iii), "the Mining Waste Directive" means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC were a reference to that Article read in accordance with paragraph 7 of this Article;

(b) paragraphs 3 and 4 were omitted.

3. Article 3(1) is to be read as if, for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of Directive 2008/98/EC, as read with Articles 5 and 6 of that Directive".

4. In Article 2A(4), "the Industrial Emissions Directive" means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control(**a**)), read in accordance with paragraphs 5 and 6.

5. Article 3 is to be read as if—

(a) in point (1)(a), for the words from "Article 1" to the end there were substituted "Article 4(78) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation(**b**)";

(b) in point (10)(b), for "Member State in question" there were substituted "United Kingdom";

(c) in point (23), for the words from "point 1" to the end there were substituted "point 1 of the second subparagraph of Article 2 of Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs(**c**)";

(d) in point (37), for the words from "of the European" to the end there were substituted ", read with Articles 5 and 6 of that Directive".

6. Annex 1 is to be read as if—

(a) in the words before point 1, the second paragraph were omitted;

(b) in point 5.3—

(i) in point (a), in the words before point (i), for "Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment(**d**)" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994(**e**)";

(ii) in point (b), in the words before point (i), for "Directive 91/271/EEC" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994";

(**a**) OJ L No. 334, 17.12.2010, p 17, as corrected by a corrigendum (OJ No L 158, 19.6.2012, p 25).
(**b**) OJ No L 13, 17.1.2014, p 1, as corrected by a corrigendum (OJ No L 72, 17.3.2016, p 69).
(**c**) OJ No L 343, 22.12.2009, p 74, as last amended by Commission Implementing Decision 2011/879/EU (OJ No L 343, 23.12.2011, p 105).
(**d**) OJ No L 135, 30.5.1991, p 40, as last corrected by a corrigendum (OJ No L 189, 17.7.2015, p 41).
(**e**) S.I. 1994/2841, amended by S.I. 2003/1788, 2005/2035, 2010/675, 2011/556, 2013/755 (W. 90) and 2016/1154.

(c) in point 5.4, the reference to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste(**a**) were a reference to the Landfill Directive;

(d) in point 6.9, for "Directive 2009/31/EC(**b**)" there were substituted "the EU-derived domestic legislation which transposed Directive 2009/31/EC in respect of England and Wales(**c**)";

(e) in point 6.11, for "Directive 91/271/EEC" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994".

7. For the purposes of paragraph 2(a), Article 11(3)(j) of Directive 2000/60/EC is to be read as if—

(a) the reference to "Member States" were a reference to the appropriate authority or the competent authority;

(b) in the words after the final indent, "environmental objectives"—

(i) in relation to the Northumbria River Basin District, means the environmental objectives referred to in the WFD Regulations as applied by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003;

(ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;

(iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.

8. In paragraph 6(c), "the Landfill Directive" means Council Directive 1999/31/EC on the landfill of waste, as last amended by Council Directive 2011/97/EU(**d**), and read as if, in Article 2—

(a) for point (a) there were substituted—

"(a) "waste" means anything that—

(i) is waste within the meaning of Article 3(1) of Directive 2008/98/EC, as read with Articles 5 and 6 of that Directive, and

(ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;";

(b) for point (c) there were substituted—

"(c) "hazardous waste" has the meaning given in Article 3(2) of Directive 2008/98/EC;".

9. In paragraph 7—

(a) in point (a), "the appropriate authority" has the meaning given by Article 2A(9);

(b) in point (b), "the WFD Regulations" means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.".

(4) In Article 6—

(a) in paragraph 5, in the first sentence, omit the words from ", or any other" to "(EMAS)";

(b) after paragraph 6 insert—

"6A. In paragraph 6, "independent external verifier" means—

(a) a conformity assessment body as defined in Regulation (EC) No 765/2008;

(**a**) OJ No L 182, 16.7.1999, p 1.
(**b**) OJ No L 140, 5.6.2009, p 114, as last amended by Decision (EU) 2018/853 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p 155).
(**c**) See for example: S.I. 2010/1513, 2221, 2011/1483, 2305, 2453, 2012/461, 2013/2696, 2016/1154, 2017/571.
(**d**) OJ No L 328, 10.12.2011, p 49.

(b) a conformity assessment body as defined in Regulation (EC) No 765/2008 as it has effect in EU law(**a**);

(c) any other environmental verifier as defined in Article 2(20)(b) of Regulation (EC) No 1221/2009 as it has effect in EU law(**b**).".

(5) After Article 6, insert—

"*Article 6A*

EU exit: transitional provision

1. Paragraph 3 applies to verification obtained in compliance with Article 6 as it had effect immediately before exit day.

2. Paragraph 3 also applies where—

(a) before exit day, a producer or supplier has submitted a management system to a conformity assessment body or an environmental verifier for verification in compliance with Article 6 as it had effect immediately before exit day, and

(b) after exit day, the producer or supplier obtains that verification.

3. Where this paragraph applies, the verification obtained is deemed to be verification for the purposes of Article 6.

4. In paragraph 2, "supplier" means the supplier of a producer or of an importer.".

(6) Omit Article 7.

(7) After Article 7, omit the words from "This Regulation shall" to "Member States".

(8) In Annexes 1 and 2, in the first column—

(a) in Section 1.5, omit the second sentence;

(b) in Section 3.3(a), for the words from "Article 6" in the first place it occurs to the end substitute—

"the EU-derived domestic legislation that transposed—

(i) Article 6 of Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles(**c**), as last amended by Commission Directive (EU) 2017/2096(**d**), and

(ii) Article 8 of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE), as it had effect immediately before 4th July 2018(**e**).".

(9) In Annex 3, in the sixth entry of the table, in the second column, for "customs territory of the Union" substitute "United Kingdom".

Commission Regulation (EU) No 493/2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators

10.—(1) Commission Regulation (EU) No 493/2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators is amended as follows.

(2) In Article 2—

(a) the existing text becomes paragraph 1;

(**a**) OJ No L 218, 13.8.2008, p 30.
(**b**) OJ No L 342, 22.12.2009, p 1, as last amended by Commission Regulation (EU) 2017/1505 (OJ No L 222, 29.8.2017, p 1).
(**c**) OJ No L 269, 21.10.2000, p 34.
(**d**) OJ No L 299, 16.11.2017, p 24. See for example: generally, S.I. 2003/2635, 2005/263; in relation to England and Wales, S.I. 2016/1154; in relation to Scotland, S.S.I. 2003/593; in relation to Northern Ireland, S.R. 2003 No. 493.
(**e**) See for example S.I. 2013/3113 and S.R. 2014 No 202.

(b) in that paragraph, after point (4) insert—

"(4A) "waste battery or accumulator" means any battery or accumulator which is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive;

(4B) "disposal" means any of the applicable operations provided for in Annex 1 to the Waste Framework Directive;

(4C) "Directive 2006/66/EC" means Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators, as last amended by Directive 2013/56/EU of the European Parliament and of the Council;";

(c) after that paragraph, insert—

"2. In paragraph 1, "the Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, read in accordance with paragraphs 3 and 4.

3. Article 5 is to be read as if paragraph 2 were omitted.

4. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to ", Member States" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies, the appropriate agency";

(ii) the second sentence were omitted.

5. In paragraph 4(b)(i), "appropriate agency" means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland, the Scottish Environment Protection Agency;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.".

(3) In Article 3(4) and (6), for "Member State's competent authorities" substitute "competent authority".

(4) Omit Article 4.

(5) After Article 4, omit from "This Regulation" to "Member States".

(6) In Annex 1, after point 6 insert—

"7. For the purposes of point 1, Directive 2006/66/EC is to be read as if "waste battery or accumulator" had the meaning given by Article 2(1)(4A).

8. In point 3, "producer" means any person in the United Kingdom that, irrespective of the selling technique used, including by distance contract, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the United Kingdom on a professional basis.

9. In point 8—

(a) "appliance" means any electrical or electronic equipment, as defined by Article 3(1)(a) of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) as it had effect immediately before 4th July 2018, which is fully or partly powered by batteries or accumulators or is capable of being so;

(b) "distance contract" has the meaning given in regulation 5 of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013(**a**);

(c) "placing on the market' means supplying or making available, whether in return for payment or free of charge, to a third party within the United Kingdom and includes import into the United Kingdom.".

(7) In Annexes 2 and 3, after point 2 insert—

"3. For the purposes of point 1, Directive 2006/66/EC is to be read as if "waste battery or accumulator" had the meaning given by Article 2(1)(4A).".

