
STATUTORY INSTRUMENTS

2019 No. 39

**EXITING THE EUROPEAN
UNION, ENGLAND AND WALES
ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES**

The Environmental Permitting (England and
Wales) (Amendment) (EU Exit) Regulations 2019

Sift requirements satisfied *11th December 2018*
Made - - - - *8th January 2019*
Laid before Parliament *15th January 2019*
Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

The Environmental Permitting (England and Wales) Regulations 2016

2.—(1) The Environmental Permitting (England and Wales) Regulations 2016⁽²⁾ are amended as follows.

(2) In regulation 2(1)—

- (a) after the definition of “enforcement undertaking” insert—
 ““environmental objectives”—

(1) 2018 c. 16.

(2) S.I. 2016/1154, amended by S.I. 2017/1012, 2018/110, 428, 575, 721 (W 140).

- (a) 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⁽³⁾;
 - (b) in relation to the Solway Tweed River Basin District, means the objectives as defined in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004⁽⁴⁾;
 - (c) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations⁽⁵⁾;
- (b) after the definition of “establishment” insert—
- ““EU-derived domestic legislation” has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018⁽⁵⁾”;
- (c) in the definition of “local authority”, after ““local authority”” insert “, except in Schedule 1A⁽⁵⁾”;
- (d) in the definition of “waste”, in paragraphs (a)(i) and (b)(i), after “Directive” insert “, as read with Articles 5 and 6 of that Directive”;
- (e) after the definition of “WEEE” insert—
- ““the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017⁽⁵⁾”.
- (3) In regulation 3—
- (a) in the definition of “the Asbestos Directive”, at the end insert “, as read in accordance with paragraph 1 of Schedule 1A⁽⁵⁾”;
 - (b) in the definition of “the Basic Safety Standards Directive”, at the end insert “, as read in accordance with paragraph 2 of Schedule 1A⁽⁵⁾”;
 - (c) in the definition of “the Batteries Directive”, at the end insert “, as read in accordance with paragraph 3 of Schedule 1A⁽⁵⁾”;
 - (d) in the definition of “the End-of-Life Vehicles Directive”, at the end insert “, as read in accordance with paragraph 4 of Schedule 1A⁽⁵⁾”;
 - (e) in the definition of “the Energy Efficiency Directive”, at the end insert “, as read in accordance with paragraph 5 of Schedule 1A⁽⁵⁾”;
 - (f) omit the definition of “the Groundwater Directive”;
 - (g) in the definition of “the Industrial Emissions Directive”, at the end insert “, as read in accordance with paragraph 6 of Schedule 1A⁽⁵⁾”;
 - (h) in the definition of “the Landfill Directive”, at the end insert “, and in accordance with paragraph 7 of Schedule 1A⁽⁵⁾”;
 - (i) in the definition of “the Medium Combustion Plant Directive”, at the end insert “, as read in accordance with paragraph 8 of Schedule 1A⁽⁵⁾”;
 - (j) in the definition of “the Mining Waste Directive”, at the end insert “, as read in accordance with paragraph 9 of Schedule 1A⁽⁵⁾”;
 - (k) in the definition of “PVR I”, at the end insert “, as read in accordance with paragraph 10 of Schedule 1A⁽⁵⁾”;

⁽³⁾ S.I. 2003/3245, amended by S.I. 2016/139 and 2017/407.

⁽⁴⁾ S.I. 2004/99, amended by S.I. 2016/139.

⁽⁵⁾ S.I. 2017/407.

