
STATUTORY INSTRUMENTS

2019 No. 188

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

PART 3

Amendments to secondary legislation

The Packaging (Essential Requirements) Regulations 2015

20.—(1) The Packaging (Essential Requirements) Regulations 2015⁽¹⁾ are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

- (i) omit the definitions of “the Directive” and “the Commission”;
- (ii) in the definition of “essential requirements”, omit “in Annex II of the Directive and which are”;
- (iii) in the definition of “packaging waste”, after “Directive” insert “, as read with Articles 5 and 6 of that Directive,”;
- (iv) in the definition of “responsible person”, for “European Union” substitute “United Kingdom”;
- (v) in the definition of “the Waste Directive, at the end insert “, and as read in accordance with regulation 2A”;

(b) omit paragraph (2).

(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.

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

(3) 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 Regulations (EU) No 715/2013 applies, the appropriate agency”;
 - (ii) the second sentence were omitted.

- (4) In paragraph (3)(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.”.
- (4) In regulation 3(4), omit the words from “referred to in” to the end.
- (5) In regulation 4—
 - (a) in paragraph (1), omit “EU”;
 - (b) for paragraphs (3) and (4), substitute—
 - “(3) Packaging complies with the essential requirements if it—
 - (a) satisfies a harmonised standard; or
 - (b) where there are no harmonised standards, satisfies a recognised quality standard.
 - (4) In paragraph (3)—
 - “harmonised standard” means a harmonising standard produced by the Comité Européen de Normalisation (CEN)(2), which—
 - (a) relates to packaging and packaging waste; and
 - (b) is published in (and not withdrawn from) the Official Journal of the European Union;
 - “recognised quality standard” means a standard produced by a member State—
 - (a) that relates to packaging and packaging waste; and
 - (b) the reference number to which is published in (and not withdrawn from) the Official Journal of the European Union.”.
- (6) In regulation 5(1), omit “EU”.
- (7) Omit regulation 12(2).
- (8) In Schedule 1—
 - (a) in the heading, omit “(Annex II to the Directive)”;
 - (b) in paragraph 3(1), for “the European Union” substitute “retained EU law”.
- (9) In Schedule 2, in paragraph 2—
 - (a) for “European Union” in both places it occurs substitute “United Kingdom”;
 - (b) in sub-paragraph (2), in the words after paragraph (b), for “EU” substitute “United Kingdom”.
- (10) In Schedule 3, in paragraph 2(1), for “EU” substitute “United Kingdom”.