Commission Regulation (EU) No 1179/2012 establishing criteria determining when glass cullet ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council

11.—(1) Commission Regulation (EU) No 1179/2012 establishing criteria determining when glass cullet ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council is amended as follows.

(2) In Article 2, in the second paragraph—

(a) after point (1) insert—

"(1A) "competent authority" means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland, the Scottish Environment Protection Agency;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;";

(b) in point (4)—

(i) for "Union" in the first place it occurs substitute "United Kingdom";

(ii) for "customs territory of the Union" substitute "United Kingdom".

(3) After Article 2 insert—

"*Article 2A*

Modification of Directive 2008/98/EC of the European Parliament and of the Council

1. For the purposes of this Regulation, a reference to Directive 2008/98/EC is a reference to Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with this Article.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the competent authority, appropriate authority or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion.

3. Article 5 is to be read as if paragraph 2 were omitted.

4. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011,

(**a**) S.I. 2013/3134, to which there are amendments not relevant to these Regulations.

Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

5. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties);

(e) a determination by the Scottish Ministers that a specific batch or type of waste—

(i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;

(ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

6. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

7. In paragraph 2—

(a) "appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Scotland, the Scottish Ministers;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(b) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council;

(iv) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(v) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.".

(4) In Article 5—

(a) in paragraph 4—

(i) in the first sentence, omit the words from ", or an environmental" to "with that Regulation" in the second place it occurs;

(ii) in the third sentence, for the words from "NACE codes" to the end substitute "UK Standard Industrial Classification (SIC) by Economic Activity, issued under section 9 of the Statistics and Registration Service Act 2007(**a**), as updated from time to time(**b**)";

(iii) in the first and second indents, for "* NACE" substitute "UKSICEA";

(b) in paragraph 5—

(i) in the second subparagraph, omit the words from "; or by" to the end;

(ii) in the third subparagraph, omit the words from "or Regulation (EC)" to the end;

(c) after paragraph 6, insert—

"7. In paragraph 5, "independent external verifier" means—

(a) a conformity assessment body as defined in Regulation (EC) No 765/2008;

(b) a conformity assessment body as defined in Regulation (EC) No 765/2008 as it has effect in EU law which is accredited by an accreditation body successfully peer evaluated for this activity by the body recognised in Article 14 of that Regulation as it has effect in EU law;

(**a**) 2007 c. 18.

(**b**) A copy of the UK Standard Industrial Classification by Economic activity can be found at: https://www.ons.gov.uk/methodology/classificationsandstandards/ukstandardindustrialclassificationofeconomicactivities.

(c) any other environmental verifier as defined in Article 2(20)(b) of Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) as it has effect in EU law, which is accredited or licensed by an accreditation or licensing body which is subject to peer evaluation according to Article 31 of that Regulation as it has effect in EU law.".

(5) After Article 5 insert—

"*Article 5A*

EU exit: transitional provision

1. Paragraph 3 applies to verification obtained in compliance with Article 5 as it had effect immediately before exit day.

2. Paragraph 3 also applies where—

(a) before exit day, a producer or supplier of an importer has submitted a management system to a conformity assessment body or an environmental verifier for verification in compliance with Article 5 as it had effect immediately before exit day, and

(b) after exit day, the producer or supplier obtains that verification.

3. Where this paragraph applies, the verification obtained is deemed to be verification for the purposes of Article 5.".

(6) Omit Article 6.

(7) After Article 6, omit the words from "This Regulation shall" to "Member States".

(8) In Annex 2, in the fifth entry in the table, in the second column, omit the words from "or by an environmental verifier" to the end.

Commission Regulation (EU) No 715/2013 establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council

12.—(1) Commission Regulation (EU) No 715/2013 establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council is amended as follows.

(2) In Article 2—

(a) the existing text becomes paragraph 1;

(b) in that paragraph, in the second subparagraph—

(i) after point (1) insert—

"(1A) "appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Scotland, the Scottish Ministers;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(1B) "competent authority" means—

(i) in relation to England, the Environment Agency;

(ii) in relation to Wales, the Natural Resources Body for Wales;

(iii) in relation to Scotland, the Scottish Environment Protection Agency;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(1C) "EU-derived domestic legislation" has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018;

(1D) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council;

(iv) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(v) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.";

(ii) in point (4)—

(aa) for "Union" in the first place it occurs substitute "United Kingdom";

(bb) for "customs territory of the Union" substitute "United Kingdom".

(3) After Article 2 insert—

"*Article 2A*

Modification of Directive 2008/98/EC of the European Parliament and of the Council

1. For the purposes of this Regulation, a reference to Directive 2008/98/EC is a reference to Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with this Article.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the competent authority, appropriate authority or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion.

3. Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for "other Community legislation" there were substituted "retained EU law";

(ii) in points (b) and (c), for "Regulation (EC) No 1774/2002" there were substituted "Regulation (EC) No 1069/2009";

(iii) in point (d), as it extends to England and Wales, for the words from "Directive 2006/21/EC" to the end there were substituted "the Mining Waste Directive";

(iv) for point (d), as it extends to Scotland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010.";

(v) for point (d), as it extends to Northern Ireland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.";

(b) in paragraph 3, the words from "Without prejudice" to "Community legislation," were omitted;

(c) paragraph 4 were omitted.

4. Article 3(20) is to be read as if for "Article 2(11) of Directive 96/61/EC" there were substituted "Article 3(10) of the Industrial Emissions Directive".

5. Article 5 is to be read as if paragraph 2 were omitted.

6. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

7. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties);

(e) a determination by the Scottish Ministers that a specific batch or type of waste—

(i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;

(ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

8. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

Article 2B

Meaning of "the Mining Waste Directive" and "the Industrial Emissions Directive"

1. In Article 2A(3)(a)(iii), "the Mining Waste Directive" means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC were a reference to that Article read in accordance with paragraph 7 of this Article;

(b) paragraphs 3 and 4 were omitted.

3. Article 3(1) is to be read as if, for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of Directive 2008/98/EC, as read with Articles 5 and 6 of that Directive".

4. In Article 2A(4), "the Industrial Emissions Directive" means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control), read in accordance with paragraphs 5 and 6.

5. Article 3 is to be read as if—

(a) in point (1)(a), for the words from "Article 1" to the end there were substituted "Article 4(78) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation";

(b) in point (10)(b), for "Member State in question" there were substituted "United Kingdom";

(c) in point (23), for the words from "point 1" to the end there were substituted "point 1 of the second subparagraph of Article 2 of Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs";

(d) in point (37), for the words from "of the European" to the end there were substituted ", read with Articles 5 and 6 of that Directive".

6. Annex 1 is to be read as if—

(a) in the words before point 1, the second paragraph were omitted;

(b) in point 5.3—

(i) in point (a), in the words before point (i), for "Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994";

(ii) in point (b), in the words before point (i), for "Directive 91/271/EEC" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994";

(c) in point 5.4, the reference to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste were a reference to the Landfill Directive;

(d) in point 6.9, for "Directive 2009/31/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2009/31/EC in respect of England and Wales";

(e) in point 6.11, for "Directive 91/271/EEC" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994".

7. For the purposes of paragraph 2(a), Article 11(3)(j) of Directive 2000/60/EC is to be read as if—

(a) the reference to "Member States" were a reference to the competent authority or appropriate authority;

(b) in the words after the final indent, "environmental objectives"—

(i) in relation to the Northumbria River Basin District, means the environmental objectives referred to in the WFD Regulations as applied by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003;

(ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;

(iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.

8. In paragraph 6(c), "the Landfill Directive" means Council Directive 1999/31/EC on the landfill of waste, as last amended by Council Directive 2011/97/EU, and read as if, in Article 2—

(a) for point (a) there were substituted—

"(a) "waste" means anything that—

(i) is waste within the meaning of Article 3(1) of Directive 2008/98/EC, as read with Articles 5 and 6 of that Directive, and

(ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;";

(b) for point (c) there were substituted—

"(c) "hazardous waste" has the meaning given in Article 3(2) of Directive 2008/98/EC;";

9. In paragraph 7(b), "the WFD Regulations" means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.".

(4) In Article 5—

(a) in paragraph 5—

(i) in the first subparagraph, in the first sentence omit the words from "or an environmental" to "with that Regulation,";

(ii) in the second subparagraph—

(aa) in the words before point (a), for the words from "NACE Codes" to the end substitute "UK Standard Industrial Classification (SIC) by Economic Activity, issued under section 9 of the Statistics and Registration Service Act 2007, as updated from time to time";

(bb) in points (a) and (b), for "* NACE" substitute "UKSICEA";

(b) in paragraph 6—

(i) in the second subparagraph, omit point (b);

(ii) in the third subparagraph omit the words from "or Regulation (EC) No 1221/2009" to the end.