- (l) in the definition of “PVR II”, at the end insert “, as read in accordance with paragraph 11 of Schedule 1A”;
 - (m) in the definition of “the Waste Framework Directive”, at the end insert “, and as read in accordance with paragraph 12 of Schedule 1A”;
 - (n) in the definition of “the Water Framework Directive”, at the end insert “, as read in accordance with paragraph 13 of Schedule 1A”;
 - (o) in the definition of “the WEEE Directive”, at the end insert “, as read in accordance with paragraph 14 of Schedule 1A”.
- (4) In regulation 6(1), after “Regulations,” insert “except in Schedule 1A,”.
- (5) In regulations 20(5)(b)(i) and (8)(a) and 61(3)(a), for “of the United Kingdom under the EU treaties” substitute “under retained EU law”.
- (6) In regulation 64—
- (a) in paragraph (1), for “pursuant to Article 26(1) of the Industrial Emissions Directive” substitute “from a member State”;
 - (b) in paragraph (2), omit the words from “For” to “Directive,”;
 - (c) after paragraph (2) insert—
“(3) In paragraph (1), “member State” has the meaning given in paragraph 10(4) of Schedule 5.”.
- (7) In Schedule 1, in Part 2—
- (a) in Chapter 5—
 - (i) in Section 5.4, in Part A(1)—
 - (aa) in paragraph (a), in the words before sub-paragraph (i), for “Council Directive 91/271/EEC concerning urban waste-water treatment(6)” substitute “the Urban Waste Water Treatment (England and Wales) Regulations 1994(7)”;
 - (bb) in paragraph (b), in the words before sub-paragraph (i), for “Council Directive 91/271/EEC” substitute “the Urban Waste Water Treatment (England and Wales) Regulations 1994”;
 - (ii) in Section 5.7, for “Directive 91/271/EEC” substitute “the Urban Waste Water Treatment (England and Wales) Regulations 1994”;
 - (b) in Chapter 6, in Section 6.10, for the words from “Directive 2009/31/EC(8)” to the end substitute “Chapter 3 of Part 1 of the Energy Act 2008(9) and other EU-derived domestic legislation which transposed Directive 2009/31/EC on the geological storage of carbon dioxide in relation to England and Wales(10)”.
- (8) After Schedule 1, insert new Schedule 1A which is set out in the Schedule to these Regulations.
- (9) In Schedule 3—
- (a) in Part 1, in Chapter 2, in Section 2, in paragraph 16(4), for the definition of “end-of-life vehicle” substitute—

(6) OJ No L 135, 30.5.1991, p 40, as last corrected by a corrigendum (OJ No L 189, 17.7.2015, p 41).

(7) S.I. 1994/2841, amended by S.I. 2003/1788, 2005/2035, 2010/675, 2011/556, 2013/755 (W 90) and 2016/1154.

(8) 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).

(9) 2008 c. 32. Chapter 3 was amended by paragraph 5(3) of Part 1 of Schedule 4 to the Marine and Coastal Access Act 2009 (c.23), by section 107 of the Energy Act 2011 (c.16), by paragraphs 41 and 53 to 62 of Part 1 of Schedule 1, and paragraph 13 of Schedule 2 to the Energy Act 2016 (c.20) and by S.I. 2011/2453, 2015/664, 2017/524.

(10) See for example S.I. 2010/1513, 2221, 2011/1483, 2305, 2453, 2012/461.

““end-of-life vehicle” means a motor vehicle 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.”;

(b) in Part 3—

(i) in paragraph 1, omit the definition of “small quantity of substance”;

(ii) in paragraph 2(1), after paragraph (b) insert—

“limited to the amount strictly necessary for that purpose”;

(c) in Part 4—

(i) in paragraph 1—

(aa) in sub-paragraph (5), in the definition of “protected species”, for sub-paragraph (a) substitute—

“(a) a species of a kind listed in Annex 1 to [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds⁽¹¹⁾ or Annex 4 to Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora⁽¹²⁾”;

(bb) after sub-paragraph (6) insert—

“(7) In sub-paragraph (5), in sub-paragraph (a) of the definition of “protected species”, a reference to a species listed in an Annex to [Directive 2009/147/EC](#) or Council [Directive 92/43/EEC](#) is to be construed as including a reference to any other species protected under the Conservation of Habitats and Species Regulations 2017⁽¹³⁾”;

(d) in paragraph 4(2)(e), for the words from “measures” to the end substitute “environmental objectives in relation to a river basin district”.

