
STATUTORY INSTRUMENTS

2019 No. 188

**The Waste (Miscellaneous Amendments)
(EU Exit) (No. 2) Regulations 2019**

PART 3

Amendments to secondary legislation

The End-of-Life Vehicles Regulations 2003

- 9.—(1) The End-of-Life Vehicles Regulations 2003 are amended as follows.
- (2) In regulation 2—
- (a) in the definition of “end-of-life vehicle” (as amended by regulation 2(2)(b)), at the end insert “, as read with Articles 5 and 6 of that Directive ”;
 - (b) in the definition of “producer”, for “a member State” substitute “ the United Kingdom ”;
 - ^{F1}(c)
 - (d) in the definition of “the Waste Directive”, at the end insert “, and read in accordance with regulation 2A ”.
- (3) After regulation 2, insert—

“Modification of the Waste Directive

2A.—(1) For the purposes of these Regulations, the Waste Directive is to be read in accordance with this regulation.

- [^{F2}(2) Article 5 is to be read as if—
- (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;
 - (b) after paragraph 1 there were inserted—
 - “1A. Any decision as to whether a substance or object is a by-product must be made—
 - (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
 - (b) having regard to any guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;
 - (c) paragraphs 2 and 3 were omitted.
- (3) Article 6 is to be read as if—
- (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;

- (b) after paragraph 1 there were inserted—
 - “1A. Any decision as to whether a substance or object has ceased to be waste must be made—
 - (a) in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
 - (b) having regard to any guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;
- (c) in paragraph 2—
 - (i) the first subparagraph were omitted;
 - (ii) in the second subparagraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
 - (iii) the third and fourth subparagraphs were omitted;
- (d) paragraph 3 were omitted;
- (e) in paragraph 4—
 - (i) in the first subparagraph—
 - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the appropriate agency”;
 - (bb) the second sentence were omitted;
 - (ii) in the second subparagraph—
 - (aa) for “Member States” there were substituted “The appropriate agency”;
 - (bb) “by competent authorities” were omitted.

- (4) In this regulation—
 - “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;
 - “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.”].

(4) In regulation 3(3), omit “EU or”.

(5) In regulation 4—

- (a) for the heading, substitute “ Existing legislation ”;

- [^{F3}(b) for “existing EU legislation and relevant national legislation” substitute “any other relevant legislation”.]

- ^{F4}(6)

(7) For regulation 15 substitute—

“**15.** For the purposes of regulation 14, “material and component coding standards” means the nomenclature of the material and component coding standards for end-of-life vehicles set out in Schedule 2.”.

(8) In regulation 18(2), in the words before sub-paragraph (a), for “objectives in Article 7 of the Directive, that is to say” substitute “ following objectives ”.

(9) In regulation 29, omit the words from “, which sets out” to the end.

[^{F5}(10) In regulation 33—

(a) in paragraphs (a) and (b), for “another” substitute “ an ”;

(b) for the words after paragraph (b), substitute— “ and containing at least the information listed in Schedule 3 has legal effect, and all rights, powers, liabilities, obligations and restrictions arising out of or incidental to such certificates or their issue shall be recognised and available in law, and be enforced, allowed and followed accordingly. ”.]

(11) In Schedule 3—

(a) in the heading, omit the words from “issued” to the end;

(b) in paragraph 2, omit “(in accordance with Article 6(2) of the Directive)”.

Textual Amendments

- F1** Reg. 9(2)(c) omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 36(2)(a)** (with Sch. 4 paras. 16, 17)
- F2** Words in reg. 9(3) substituted (31.12.2020 immediately before IP completion day) by [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1540), regs. 1(3), **11(3)(a)**
- F3** Reg. 9(5)(b) substituted (31.12.2020 immediately before IP completion day) by [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1540), regs. 1(3), **11(3)(b)**
- F4** Reg. 9(6) omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020](#) (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 36(2)(b)** (with Sch. 4 paras. 16, 17)
- F5** Reg. 9(10) substituted (31.12.2020 immediately before IP completion day) by [The Environment and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1078), regs. 1, **4(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)(b)

Changes to legislation:

There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019, Section 9.