(5) After Article 5 insert—

"*Article 6A*

EU exit: transitional provision

1. Paragraph 3 applies to verification obtained in compliance with Article 5 as it had effect immediately before exit day.

2. Paragraph 3 also applies where—

(a) before exit day, a producer or supplier has submitted a management system to a conformity assessment body or an environmental verifier for verification in compliance with Article 5 as it had effect immediately before exit day, and

(b) after exit day, the producer or supplier obtains that verification.

3. Where this paragraph applies, the verification obtained is deemed to be verification for the purposes of Article 5.

4. In paragraph 2, "supplier" means the supplier of a producer or of an importer.".

(6) Omit Article 6.

(7) After Article 6, omit the words from "This Regulation shall" to "Member States".

(8) In Annex 1, in the first column of the table—

(a) in Section 1.5, omit the second sentence;

(b) in Section 3.3, in the first indent, for the words from "Article 6" in the first place it occurs to the end substitute "the EU-derived domestic legislation that transposed Article 6 of Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles, as last amended by Commission Directive (EU) 2017/2096, and Article 8 of Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE), as it had effect immediately before 4th July 2018".

(9) In Annex 2, in the sixth entry in the table, in the second column, for "customs territory of the Union" substitute "United Kingdom".

CHAPTER 2

Decisions

Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of waste pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste

13.—(1) Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of waste pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste is amended as follows.

(2) Omit Articles 4 and 6.

(3) In the Annex—

(a) after the "Definitions" Section, insert—

"**Definition: Directive 2008/98/EC**

1. In this Annex, "Directive 2008/98/EC" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 2 to 10.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion.

3. Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for "other Community legislation" there were substituted "retained EU law";

(ii) in points (b) and (c), for "Regulation (EC) No 1774/2002" there were substituted "Regulation (EC) No 1069/2009";

(iii) in point (d), as it extends to England and Wales, for the words from "Directive 2006/21/EC" to the end there were substituted "the Mining Waste Directive";

(iv) for point (d), as it extends to Scotland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010.";

(v) for point (d), as it extends to Northern Ireland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.";

(b) in paragraph 3, the words from "Without prejudice" to "Community legislation," were omitted;

(c) paragraph 4 were omitted.

4. Article 3(20) is to be read as if for "Article 2(11) of Directive 96/61/EC" there were substituted "Article 3(10) of the Industrial Emissions Directive".

5. Article 5 is to be read as if paragraph 2 were omitted.

6. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

7. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties);

(e) a determination by the Scottish Ministers that a specific batch or type of waste—

(i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;

(ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

8. Article 19 is to be read as if—

(a) in paragraph 1, for "Community" there was substituted "national";

(b) in paragraph 2, for "a Member State" there was substituted "the United Kingdom".

9. Article 23(5) is to be read as if "or Community" were omitted.

10. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

11. In paragraph 2—

(a) "appropriate agency" means—

(i) in relation to England, the Environment Agency;

(ii) in relation to Wales, the Natural Resources Body for Wales;

(iii) in relation to Scotland, the Scottish Environment Protection Agency;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(b) "appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Scotland, the Scottish Ministers;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(c) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council;

(iv) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(v) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.

Definition: the Mining Waste Directive and the Industrial Emissions Directive

1. In this Annex, "the Mining Waste Directive" means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC were a reference to that Article read in accordance with paragraph 7 of this Article;

(b) paragraphs 3 and 4 were omitted.

3. Article 3(1) is to be read as if, for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of Directive 2008/98/EC, as read with Articles 5 and 6 of that Directive".

4. In this Annex, "the Industrial Emissions Directive" means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control), read in accordance with paragraphs 5 and 6.

5. Article 3 is to be read as if—

(a) in point (1)(a), for the words from "Article 1" to the end there were substituted "Article 4(78) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation";

(b) in point (10)(b), for "Member State in question" there were substituted "United Kingdom";

(c) in point (23), for the words from "point 1" to the end there were substituted "point 1 of the second subparagraph of Article 2 of Council Directive 2009/158/EC on animal

health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs";

(d) in point (37), for the words from "of the European" to the end there were substituted ", read with Articles 5 and 6 of that Directive".

6. Annex 1 is to be read as if—

(a) in the words before point 1, the second paragraph were omitted;

(b) in point 5.3—

(i) in point (a), in the words before point (i), for "Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994";

(ii) in point (b), in the words before point (i), for "Directive 91/271/EEC" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994";

(c) in point 5.4, the reference to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste were a reference to the Landfill Directive;

(d) in point 6.9, for "Directive 2009/31/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2009/31/EC in respect of England and Wales";

(e) in point 6.11, for "Directive 91/271/EEC" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994".

7. For the purposes of paragraph 2(a), Article 11(3)(j) of Directive 2000/60/EC is to be read as if—

(a) the reference to "Member States" were a reference to the appropriate authority or appropriate agency;

(b) in the words after the final indent, "environmental objectives"—

(i) in relation to the Northumbria River Basin District, means the environmental objectives referred to in the WFD Regulations as applied by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003;

(ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;

(iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.

8. In paragraph 6(c), "the Landfill Directive" means Council Directive 1999/31/EC on the landfill of waste, as last amended by Council Directive 2011/97/EU, and read as if, in Article 2—

(a) for point (a) there were substituted—

"(a) "waste" means anything that—

(i) is waste within the meaning of Article 3(1) of Directive 2008/98/EC, as read with Articles 5 and 6 of that Directive, and

(ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;";

(b) for point (c) there were substituted—

"(c) "hazardous waste" has the meaning given in Article 3(2) of Directive 2008/98/EC;".

9. In paragraph 6(d), "EU-derived domestic legislation" has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018.

10. In paragraph 7—

(a) "appropriate agency" and "appropriate authority" have the meanings given in paragraph 11 of the "Definition: Directive 2008/98/EC" Section;

(b) "the WFD Regulations" means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.";

(b) in the "Assessment and Classification" Section, in paragraph 2—

(i) in the first subparagraph, after "pursuant to" insert "Article 3(2) and 7(1) of";

(ii) in the second subparagraph, in the first indent, in the second sentence, omit "in the Member States".

Commission Decision 2001/171/EC establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste

14.—(1) Commission Decision 2001/171/EC establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste is amended as follows.

(2) Before Article 1, insert—

"*Article A1*

1. In this Decision, "Directive 94/62/EC" means European Parliament and Council Directive 94/62/EC on packaging and packaging waste(**a**), as last amended by Directive (EU) 2015/720 of the European Parliament and of the Council(**b**), and read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

(a) in paragraph 1, for "Community" there were substituted "United Kingdom";

(b) paragraph 2 were omitted.

3. Article 3 is to be read as if—

(a) in paragraph 1, the fourth subparagraph were omitted;

(b) in paragraph 2, for "Directive 75/442/EEC" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive".

4. In paragraph 3(b), the "Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 5 and 6.

5. Article 5 is to be read as if paragraph 2 were omitted.

6. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "Member States" there were substituted "Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013, the appropriate agency";

(ii) the second sentence were omitted.

7. In paragraph 6(b)(i), "appropriate agency" means—

(**a**) OJ No L 365, 31.12.1994, p 10.
(**b**) OJ No L 115, 6.5.2015, p 11.

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland, the Scottish Environment Protection Agency;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.".

(3) In Article 1, omit the words from ", and aims" to the end.

(4) In Article 3, omit "established in Article 11 of Directive 94/62/EC".

(5) In Article 5—

(a) in the first paragraph, in the words before the first indent, in the first sentence, omit "in the Member States";

(b) in the second paragraph—

(i) for "European Union" substitute "United Kingdom";

(ii) omit "Community".

(6) Omit Article 7.

Council Decision 2003/33/EC establishing criteria and procedures for the acceptance of waste at landfills

15.—(1) Council Decision 2003/33/EC establishing criteria and procedures for the acceptance of waste at landfills is amended as follows.

(2) Before Article 1 insert—

"*Article A1*

1. In this Decision—

(a) "appropriate agency" means—

(i) in relation to England, the Environment Agency;

(ii) in relation to Wales, the Natural Resources Body for Wales;

(iii) in relation to Northern Ireland—

— for the purposes of this Article, the Department of Agriculture, Environment and Rural Affairs;

— otherwise, the Department for Infrastructure;

(b) "appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Northern Ireland—

— for the purposes of this Article, the Department of Agriculture, Environment and Rural Affairs;

— otherwise, the Department for Infrastructure;

(c) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council;

(iv) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.