(10) In Schedule 5, in Part 1—

(a) in paragraph 10—

(i) in the heading, omit “other”;

(ii) in sub-paragraph (1)(a) and (b), for “another” substitute “a”;

(iii) in sub-paragraph (2)—

(aa) in paragraph (a), omit the words from “to serve” to the end;

(bb) in paragraph (b), omit the final “and”;

(cc) in paragraph (c), at the end insert “, and”;

(dd) after paragraph (c) insert—

“(d) comply with sub-paragraph (2A).”;

(iv) after sub-paragraph (2), insert—

“(2A) The appropriate authority must—

(a) consult the authorities of that member State, and

(b) allow such reasonable period as may have been agreed with those authorities for them to ensure that the authorities and the public concerned in that member State are given an opportunity to forward their representations on the relevant information supplied.”;

⁽¹¹⁾ OJ No L 20, 26.1.2010, p 7, as amended by Council [Directive 2013/17/EU](#) (OJ No L 158, 10.6.2013, p 193).

⁽¹²⁾ OJ No L 206, 22.7.1992, p 7, as last amended by Council [Directive 2013/17/EU](#) (OJ No L 158, 10.6.2013, p 193).

⁽¹³⁾ [S.I. 2017/1012](#).

- (v) in sub-paragraph (3)—
 - (aa) in paragraph (a), for “bilateral consultations have” substitute “consultation described in sub-paragraph (2A)(a) has”;
 - (bb) after paragraph (a) insert—
 - “(aa) notified it that the period described in sub-paragraph (2A)(b) has ended, and”;
- (vi) in sub-paragraph (4)—
 - (aa) omit the definition of “relevant Article”;
 - (bb) in the definition of “relevant information”, in paragraph (b), for “required under Article 16” substitute “described in Article 7(2)”;
- (b) in paragraph 17—
 - (i) in sub-paragraph (1), for “sub-paragraph (2)” substitute “sub-paragraphs (2) and (2A)”;
 - (ii) after sub-paragraph (2) insert—
 - “(2A) Where paragraph 10 applies to an application or regulator-initiated variation relating to an installation described in paragraph 10(5), the regulator must—
 - (a) notify the authorities of the member State consulted in accordance with paragraph 10(2A)(a) of the determination or decision, and
 - (b) provide those authorities with the information described in Article 24(2) of the Industrial Emission Directive.”.
- (11) In Schedule 7—
 - (a) omit paragraph 2;
 - (b) in paragraph 5—
 - (i) omit sub-paragraph (d);
 - (ii) in sub-paragraph (h), omit “(excluding the penultimate sub-paragraph of Article 15(4))”;
 - (iii) in sub-paragraph (m), omit “(excluding the last sub-paragraph of Article 22(2))”;
 - (c) omit sub-paragraph (n).
- (12) In Schedule 8—
 - (a) after paragraph 4(3) insert—
 - “(4) In sub-paragraph (3), a reference to a numbered Article of [Directive 2011/92/EU\(14\)](#) is to be construed as a reference to the EU-derived domestic legislation which transposed that Article in respect of England and Wales(15).”;
 - (b) omit paragraph 5(1)(d).
- (13) In Schedule 9, in Part 1, in paragraph 3(1)(b) for “implementing Article 13 of the Waste Framework Directive” substitute “ensuring the objectives of Article 13 of the Waste Framework Directive are met”.
- (14) In Schedule 10—
 - (a) in paragraph 2(2)—

(14) 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).

(15) 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](#).

