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STATUTORY INSTRUMENTS

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**2013 No. 3113**

The Waste Electrical and Electronic  
Equipment Regulations 2013

PART 1

GENERAL

**[<sup>F1</sup>Modification of the Waste Directive**

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

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

(3) 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”.

(4) 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 relevant guidance published by the national authority or the appropriate authority.”;

(c) paragraphs 2 and 3 were omitted.

(5) 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

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- (b) having regard to any relevant guidance published by the national authority or the appropriate authority.”;
- (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 authority”;
    - (bb) the second sentence were omitted;
  - (ii) in the second subparagraph—
    - (aa) for “Member States” there were substituted “The appropriate authority”;
    - (bb) “by competent authorities” were omitted.
- (6) Article 7 is to be read as if—
  - (a) before paragraph 1 there were inserted—
 

“A1. In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in England, Wales, Scotland or Northern Ireland (as the case may be).”;
  - (b) in paragraph 1—
    - (i) the first and second sentences were omitted;
    - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
  - (c) paragraphs 2, 3, 6 and 7 were omitted.
- (7) Article 23 is to be read as if in paragraph 5, “or Community” were omitted.
- (7A) Article 25 is to be read as if paragraph 3 were omitted.
- (8) Annex 3 is to read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.]

#### Textual Amendments

- F1** Regs. 2A-2C inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019](#) (S.I. 2019/188), regs. 1(2)(b), **19(3)** (as amended by S.I. 2020/1540, regs. 1(2), **11(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**, as amended by [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1540), regs. 1(3), **11(12)(b)**, 11(12)(c)(i), 11(12)(c)(ii), 11(12)(c)(iii), 11(12)(d)(i), 11(12)(d)(ii)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 8 Pt. 3 para. 31 word substituted by [S.I. 2015/1968 reg. 2\(43\)\(b\)\(i\)](#)
- Sch. 8 Pt. 3 para. 31 word substituted by [S.I. 2015/1968 reg. 2\(43\)\(b\)\(ii\)](#)