2. In this Decision, "the Landfill Directive" means Council Directive 1999/31/EC on the landfill of waste, as last amended by Council Directive 2011/97/EU, and read in accordance with paragraphs 3 to 12.

3. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England, Wales or Northern Ireland.

4. Article 1 is to be read as if—

(a) in paragraph 1, the words from "With a view" to "thereof," were omitted;

(b) in paragraph 2, for "Directive 96/61/EC", in both places it occurs, there were substituted "Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions".

5. Article 2 is to be read as if—

(a) for point (a) there were substituted—

"(a) "waste" means anything that—

(i) is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive, and

(ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;";

(b) in point (c), for the words from "Article 1(4)" to the end there were substituted "Article 3(2) of the Waste Framework Directive";

(c) for point (l) there were substituted—

"(l) "operator"—

(i) in relation to England and Wales, has the meaning given in regulation 7 of the Environmental Permitting (England and Wales) Regulations 2016(**a**);

(ii) in relation to Northern Ireland, has the meaning given in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(**b**);".

6. Article 5(3) is to be read as if—

(a) in point (b), for "Annex III to Directive 91/689/EEC(**c**)" there were substituted "Annex 3 to the Waste Framework Directive";

(b) in point (c), for the words from "(property H9" to the end there were substituted "in Annex 3 to the Waste Framework Directive";

(c) in point (d)—

(**a**) S.I. 2016/1154, amended by S.I. S.I. 2017/1012, 2018/110, 428, 575, 721 (W.140).
(**b**) S.R. 2013 No 160, to which there are amendments not relevant to these Regulations.
(**c**) OJ No L 377, 31.12.1991, p 20, repealed by Directive 2008/98/EC of the European Parliament and of the Council (OJ No L 312, 22.11.2008, p 3).

(i) for "two years from the date laid down in Article 18(1)" there were substituted "16th July 2001";

(ii) for "five years from the date laid down in Article 18(1)" there were substituted "from 16th July 2004".

7. Article 9 is to be read as if, in the words before point (a), the words from "Specifying" to "Directive 96/61/EC," were omitted.

8. Article 11(1)(b) is to be read as if—

(a) in the first indent—

(i) for "Article 5(3) of Directive 91/689/EEC" there were substituted "Article 19(2) of the Waste Framework Directive";

(ii) for the words from "Council Regulation (EEC) No 259/93" to the end there were substituted "Regulation (EC) 1013/2006 of the European Parliament and of the Council on shipments of waste";

(b) in the third indent, in the second sentence, "and Community" was omitted.

9. Article 13(d) is to be read as if the words from "and without prejudice" to "waste holder" were omitted.

10. Annex 1 is to be read as if—

(a) in point 3.4, for "Directive 80/68/EEC(**a**)", there were substituted "Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(**b**)";

(b) point 3.5 were omitted.

11. Annex 2 is to be read as if—

(a) point 1 were omitted;

(b) in point 2, in the second paragraph, the third sentence were omitted;

(c) in point 4, in the fourth and fifth paragraphs, for "covered by Directive 91/689/EEC" there were substituted "classified as hazardous waste";

(d) in point 5, the second and third sentences were omitted.

12. Annex 3 is to be read as if—

(a) in point 2—

(i) the first paragraph were omitted;

(ii) in the table, for "14.00h CET" in both places it occurs there were substituted "1 p.m.";

(b) in point 3, in the fourth paragraph, in the table, in table footnote (7), the words from ", and will report" to the end were omitted.

Article A2

1. In this Decision, "the Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 2 to 8.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before

(**a**) OJ No L 20, 26.1.1980, p 43, repealed by Directive 2000/60/EC of the European Parliament and of the Council (OJ No L 327, 22.12.2000, p 1).

(**b**) OJ No L 327, 22.12.2000, p 1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p 32).

exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England, Wales or Northern Ireland.

3. Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for "other Community legislation" there were substituted "retained EU law";

(ii) in points (b) and (c), for "Regulation (EC) No 1774/2002" there were substituted "Regulation (EC) No 1069/2009";

(iii) in point (d), as it extends to England and Wales, for the words from "Directive 2006/21/EC" to the end there were substituted "the Mining Waste Directive";

(iv) for point (d), as it extends to Northern Ireland, there were substituted—

"(d) extractive waste, which has the same meaning as in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.";

(b) in paragraph 3, the words from "Without prejudice" to "Community legislation," were omitted;

(c) paragraph 4 were omitted.

4. Article 5 is to be read as if paragraph 2 were omitted.

5. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

6. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous

Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties).";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

7. Article 19(2) is to be read as if, for "a Member State" there was substituted "the United Kingdom".

8. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

Article A3

1. In Article A2(3)(a)(iii), the "Mining Waste Directive" means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC were a reference to that Article read in accordance with paragraph 7 of this Article;

(b) paragraphs 3 and 4 were omitted.

3. Article 3(1) is to be read as if, for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of Directive 2008/98/EC, as read with Articles 5 and 6 of that Directive".

4. For the purposes of paragraph 2(a), Article 11(3)(j) of Directive 2000/60/EC is to be read as if—

(a) the reference to "Member States" were a reference to the competent authority or appropriate agency;

(b) in the words after the final indent, "environmental objectives"—

(i) in relation to the Northumbria River Basin District, means the environmental objectives referred to in the WFD Regulations as applied by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003;

(ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;

(iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.

5. In paragraph 4(b), "the WFD Regulations" means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.".

(3) In Article 1—

(a) the existing text becomes paragraph 1;

(b) after that paragraph insert—

"2. This Decision does not extend to Scotland.".

(4) In Articles 2 and 3 for "Member States" substitute "The appropriate agency".

(5) In Article 5—

(a) in the first sentence, omit "Without prejudice to existing Community legislation,";

(b) omit the second sentence.

(6) Omit Articles 6 to 8.

(7) In the Annex—

(a) in the introduction, omit the second and seventh paragraphs;

(b) in section 1—

(i) in section 1.1.1, in the final paragraph, for "Member State" substitute "appropriate authority";

(ii) in section 1.1.2—

(aa) in point (f), for "the European waste list (Commission Decision 2001/118/EC)" substitute "Commission Decision 2000/532/EC";

(bb) in point (g), for the words from "Annex III" to the end, substitute "Annex 3 to the Waste Framework Directive";

(iii) in section 1.2, in the seventh paragraph, for "Member State" substitute "appropriate authority";

(c) in section 1.3—

(i) in the fourth paragraph, for "Member States" substitute "The appropriate authority";

(ii) in the fifth paragraph, in the second sentence—

(aa) for "Member State" substitute "appropriate authority";

(bb) for "Article 11(b)" substitute "Article 11(1)(b)";

(d) in section 2—

(i) in the words before section 2.1—

(aa) for the third paragraph substitute—

"The Secretary of State must publish information on the annual number of permits issued in relation to England under this provision. The Welsh Ministers must publish information on the annual number of permits issued in relation to Wales under this provision. The first information under the first and second sentences must be published before 1st April 2022. Subsequent information must be published at intervals not exceeding 3 years.";

(bb) in the fourth paragraph, for "Member States" substitute "The appropriate authority";

(ii) in section 2.1.2.1, for "Member States" substitute "The appropriate authority";

(iii) in section 2.1.2.2, in the table, in the fifth entry (PAHs), for "Member States" substitute "The appropriate authority";

(iv) in section 2.2, for "Member States" substitute "The appropriate authority";

(v) in section 2.2.1, in the first paragraph, for "the European waste list" substitute "Commission Decision 2000/532/EC";

(vi) in section 2.2.2 and 2.3.1—

(aa) in the first paragraph, in the second sentence, for "Member States" substitute "The appropriate authority";

(bb) in the sentence after the table, for "Member States" substitute "The appropriate authority";

(vii) in section 2.3.2, in the second and third paragraphs, for "Member States" substitute "The appropriate authority";

(viii) in section 2.4.1—

(aa) in the first paragraph, in the third sentence, for "Member States" substitute "The appropriate authority";

(bb) in the sentence after the table, for "Member States" substitute "The appropriate authority";

(e) in section 3—

(i) in the second paragraph, for "Member States" substitute "The appropriate authority";

(ii) in the third paragraph, for "Member States" substitute "the appropriate authority".

(8) In Appendix A—

(a) in section 1.1, omit the second paragraph;

(b) in section 2.2, in the second paragraph, for "Member States" substitute "The appropriate agency";

(c) in section 4.1, omit the fourth paragraph.