- (i) in the words before sub-paragraph (a), omit “the Landfill Directive and”;
 - (ii) omit sub-paragraphs (b) and (c);
- (b) in paragraph 5(3), omit “on the member State”;
- (c) omit paragraph 6.
- (15) In Schedule 11—
 - (a) in paragraph 2—
 - (i) in sub-paragraph (1), in the definition of “waste”, after “Directive” insert “, as read with Articles 5 and 6 of that Directive”;
 - (ii) omit sub-paragraph (2);
 - (b) omit paragraph 3(2).
- (16) In Schedule 12, omit paragraphs 2 and 3(2).
- (17) In Schedule 13—
 - (a) omit paragraph 2;
 - (b) in paragraph 4—
 - (i) for sub-paragraph (1)—
 - (aa) omit paragraph (d);
 - (bb) for paragraph (m) substitute—
 - “(m) Article 51;”;
 - (c) omit sub-paragraph (2).
- (18) In Schedule 14—
 - (a) omit paragraph 2;
 - (b) in paragraph 3—
 - (i) omit sub-paragraph (d);
 - (ii) in sub-paragraph (g), omit “(except article 59(4))”.
- (19) In Schedule 15—
 - (a) omit paragraph 2(2);
 - (b) in paragraph 3—
 - (i) in sub-paragraph (b), omit the words from “, except the second” to the end;
 - (ii) in sub-paragraph (e), omit “except 33(2)”.
- (20) In Schedule 16, omit paragraphs 2 and 3(2).
- (21) In Schedule 17, omit paragraph 2.
- (22) In Schedule 18, in Parts 1 and 2, omit paragraph 2(2).
- (23) In Schedule 20, omit paragraph 2(2).
- (24) In Schedule 22—
 - (a) in paragraph 6, in the words before sub-paragraph (a), for the words from “purposes” to “Groundwater Directive” substitute “purpose of the duties in regulation 3 of the WFD Regulations”;
 - (b) in paragraph 8—
 - (i) in the words before paragraph (a), for “Article 4 of the Water Framework Directive” substitute “relation to a river basin district”;

- (ii) in paragraph (d), for the words from “[Directive 2009/31/EC](#)” to the end, substitute “Chapter 3 of Part 1 of the Energy Act 2008 and other EU-derived domestic legislation which transposed [Directive 2009/31/EC](#) on the geological storage of carbon dioxide in relation to England and Wales”.
- (25) In Schedule 24, in paragraph 6—
 - (a) in sub-paragraph (1)(b), for “Article 14(1) of the Energy Efficiency Directive” substitute “regulation 4(2)(a) of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014(16)”;
 - (b) in sub-paragraph (6)(a), for the words from “[Directive 2009/31/EC](#)” to the end, substitute “Chapter 3 of Part 1 of the Energy Act 2008 and other EU-derived domestic legislation which transposed [Directive 2009/31/EC](#) on the geological storage of carbon dioxide in relation to England and Wales”.
- (26) In Schedule 25, in Part 2, in paragraph 6(2)(b), for the words from “measures” to the end, substitute “environmental objectives in relation to a river basin district”.
- (27) In Schedule 25A—
 - (a) in Part 1, omit paragraph 2(4);
 - (b) in Part 2, in paragraph 5—
 - (i) omit the definition of “Ambient Air Quality Directive”;
 - (ii) after ““operating hours”,” insert “and”;
 - (iii) omit “and “zone””.

8th January 2019

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

Status: This is the original version (as it was originally made).

SCHEDULE

Regulation 2(8)

New Schedule 1A

“SCHEDULE 1A

Regulation 3

Modification of the Directives

Modification of the Asbestos Directive

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

(2) When interpreting the Asbestos Directive for the purposes of these Regulations—

- (a) an expression used in the Directive that is defined in Part 1 of these Regulations has the meaning given in that Part, except for “waste” which has the meaning given in Article 2(5) of the Asbestos Directive read in accordance with sub-paragraph (3);
- (b) the competent authority is the regulator;
- (c) a reference to Member States is to be read as a reference to the regulator.

(3) Article 2(5) is to be read as if for “Article 1 of [Directive 75/442/EEC\(17\)](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.

(4) Article 3 is to be read as if paragraph 2 were omitted.

(5) Article 5 is to be read as if, in the first paragraph, in point (a), in the first subparagraph, in the second indent, for “competent authorities of the Member States” there were substituted “regulator”.

(6) Article 6 is to be read as if—

(a) after paragraph 1 there were inserted—

“**1A.** In paragraph 1, “regular intervals” means, for the purposes of a regulated facility to which Article 4 applies, intervals of not more than 6 months.”;

(b) paragraph 3 were omitted.

