
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 (Producer Responsibility) Regulations 2005

10.—(1) The End-of-Life Vehicles (Producer Responsibility) Regulations 2005 are amended as follows.

(2) In regulation 2—

(a) in the definition of “the Directive”, at the end insert “ and as read in accordance with regulation 2A ”;

(b) after the definition of “the Directive”, insert—

““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;”;

(c) in the definition of “end-of-life vehicle” (as amended by regulation 3(2)(b)), at the end insert “, as read with Articles 5 and 6 of that Directive ”;

(d) after the definition of “end-of-life vehicle” insert—

““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 ^{M1};
- (e) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972 ^{M2};

^{F1}(e)

(f) in the definition of “the Waste Directive”, at the end insert “ , and as read in accordance with regulation 2B ”.

(3) After regulation 2, insert—

“Modification of the Directive

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

(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 [^{F2}IP completion day], was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion.

(3) A term used in the Directive which is defined in regulation 2 has the same meaning as in regulation 2.

(4) Article 2 is to be read as if paragraphs 1, 2, 5 and 8 were omitted.

(5) Article 5 is to be read as if—

[^{F3}(a) in paragraph 3—

(i) in the first paragraph, for “Treatment facilities, which have obtained a permit in accordance with Article 6,” there were substituted “Authorised treatment facilities”;

(ii) in the third paragraph, the final sentence were omitted;]

(b) in paragraph 4, the fourth paragraph were omitted;

(c) paragraph 5 were omitted.

^{F4}(6)

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 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 [^{F5}IP

completion day], was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion.

^{F6}(3)

[^{F7}(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 guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;

(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

(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.

(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.]

^{F8}(7)

^{F8}(8)

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

^{F9} ...

.... ..”.

[^{F10}(4) In regulation 3(2), for “the appropriate Community or domestic provisions” substitute “any relevant legislation”.]

(5) In regulation 4—

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

[^{F11}(b) for “existing EU legislation and relevant national legislation” substitute “any other relevant legislation”].

(6) In regulation 5—

(a) after “apply to” insert “ vehicles approved as ”;

^{F12}(b)

[^{F13}(7) In regulation 12(1), for “the requirements of Article 6 and Annex I of the Directive” substitute “the requirements set out in Annex 1 to the Directive, and the general requirements referred to in Article 13 of the Waste Directive”.]

Textual Amendments

F1 Reg. 10(2)(e) omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), reg. 1(b), **Sch. 6 para. 36(3)(a)** (with Sch. 4 paras. 16, 17)

F2 Words in reg. 10(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(4)(a)(i)**

F3 Words in reg. 10(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(4)(a)(ii)**

F4 Words in reg. 10(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(3), **11(4)(a)(iii)**

- F5** Words in reg. 10(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\(4\)\(b\)\(i\)](#)
- F6** Words in reg. 10(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\), regs. 1\(3\), 11\(4\)\(b\)\(ii\)](#)
- F7** Words in reg. 10(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\(4\)\(b\)\(iii\)](#)
- F8** Words in reg. 10(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\), regs. 1\(3\), 11\(4\)\(b\)\(iv\)](#)
- F9** Words in reg. 10(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\), regs. 1\(3\), 11\(4\)\(c\)](#)
- F10** Reg. 10(4) 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\(4\)\(d\)](#)
- F11** Reg. 10(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\(4\)\(e\)](#)
- F12** Reg. 10(6)(b) omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\), reg. 1\(b\), Sch. 6 para. 36\(3\)\(b\)](#) (with Sch. 4 paras. 16, 17)
- F13** Reg. 10(7) inserted (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\(4\)\(f\)](#)

Commencement Information

- I1** Reg. 10 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)

Marginal Citations

- M1** 1994 c. 39.
- M2** 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.

Changes to legislation:

There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019, Section 10.