(9) Omit Appendix B.

Commission Decision 2009/292/EC establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste

16.—(1) Commission Decision 2009/292/EC establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste is amended as follows.

(2) After Article 1 insert—

"*Article 1A*

1. In this Decision, "Directive 94/62/EC" means European Parliament and Council Directive 94/62/EC on packaging and packaging waste, as last amended by Directive (EU) 2015/720 of the European Parliament and of the Council, and read in accordance with paragraphs 2 and 3.

2. Article 3 is to be read as if—

(a) in paragraph 1, the fourth subparagraph were omitted;

(b) in paragraph 2, for "Directive 75/442/EEC" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive".

3. Article 11(1) is to be read as if—

(a) in the words before the first indent, for "Member States" there were substituted "The Secretary of State";

(b) in the first, second and third indents, for "the date referred to in Article 22(i)" there were substituted "30th June 1996".

4. In paragraph 2(b), the "Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 5 and 6.

5. Article 5 is to be read as if paragraph 2 were omitted.

6. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "Member States" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies, the appropriate agency";

(ii) the second sentence were omitted.

7. In paragraph 6(b)(i), "appropriate agency" means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland, the Scottish Environment Protection Agency;

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.".

(3) In Article 4—

(a) in paragraph 2, for "Member States" substitute "The Secretary of State";

(b) in paragraph 3, omit "of the Member State concerned".

(4) In Article 5—

(a) in paragraph 1, in the first subparagraph, for "Member States" substitute "The Secretary of State";

(b) in paragraph 2, in the first sentence, for "Member States" substitute "the Secretary of State";

(c) in paragraph 3—

(i) in the first subparagraph, for "Member States" substitute "The Secretary of State";

(ii) in the second subparagraph—

(aa) for "Community" in the first place it occurs substitute "United Kingdom";

(bb) omit "Community" in the second place it occurs.

(5) In Article 6, for "Member States" substitute "The Secretary of State".

(6) In Article 7—

(a) the existing text becomes paragraph 1;

(b) in that paragraph—

(i) for the words from "Member States" to "Article 17 of Directive 94/62/EC" substitute "The Secretary of State must publish, in a manner which the Secretary of State considers appropriate,";

(ii) at the end, insert "in respect of the United Kingdom";

(c) after that paragraph insert—

"2. The first report under paragraph 1 must be published before the end of the period of 3 years beginning with exit day.

3. Subsequent information must be published at intervals not exceeding 3 years.".

(7) Omit Articles 8 and 9.

Commission Decision 2009/335/EC on technical guidelines for the establishment of the financial guarantee in accordance with Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries

17.—(1) Commission Decision 2009/335/EC on technical guidelines for the establishment of the financial guarantee in accordance with Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries is amended as follows.

(2) In Article 1—

(a) in paragraph 1, in the words before point (a)—

(i) omit "Member States and";

(ii) omit "referred to in Article 14 of Directive 2006/21/EC";

(b) after paragraph 2 insert—

"3. In paragraph 1—

(a) in so far as it extends to England and Wales, "financial guarantee" means the financial guarantee referred to in Article 14 of Directive 2006/21/EC;

(b) in so far as it extends to Scotland, "financial guarantee", "rehabilitation", "treatment" and "waste facility" have the meanings given in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010;

(c) in so far as it extends to Northern Ireland, "financial guarantee", "rehabilitation", "treatment" and "waste facility" have the meanings given in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.".

(3) After Article 1, insert—

"*Article 1A*

1. For the purposes of this Decision, Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries is to be read in accordance with paragraphs 2 to 12.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 2 is to be read as if—

(a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive 2000/60/EC were a reference to that Article read in accordance with Article 1C;

(b) paragraphs 3 and 4 were omitted.

4. Article 3 is to be read as if—

(a) in point (1), for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive";

(b) in point (2), for "Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste" there were substituted "Article 3(2) of the Waste Framework Directive";

(c) in point (4), for the words from "the national law" to the end there were substituted "national law";

(d) in point (17), for "Directive 67/548/EEC(**a**) or Directive 1999/45/EC(**b**)" there were substituted "Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures";

(e) in point (18), for "Article 2(11) of Directive 96/61/EC" there were substituted "Article 3(10) of the Industrial Emissions Directive";

(f) in point (24), for the words from "the national law" to "takes place" there were substituted "national law";

(g) in point (26), for the words from "the national law" to "operates" there were substituted "national law";

(**a**) OJ No 196, 16.8.1967, p 1 (Special Edition Series I Volume 1967 p 234), repealed by Regulation (EC) No 1272/2008 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p 1).

(**b**) OJ No L 200, 30.7.1999, p 1, repealed by Regulation (EC) No 1272/2008 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p 1).

(h) in point (27), for "which a Member State designates" there were substituted "designated".

5. Article 5 is to be read as if—

(a) in paragraph 2(a)(iii) and (b), "at Community level" were omitted;

(b) in paragraph 3(g), for "Directive 2000/60/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy in respect of England and Wales(**a**)";

(c) in paragraph 5, "national or Community" were omitted.

6. Article 6(2) is to be read as if the words from "Without prejudice" to "92/104/EEC," were omitted.

7. Article 7 is to be read as if—

(a) in paragraph 1, in the second subparagraph, "national or Community" were omitted;

(b) in paragraph 2(e), the reference to Directive 85/337/EEC(**b**) were a reference to the EU-derived domestic legislation which transposed Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment(**c**) in respect of England and Wales(**d**);

(c) in paragraph 3(b), for "Article 7 of Directive 75/442/EEC" there were substituted "Article 28 of the Waste Framework Directive";

(d) in paragraph 4, the third indent were omitted;

(e) in paragraph 5, "and Community" were omitted.

8. Article 10 is to be read as if paragraph 2 were omitted.

9. Article 11(2)(a) is to be read as if—

(a) "Community or" were omitted;

(b) for "Directives 76/464/EEC(**e**), 80/68/EEC and 2000/60/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of England and Wales".

10. Article 12 is to be read as if—

(a) in paragraph 4, "national or Community" were omitted;

(b) in paragraph 5, for the words from "Community" to "2000/60/EC" there were substituted "retained EU law, in particular the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of England and Wales".

11. Article 13 is to be read as if—

(a) in paragraph 1, in the words before point (a)—

(i) "Community" were omitted;

(**a**) See for example the Coastal Protection Act 1949 (c. 74), the Salmon and Freshwater Fisheries Act 1975 (c. 51), the Food and Environment Protection Act 1985 (c. 48), the Environmental Protection Act 1990 (c. 43), the Water Industry Act 1991 (c. 56), the Water Resources Act 1991 (c. 57), the Land Drainage Act 1991 (c. 59), the Environment Act 1995 (c. 25), the Water Act 2003 (c. 37), the Marine and Coastal Access Act 2009 (c. 23), and S.I. 1986/1510, 1989/1263, 1994/2941, 2001/2954, 2003/3245, 2004/99, 2007/1518, 2009/995 (W. 81), 3104, 2010/639, 740, 1493 (W. 136), 2011/735, 2015/483, 668, 810, 2016/614, 2017/407, 2018/151.

(**b**) OJ No L 175, 5.7.1985, p 40, repealed by Directive 2011/92/EU of the European Parliament and of the Council (OJ No L 26, 28.1.2012, p 1).

(**c**) OJ No L 26, 28.1.2012, p 1, as amended by Directive 2014/52/EU of the European Parliament and of the Council (OJ No L 124, 25.4.2014, p 1).

(**d**) See for example S.I. 2012/698, 2014/557, 615, 2015/398, 446, 660, 810, 1937 (W. 291), 2017/280 (W. 74), 407, 565 (W. 134), 567 (W. 136), 571, 572, 580, 582, 583, 585, 588, 592, 593, 1070, 2018/695, 798, 834.

(**e**) OJ No L 129, 18.5.1976, p 23, repealed by Directive 2006/11/EC of the European Parliament and of the Council (OJ No L 64, 4.3.2006, p 52).

(ii) for "Directive 2000/60/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of England and Wales";

(b) in paragraph 3, for "Directives 76/464/EEC, 80/68/EEC or 2000/60/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of England and Wales";

(c) in paragraph 4, for "Directives 76/464/EEC, 80/68/EEC and 2000/60/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of England and Wales";

(d) in paragraph 5, in the second sentence—

(i) for "Community" there were substituted "retained EU law";

(ii) for "Directive 2000/60/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2000/60/EC in respect of England and Wales".