(7) Article 8 is to be read as if, in the words before the first indent, the words from “Without” to “Accession,” were omitted.

(8) The Annex is to be read as if, in Part B—

(a) in Chapter 1, in paragraph 1, in the second subparagraph—

- (i) in the third sentence, for “controlling authority” there were substituted “regulator”;
- (ii) in the fourth sentence, for “a Member State” there were substituted “the regulator”;

(b) in Chapter 2—

- (i) in the first paragraph, “subject to the provisions of Article 6(3) of the Directive,” were omitted;
- (ii) in the second paragraph, for the words from “using” to the end there were substituted “in accordance with Article 7(6) of [Directive 2009/148/EC](#) of the European Parliament and of the Council on the protection of workers from the risks related to exposure to asbestos at work⁽¹⁸⁾”;

(iii) in the third paragraph—

(17) 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).

(18) OJ No L 330, 16.12.2009, p 28.

- (aa) in point 1, for “controlling authority” there were substituted “regulator”;
- (bb) in point 8, for the words from “conform” to the end there were substituted “be conducted in accordance with Article 7(6) of [Directive 2009/148/EC](#)”.

Modification of the Basic Safety Standards Directive

2.—(1) For the purposes of these Regulations, the Basic Safety Standards Directive is to be read in accordance with this paragraph.

(2) When interpreting the Basic Safety Standards Directive for the purposes of these Regulations, “radioactive waste” has the meaning given in paragraph 3 of Part 2 of Schedule 23.

(3) Article 4 is to be read as if—

- (a) in points (11), (34), (43), (47) and (57), for “competent authority” there were substituted “regulator”;
- (b) point (79) were omitted;
- (c) in point (86), for “competent authority” in both places it occurs substitute “regulator”.

(4) Article 12 is to be read as if, in paragraphs 1 and 2, for “Member States” there were substituted “The appropriate authority”.

(5) Article 30(4) is to be read as if—

- (a) in the first sentence, for “Member States” there were substituted “The regulator”;
- (b) in the third sentence for “Competent Authority” there were substituted “regulator”.

(6) Article 66 is to be read as if—

- (a) in paragraphs 1 and 2, for “Member States” in each place it occurs there were substituted “The regulator”;
- (b) in paragraph 3, in the words before point (a), for “competent authority” there were substituted “regulator”.

(7) Articles 85 to 87 are to be read as if—

- (a) for “Member States” in each place it occurs there were substituted “The regulator”;
- (b) in Articles 85(3) and 86(4), for “competent authority” there were substituted “regulator”.

(8) Article 88 is to be read as if, in the words before point (a), for the words from “In addition” to “States” there were substituted “The regulator”.

(9) Article 89 is to be read as if—

- (a) in the first paragraph—
 - (i) in the words before point (a)—
 - (aa) for “Member States” there were substituted “The regulator”;
 - (bb) for “competent authority” there were substituted “regulator”;
 - (ii) in point (b), for “Member States” there were substituted “the appropriate authority”;
- (b) in the second paragraph, for “competent authority” there were substituted “regulator”.

(10) Article 90 is to be read as if—

- (a) in the heading, for “competent authority” there were substituted “regulator”;
- (b) in the first sentence, for “Member States shall ensure that the competent authority keeps” there were substituted “The regulator must keep”;
- (c) in the third sentence, for “competent authority” there were substituted “regulator”.

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(11) Article 91 is to be read as if for “Member States” in both places it occurs there were substituted “The regulator”.

(12) Annex 7 is to be read as if—

(a) in section 1, in the first sentence, for “competent authority” there were substituted “regulator”;

(b) in section 2—

(i) in points (c) and (d), “Community” were omitted;

(ii) in point (e)—

(aa) in the second sentence, for “Article 75” there were substituted “regulation 7 of the Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018(19)”;

(bb) in the third sentence, for “competent authority” there were substituted “regulator”;

(c) in section 3—

(i) in point (d), for “Member States” there were substituted “the appropriate authority”;

(ii) in point (e), in the first paragraph, in the fourth indent, in the third sentence, for “Member States” there were substituted “The appropriate authority”;

(d) in Table A Part 1, in the final paragraph, for “competent authority” there were substituted “appropriate authority”.