12. Annex 3 is to be read as if—

(a) in the second indent, for "Directive 91/689/EEC" there were substituted "the Waste Framework Directive";

(b) in the third indent, for "Directives 67/548/EEC or 1999/45/EC" there were substituted "Regulation (EC) 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures".

13. In this Decision—

(a) "appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(b) "appropriate agency" means—

(i) in relation to England, the Environment Agency;

(ii) in relation to Wales, the Natural Resources Body for Wales;

(c) "EU-derived domestic legislation" has the meaning given in section 2(2) of the European Union (Withdrawal) Act 2018;

(d) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council.

Article 1B

1. In this Decision, the "Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 2 to 10.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 2 is to be read as if—

(a) in paragraph 2—

(i) in the words before point (a), for "other Community legislation" there were substituted "retained EU law";

(ii) in points (b) and (c), for "Regulation (EC) No 1774/2002" there were substituted "Regulation (EC) No 1069/2009";

(b) in paragraph 3, the words from "Without prejudice" to "Community legislation," were omitted;

(c) paragraph 4 were omitted.

4. Article 3(20) is to be read as if for "Article 2(11) of Directive 96/61/EC" there were substituted "Article 3(10) of the Industrial Emissions Directive".

5. Article 5 is to be read as if paragraph 2 were omitted.

6. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

7. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties).";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

8. Article 16 is to be read as if—

(a) in paragraph 1—

(i) in the first subparagraph, the words from ", in cooperation" to "advisable," were omitted;

(ii) in the second subparagraph, the second sentence were omitted;

(b) in paragraph 2—

(i) for "Community as a whole" there were substituted "United Kingdom";

(ii) the words from ", and to enable" to "individually" were omitted;

(c) paragraph 4 were omitted.

9. Article 28 is to be read as if—

(a) in paragraph 1, in the second subparagraph, for "Member State concerned" there were substituted "United Kingdom";

(b) in paragraph 3(b), for "Community legislation" there were substituted "retained EU law";

(c) in paragraph 5—

(i) for "Directive 94/62/EC" there were substituted "the Packaging Waste Directive";

(ii) for "Directive 1999/31/EC" there were substituted "the Landfill Directive".

10. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

Article 1C

1. For the purposes of Article 1A(3)(a), Article 11(3)(j) of Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy is to be read as if—

(a) the reference to "Member States" were a reference to the appropriate authority or appropriate agency;

(b) in the words after the final indent, "environmental objectives"—

(i) in relation to the Northumbria River Basin District, means the environmental objectives referred to in the WFD Regulations as applied by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003;

(ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;

(iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.

2. In paragraph 1(b), "the WFD Regulations" means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

Article 1D

1. In Articles 1A(4)(e) and 1B(4), the "Industrial Emissions Directive" means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, read in accordance with paragraphs 2 and 3.

2. Article 3 is to be read as if—

(a) in point (1)(a), for the words from "Article 1" to the end there were substituted "Article 4(78) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation";

(b) in point (10)(b), for "Member State in question" there were substituted "United Kingdom";

(c) in point (23), for the words from "point 1" to the end there were substituted "point 1 of the second subparagraph of Article 2 of Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs";

(d) in point (37), for "Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste" there were substituted "the Waste Framework Directive, as read with Articles 5 and 6 of that Directive";

(e) in point (38), for "Directive 2008/98/EC" there were substituted "the Waste Framework Directive".

3. Annex 1 is to be read as if—

(a) in the words before point 1, the second paragraph were omitted;

(b) in point 5.3—

(i) in point (a), in the words before point (i), for "Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994";

(ii) in point (b), in the words before point (i), for "Directive 91/271/EEC" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994";

(c) in point 5.4, the reference to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste were a reference to the Landfill Directive;

(d) in point 6.9, for "Directive 2009/31/EC" there were substituted "the EU-derived domestic legislation which transposed Directive 2009/31/EC in respect of England and Wales";

(e) in point 6.11, for "Directive 91/271/EEC" there were substituted "the Urban Waste Water Treatment (England and Wales) Regulations 1994".

Article 1E

1. In Article 1B(9)(c)(i), "the Packaging Waste Directive" means European Parliament and Council Directive 94/62/EC on packaging and packaging waste, as last amended by Directive (EU) 2015/720 of the European Parliament and of the Council, and read in accordance with paragraphs 2 to 6.

2. A reference to one or more member States in a provision of the Directive imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 3 is to be read as if—

(a) in paragraph 1, the fourth subparagraph were omitted;

(b) in paragraph 2, for "Directive 75/442/EEC" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive".

4. Article 4 is to be read as if—

(a) in paragraph 1—

(i) in the first subparagraph, for the words from "measures to" to "Article 9" there were substituted "essential requirements (which has the meaning given by regulation 2(1) of the Packaging (Essential Requirements) Regulations 2015(**a**))";

(ii) in the second subparagraph—

(aa) in the first sentence, for "Member States" there were substituted "the United Kingdom";

(bb) the second sentence were omitted;

(b) paragraphs 1a to 3 were omitted.

5. Article 5 is to be read as if ", in conformity with the Treaty" were omitted.

6. Article 14 is to be read as if—

(a) "the" in the second place it occurs were omitted;

(b) "required pursuant to Article 17 of Directive 75/442/EEC," were omitted;

(c) at the end, there were inserted ", the Single Use Carrier Bags Charges (England) Order 2015(**b**) and the Single Use Carrier Bags Charge (Wales) Regulations 2010(**c**)".

Article 1F

1. In Articles 1B(9)(c)(ii) and 1D(3)(c), "the Landfill Directive" means Council Directive 1999/31/EC on the landfill of waste, as last amended by Council Directive 2011/97/EU, and read in accordance with paragraphs 2 to 5.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 2 is to be read as if—

(a) for point (a) there were substituted—

"(a) "waste" means anything that—

(i) is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive, and

(ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;";

(b) for point (c) there were substituted—

"(c) "hazardous waste" has the meaning given in Article 3(2) of the Waste Framework Directive;".

4. Article 5 is to be read as if—

(a) in paragraph 1—

(i) in the first sentence, for the words from "the date" to the end there were substituted "16th July 2001";

(ii) the third sentence were omitted;

(b) in paragraph 2—

(i) in the first subparagraph, in points (a) to (c), for "the date laid down in Article 18(1)" there were substituted "16th July 2001";

(**a**) S.I. 2015/1640, amended by S.I. 2018/942. It is prospectively amended by S.I. 2019/188 from exit day (see section 20 of the European Union (Withdrawal) Act 2018).

(**b**) S.I. 2015/776.

(**c**) S.I. 2010/2880 (W. 238), amended by S.I. 2011/2184 (W. 236), 2012/1916, 2013/898 (W. 102), 2014/2291 (W. 226), 2016/1221 (W. 292).

(ii) the second subparagraph were omitted;

(iii) in the third subparagraph, the second and third sentences were omitted;

(c) in paragraph 3—

(i) in point (b), for "Annex III to Directive 91/689/EEC" there were substituted "Annex 3 to the Waste Framework Directive";

(ii) in point (c), for the words from "(property H9" to the end there were substituted "in Annex 3 to the Waste Framework Directive";

(iii) in point (d), for "the date laid down in Article 18(1)" in both places it occurs there were substituted "16th July 2001".

5. Annex 2 is to be read as if—

(a) point 1 were omitted;

(b) in point 2, in the second paragraph, the third sentence were omitted;

(c) in point 4, in the fourth and fifth paragraphs, for "covered by Directive 91/689/EEC" there were substituted "classified as hazardous waste";

(d) in point 5, the second and third sentences were omitted.".

(4) Omit Article 2.

Commission Decision 2009/337/EC on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries

18.—(1) Commission Decision 2009/337/EC on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries is amended as follows.

(2) Before Article 1 insert—

"*Article A1*

1. In this Decision, "appropriate agency" means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland—

(i) a planning authority, or

(ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000(**a**) (as the case may be);

(d) in relation to Northern Ireland—

(i) a district council established under section 1 of the Local Government Act (Northern Ireland) 1972, or

(ii) the Department for Infrastructure (as the case may be).

2. A term which is used in this Decision—

(a) as it extends to Scotland and which is defined in regulation 2(1) of the 2010 Scotland Regulations has the meaning given in that regulation;

(b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the 2015 NI Regulations has the meaning given in that regulation.

(**a**) 2000 asp 10.

3. In this Decision—

(a) "the 2010 Scotland Regulations" means the Management of Extractive Waste (Scotland) Regulations 2010;

(b) "the 2015 NI Regulations" means the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.