(13) Annex 14 is to be read as if, in the form, in the note, for “Community” there were substituted “United Kingdom”.

(14) Annex 15 is to be read as if—

(a) in point (b), for “Member States” there were substituted “the regulator”;

(b) in points (d), (e) and (g), for “competent authority” in each place it occurs there were substituted “regulator”.

Modification of the Batteries Directive

3.—(1) For the purposes of these Regulations, the Batteries Directive is to be read in accordance with this paragraph.

(2) Article 2(2)(a) is to be read as if for “Member States’ essential security interests” there were substituted “the essential security interests of the United Kingdom”.

(3) Article 3 is to be read as if—

(a) in point (7), for “Article 1(1)(a) of [Directive 2006/12/EC\(20\)](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;

(b) in point (9), for “Annex IIA to [Directive 2006/12/EC](#)” there were substituted “Annex 1 to the Waste Framework Directive”.

Modification of the End-of-Life Vehicles Directive

4.—(1) For the purposes of these Regulations, the End-of-Life Vehicles Directive is to be read in accordance with this paragraph.

(19) [S.I. 2018/482](#).

(20) 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).

- (2) When interpreting the End-of-Life Vehicles Directive for the purposes of these Regulations—
- (a) an expression used in the Directive that is defined in Part 1 of these Regulations has the meaning given in that Part;
 - (b) 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 so far as it related to England or Wales.
- (3) Article 2 is to be read as if—
- (a) for paragraph 1 there were substituted—
 - “1. ‘vehicle’ means any motor vehicle;
 - 1A. ‘waste’ means waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive;”;
 - (b) in paragraph 2, “within the meaning of Article 1(a) of [Directive 75/442/EEC](#)” were omitted;
 - (c) paragraphs 8, 9 and 11 were omitted.
- (4) Article 4(2) is to be read as if points (b) and (c) were omitted.
- (5) Article 6 is to be read as if—
- (a) in paragraph 1, for “Article 4 of [Directive 75/442/EEC](#)” there were substituted “Article 13 of the Waste Framework Directive”;
 - (b) in paragraph 3, in the words before point (a), for “establishment or undertaking” there were substituted “operator”.
- (6) In Annex 2, in the table, in table foot note (2a), for the words from “[Directive 2006/95/EC](#)(21)” to the end there were substituted “the second subparagraph of Article 1 of [Directive 2014/35/EU](#) of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits(22),and for these purposes Annex 2 to [Directive 2014/35/EU](#) is to be read as if for “Member States participate” there were substituted “United Kingdom participates””.
- (7) In sub-paragraph (2)(b), “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

(21) OJ No L 374, 27.12.2006, p 10, repealed by [Directive 2014/35/EU](#) of the European Parliament and of the Council (OJ No L 96, 29.3.2014, p 357).

(22) OJ No L 96, 29.3.2014, p 357.

Status: This is the original version (as it was originally made).

- (ii) a county borough council.

Modification of the Energy Efficiency Directive

5.—(1) For the purposes of these Regulations, the Energy Efficiency Directive is to be read in accordance with this paragraph.

(2) Annex 1 is to be read as if—

(a) in Part 1—

- (i) in point (a)(i) and (ii), for “Member States” there were substituted “the appropriate authority”;
- (ii) in point (b), in the third paragraph—
 - (aa) “If Member States introduce” were omitted;
 - (bb) for the words from “, such default values” to the end there were substituted “must be used if they have been published by the appropriate authority”;
- (iii) in points (d) and (e), for “Member States” there were substituted “The appropriate authority”;

(b) in Part 2, the final paragraph were omitted.