Article A2

1. For the purposes of this Decision, Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries is to be read in accordance with this Article.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 3 is to be read as if—

(a) in point (1), for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive";

(b) in point (2), for "Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste" there were substituted "Article 3(2) of the Waste Framework Directive";

(c) in point (4), for the words from "the national law" to the end there were substituted "national law";

(d) in point (24), for the words from "the national law" to "takes place" there were substituted "national law".

4. Annex 3 is to be read as if—

(a) in the second indent, "under Directive 91/689/EEC" were omitted;

(b) in the third indent, for "Directives 67/548/EEC or 1999/45/EC" there were substituted "Regulation (EC) 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures".

Article A3

1. In Article A2(3), the "Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with this Article.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 5 is to be read as if paragraph 2 were omitted.

4. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

5. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties).";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

6. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

Article A4

In Articles A2 and A3—

(a) "appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(b) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council.".

(3) In Article 1—

(a) in paragraph 1, in the words before point (a), for "indent of Annex III of Directive 2006/21/EC" substitute "part of the categorisation legislation";

(b) after paragraph 2 insert—

"3. In paragraph 1, "first part of the categorisation legislation"—

(a) as it extends to England and Wales, means the first indent of Annex 3 to Directive 2006/21/EC;

(b) as it extends to Scotland, means paragraph (a) of the definition of "Category A waste facility" in regulation 2(1) of the 2010 Scotland Regulations;

(c) as it extends to Northern Ireland, means paragraph 1 of Schedule 3 to the 2015 NI Regulations.".

(4) In Article 3(2), omit "under Council Directive 91/689/EEC".

(5) In Article 4(1), for "Member States" substitute "The appropriate agency".

(6) In Article 7—

(a) in paragraph 1—

(i) in the words before point (a), for "indent of Annex III of Directive 2006/21/EC" substitute "part of the categorisation legislation";

(ii) in point (a), omit "in accordance with Directive 91/689/EEC";

(b) after paragraph 4 insert—

"5. In paragraph 1, "second part of the categorisation legislation"—

(a) as it extends to England and Wales, means the second indent of Annex 3 to Directive 2006/21/EC;

(b) as it extends to Scotland, means paragraph (b) of the definition of "Category A waste facility" in regulation 2(1) of the 2010 Scotland Regulations;

(c) as it extends to Northern Ireland, means paragraph 2 of Schedule 3 to the 2015 NI Regulations.".

(7) In Article 8—

(a) in paragraph 1—

(i) for "Member States" substitute "The appropriate agency";

(ii) for "indent of Annex III of Directive 2006/21/EC" substitute "part of the categorisation legislation";

(b) in paragraph 2—

(i) in the first subparagraph, in point (c) for the words from "Council Directive 67/548/EEC" to the end substitute "Regulation (EC) No 1272/2008 of the European Parliament and of the Council";

(ii) in the second subparagraph, for "Directives 1999/45/EC or 67/548/EEC" substitute "Regulation (EC) No 1272/2008 of the European Parliament and of the Council";

(c) in paragraph 3, for "Directive 1999/45/EC or 67/548/EEC" substitute "Regulation (EC) No 1272/2008 of the European Parliament and of the Council";

(d) in paragraph 4—

(i) in the first sentence, for "Member States" substitute "the appropriate agency";

(ii) in the second sentence, for "Directives 1999/45/EC or 67/548/EEC" substitute "Regulation (EC) No 1272/2008 of the European Parliament and of the Council";

(e) after paragraph 4 insert—

"5. In paragraph 1, "third part of the categorisation legislation"—

(a) as it extends to England and Wales, means the third indent of Annex 3 to Directive 2006/21/EC;

(b) as it extends to Scotland, means paragraph (c) of the definition of "Category A waste facility" in regulation 2(1) of the 2010 Scotland Regulations;

(c) as it extends to Northern Ireland, means paragraph 3 of Schedule 3 to the 2015 NI Regulations.".

(8) Omit Article 11.

Commission Decision 2009/359/EC completing the definition of inert waste in implementation of Article 22(1)(f) of Directive 2006/21/EC of the European Parliament and the Council concerning the management of waste from extractive industries

19.—(1) Commission Decision 2009/359/EC completing the definition of inert waste in implementation of Article 22(1)(f) of Directive 2006/21/EC of the European Parliament and the Council concerning the management of waste from extractive industries is amended as follows.

(2) In Article 1—

(a) in paragraph 1, for "Article 3(3) of Directive 2006/21/EC" substitute "the relevant definition provision";

(b) in paragraph 3, for "Member States" substitute "appropriate agency";

(c) after paragraph 3 insert—

"4. In paragraph 1, "the relevant definition provision"—

(a) as it extends to England and Wales, means Article 3(3) of Directive 2006/21/EC;

(b) as it extends to Scotland, means regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010;

(c) as it extends to Northern Ireland, means regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.

5. In paragraph 3, "appropriate agency" means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland—

(i) a planning authority, or

(ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000 (as the case may be);

(d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

6. A term which is used in this Article—

(a) as it extends to Scotland and which is defined in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010 has the meaning given by that regulation;

(b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 has the meaning given by that regulation.".

(3) After Article 1 insert—

"*Article 1A*

1. For the purposes of Article 1, Directive 2006/21/EC of the European Parliament and the Council concerning the management of waste from extractive industries is to be read in accordance with paragraphs 2 and 3.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 3 is to be read as if—

(a) in point (1), for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive";

(b) in point (2), for "Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste" there were substituted "Article 3(2) of the Waste Framework Directive";

(c) in point (4), for the words from "the national law" to the end there were substituted "national law";

(d) in point (24), for the words from "the national law" to "takes place" there were substituted "national law".

4. In paragraph 2—

(a) "appropriate agency" has the meaning given in Article 1(5);

(b) "appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(c) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council.

Article 1B

1. In Article 1A(3), the "Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with this Article.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before

exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 5 is to be read as if paragraph 2 were omitted.

4. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

5. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties).";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

6. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

7. In paragraph 2—

(a) "appropriate agency" has the meaning given in Article 1(5);

(b) "appropriate authority" and "local authority" have the meanings given in Article 1A(4).".

(4) Omit Article 3.

Commission Decision 2009/360/EC completing the technical requirements for waste characterisation laid down by Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries

20.—(1) Commission Decision 2009/360/EC completing the technical requirements for waste characterisation laid down by Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries is amended as follows.

(2) Before Article 1 insert—

"*Article A1*

1. A term which is used in this Decision—

(a) as it extends to Scotland and which is defined in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010 has the meaning given in that regulation;

(b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 has the meaning given in that regulation.

2. For the purposes of this Decision, Directive 2006/21/EC of the European Parliament and the Council concerning the management of waste from extractive industries is to be read as if, in Article 3—

(a) in point (1), for "Article 1(a) of Directive 75/442/EEC" there were substituted "Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive";

(b) in point (2), for "Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste" there were substituted "Article 3(2) of the Waste Framework Directive";

(c) in point (4), for the words from "the national law" to the end there were substituted "national law";

(d) in point (24), for the words from "the national law" to "takes place" there were substituted "national law".

3. In paragraph 2, the "Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 4 to 8.

4. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

5. Article 5 is to be read as if paragraph 2 were omitted.

6. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

7. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties).";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

8. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

9. In paragraph 4—

(a) "appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(b) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council.

10. In this Decision, "appropriate agency" means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland—

(i) a planning authority, or

(ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000 (as the case may be);

(d) in relation to Northern Ireland—

(i) a district council established under section 1 of the Local Government Act (Northern Ireland) 1972, or

(ii) the Department for Infrastructure (as the case may be).".

(3) In Article 1(1), for "Member States" substitute "The appropriate agency".

(4) In Article 2(2), omit "European".

(5) Omit Article 3.

Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council

21.—(1) Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council is amended as follows.

(2) In Article 1, after point (6) insert—

"(7) 'appropriate authority" means—

(i) in relation to England, the Secretary of State;

(ii) in relation to Wales, the Welsh Ministers;

(iii) in relation to Scotland, the Scottish Ministers;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.".

(3) After Article 1 insert—

"*Article 1A*

Modification of Directive 2008/98/EC of the European Parliament and of the Council

1. In this Decision, "Directive 2008/98/EC" means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 2 to 7.

2. A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion.

3. Article 5 is to be read as if paragraph 2 were omitted.

4. Article 6 is to be read as if—

(a) paragraphs 1 to 3 were omitted;

(b) in paragraph 4—

(i) in the first sentence, for the words from "Where criteria" to "paragraphs 1 and 2" there were substituted "Except where Council Regulation (EU) No 333/2011, Commission Regulation (EU) No 1179/2012 or Commission Regulation (EU) No 715/2013 applies";

(ii) the second sentence were omitted.

5. Article 7 is to be read as if—

(a) in paragraph 1—

(i) the first and second sentences were omitted;

(ii) in the third sentence, for "shall be binding" there were substituted "shall, subject to paragraph 1A, be binding";

(b) after paragraph 1, there were inserted—

"1A. Paragraph 1 is subject to—

(a) a determination by the Secretary of State under regulation 8(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as hazardous waste;

(b) a decision made by the Secretary of State under regulation 9(1) of the Hazardous Waste (England and Wales) Regulations 2005, or by the Welsh Ministers under regulation 9(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, that a specific batch of waste is to be treated as non-hazardous waste;

(c) the treating of a specific batch of waste as hazardous or, as the case may be, non-hazardous, in accordance with regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;

(d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties);

(e) a determination by the Scottish Ministers that a specific batch or type of waste—

(i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;

(ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.";

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

"6A. In this Article, the "list of waste" means the list established by Commission Decision 2000/532/EC.";

(e) paragraph 7 were omitted.

6. Article 11(2) is to be read as if, in the words before point (a), for "European" there were substituted "United Kingdom".

7. Annex 3 is to be read as if, in entry HP 9, in the second sentence, "in the Member States" were omitted.

8. In paragraph 2—

(a) "appropriate agency" means—

(i) in relation to England, the Environment Agency;

(ii) in relation to Wales, the Natural Resources Body for Wales;

(iii) in relation to Scotland, the Scottish Environment Protection Agency;

(iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(b) "local authority" means—

(i) in England outside Greater London—

— a district council,

— a county council, or

— the Council of the Isles of Scilly;

(ii) in Greater London—

— the council of a London borough,

— the Common Council of the City of London,

— the Sub-Treasurer of the Inner Temple, or

— the Under-Treasurer of the Middle Temple;

(iii) in Wales—

— a county council, or

— a county borough council;

(iv) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(v) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.".

(4) In Article 2—

(a) in point (1), for "Member States" substitute "The appropriate authority";

(b) omit point (4);

(c) in point (5), omit "out of the Union".

(5) In Article 3—

(a) in paragraph 1, in the words before point (a) for "Member States" substitute "the appropriate authority";

(b) in paragraph 2, for "Member State" substitute "appropriate authority";

(c) in paragraph 3—

(i) for "Member States" substitute "The appropriate authority";

(ii) for "Member State" substitute "appropriate authority";

(d) in paragraph 4, for "Member States' implementation reports on" substitute "The progress report under Article 5 in respect of";

(e) omit paragraphs 5 and 6.

(6) In Article 4—

(a) in paragraph 1, for "Member States" substitute "the appropriate authority";

(b) in paragraph 2, for "Member States' implementation reports on" substitute "The progress report under Article 5 in respect of".

(7) In Article 5—

(a) for the heading substitute "Progress report for England";

(b) for paragraph 1 substitute—

"1. The Secretary of State must publish a report ("the progress report") on whether the targets set in Article 11(2) of Directive 2008/98/EC have been met in respect of England.

1A. The progress report must be published on or before 1st January 2022 in a manner which the Secretary of State considers appropriate.";

(c) in paragraph 2—

(i) for the words from "Member States" to "reports" substitute "The progress report must include data";

(ii) for the words from "either each year" to the end substitute "2019 and 2020";

(d) in paragraph 3, for "implementation report covering the year 2020, Member States" substitute "progress report for 2020, the Secretary of State";

(e) omit paragraph 4.

(8) Omit Article 6.

(9) In Annex 1, the third column of the table is amended in accordance with paragraphs (10) to (14).

(10) In the column heading, for "Member State implementation reports" substitute "the progress report".

(11) In the first entry—

(a) for "Member States" in both places it occurs substitute "The Secretary of State";

(b) in the third sentence, omit the words from "and how" to the end.

(12) In the second entry—

(a) in the first paragraph—

(i) for "Member States" in both places it occurs substitute "The Secretary of State";

(ii) in the fourth sentence—

(aa) for "a Member State" substitute "the Secretary of State";

(bb) for "it" substitute "the Secretary of State";

(b) omit the second paragraph.

(13) In the third entry—

(a) in the first paragraph—

(i) in the first sentence, for "Member States" substitute "The Secretary of State";

(ii) in the second sentence, for "They" substitute "The Secretary of State";

(b) omit the second and third paragraphs.

(14) Omit the fourth entry.

(15) In Annex 3, the second column of the table is amended in accordance with paragraphs (16) and (17).

(16) In the column heading, for "Member State implementation reports" substitute "the progress report".

(17) In the first entry—

(a) in point (1), in the second paragraph, for "Member States" substitute "The Secretary of State";

(b) omit point (2);

(c) in point (3)—

(i) in the first sentence, for "Member States" substitute "The Secretary of State";

(ii) in the second sentence—

(aa) for "they" substitute "The Secretary of State";

(bb) omit the words from "and how" to the end;

(iii) omit the third sentence.

CHAPTER 3

Consequential amendment and revocations

Amendment of the Environmental Permitting (England and Wales) Regulations 2016

22.—(1) Schedule 10 to the Environmental Permitting (England and Wales) Regulations 2016 is amended as follows.

(2) In paragraph 7(a), for "member State" substitute "appropriate authority".

Revocations

23.—(1) The retained direct EU legislation listed in the Schedule is revoked.

(2) In the EEA Agreement, in Annex 20, in Chapter 5—

(a) omit the adaptation in point 32aa;

(b) omit points 32da, 32ea, 32ed, 32fb, 32fc and 32fec;

(c) omit the adaptations in points 32ffa to 32ffc.

Name
Parliamentary Under Secretary of State
Date Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 23(1)

Revocations

Regulations

1. Commission Regulation (EU) No 1357/2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives.

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

Decisions

3. Commission Decision 76/431/EEC setting up a Committee on Waste Management.

4. Commission Decision 94/741/EC concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector.

5. Commission Decision 97/129/EC establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste.

6. Commission Decision 97/622/EC concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector.

7. Commission Decision 2000/738/EC concerning a questionnaire for Member States reports on the implementation of Directive 1999/31/EC on the landfill of waste.

8. Commission Decision 2001/753/EC concerning a questionnaire for Member States reports on the implementation of Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles.

9. Commission Decision 2002/151/EC on minimum requirements for the certificate of destruction issued in accordance with Article 5(3) of Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles.

10. Commission Decision 2003/138/EC establishing component and material coding standards for vehicles pursuant to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles.

11. Commission Decision 2004/249/EC concerning a questionnaire for Member States reports on the implementation of Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE).

12. Commission Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste.

13. Commission Decision 2005/293/EC laying down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set down in Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles.

14. Commission Decision 2005/369/EC laying down rules for monitoring compliance of Member States and establishing data formats for the purposes of Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment.

15. Commission Decision 2007/151/EC amending Decisions 94/741/EC and 97/622/EC as regards the questionnaires for the report on the implementation of Directive 2006/12/EC of the European Parliament and of the Council on waste and on the implementation of Council Directive 91/689/EEC on hazardous waste.

16. Commission Decision 2008/350/EC on the rules of England, Wales, Northern Ireland and Scotland concerning permit exemptions for undertakings and establishments recovering hazardous waste under Article 3 of Council Directive 91/689/EEC.

17. Commission Decision 2008/763/EC establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users.

18. Commission Decision 2009/358/EC on the harmonisation, the regular transmission of the information and the questionnaire referred to in Articles 22(1)(a) and 18 of Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries.

19. Commission Decision 2009/851/EC establishing a questionnaire for Member States reports on the implementation of Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators.

20. Council Decision (EU) 2015/1156 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement (Batteries and Accumulators).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (except Part 2) are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of waste and, in particular, amend legislation relating to waste batteries and accumulators, end of waste criteria, packaging waste,

end-of-life vehicle destruction certification, landfill acceptance criteria, the management of waste from extractive industries, and calculation methods for verifying recycling target compliance. Part 3 amends primary legislation, and Part 4 amends and revokes retained direct EU legislation.

Part 2 of these Regulations is made in exercise of the powers in section 2(2) of the European Communities Act 1972 (c. 68), and updates references to Directive 2008/98/EC of the European Parliament and of the Council on waste (OJ No L 312, 22.11.2008, p 3) in Part 2 of the Environmental Protection Act 1990 (c. 43) and in section 37(2) of the Waste and Emissions Trading Act 2003 (c. 33).

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

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