(3) Annex 2 is to be read as if—

(a) in point (b), in the definition of “CHP E_n”, the final sentence were omitted;

(b) in point (c)—

- (i) in the first paragraph, for “Member States may” there were substituted “It is permissible to”;
- (ii) in the second paragraph, in the definition of “E_n”, the final sentence were omitted;

(c) in point (d)—

- (i) “Member States may use” were omitted;
- (ii) after “one year” there were inserted “may be used”;

(d) in point (f), in the third paragraph, point 4 were omitted.

(4) Annex 9 is to be read as if, in Part 2—

(a) the heading and the words before the first paragraph were omitted;

(b) in the seventh paragraph, “for the purposes of Article 14(5)” were omitted;

(c) the ninth and tenth paragraphs were omitted.

Modification of the Industrial Emissions Directive

6.—(1) For the purposes of these Regulations, the Industrial Emissions Directive is to be read in accordance with this paragraph.

(2) When interpreting the Industrial Emissions Directive for the purposes of these Regulations—

(a) an expression used in the Directive that is defined in Part 1 of these Regulations has the meaning given in that Part, except for “installation” for the purposes of Schedules 7 and 14, and—

- (i) for the purposes of Schedule 7, “installation” means Part A installation;
- (ii) for the purposes of Schedule 14, “installation” means a stationary technical unit within which a solvent emission activity is carried out, and any other directly associated activities on the same site which have a technical connection with the

- solvent emission activity and which could have an effect on emission of volatile organic compounds;
- (b) except in point 5 of Annex 4 to the Directive, a reference to “Member States” is to be read as a reference to the competent authority;
- (c) the competent authority is—
- (i) for the purposes of exercising a judgement as to whether there is an overriding need to maintain energy supplies under Articles 30(6) and 37, the appropriate authority;
 - (ii) otherwise, the regulator.
- (3) Article 3 is to be read as if—
- (a) in point (1)—
 - (i) for the purposes of Schedule 7 only, in the words before point (a), after “its compounds” there were inserted “and any biological entity or micro-organism”;
 - (ii) in point (a), for the words from “Article 1” to the end there were substituted “Article 4 of the Basic Safety Standards Directive”;
 - (b) points (2) to (4) were omitted;
 - (c) in point (6), for “Union” there were substituted “retained EU”;
 - (d) for points (7) and (8) there were substituted—
 - “(7) ‘permit’ means environmental permit;
 - (8) ‘general binding rule’—
 - (i) for the purposes of Schedules 15 and 17 to the Environmental Permitting (England and Wales) Regulations 2016, means emission limit values or other conditions, at least at sector level, that are adopted with the intention of being used directly to set permit conditions;
 - (ii) otherwise, means a standard rule published under regulation 26 of the Environmental Permitting (England and Wales) Regulations 2016;”;
 - (e) in point (10)(b), for “Member State in question” there were substituted “United Kingdom”;
 - (f) in point (11), after “Article 13” there were inserted “as that Article had effect immediately before exit day”;
 - (g) in point (12), for “means a document” there were substituted “except where Article 13(7) applies, means a document annexed to retained direct EU legislation made under Article 13(5) as that Article had effect immediately before exit day”;
 - (h) points (18) and (20) were omitted;
 - (i) in point (23), for the words from “point 1 of Article 2” 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⁽²³⁾”;
 - (j) point (25) were omitted;
 - (k) in point (36), for the words from “point 26” to the end there were substituted “Article 2(26) of [Directive 2009/72/EC](#) of the European Parliament and of the Council concerning common rules for the internal market in electricity⁽²⁴⁾”;
 - (l) points (37), (38), (40), (41) were omitted.

(23) 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).

(24) OJ No L 211, 14.8.2009, p 55.

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- (4) Article 5 is to be read as if—
- (a) in paragraph 1, “or Union” were omitted;
 - (b) in paragraph 3, a reference to a numbered Article of [Directive 85/337/EEC](#)(**25**) were a reference to the EU-derived domestic legislation which transposed the same numbered Article of [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 in respect of England and Wales.
- (5) Article 7 is to be read as if, in the words before point (a), the words from “[Directive 2004/35/EC](#)(**26**)” to “damage” there were substituted “the Environmental Damage (Prevention and Remediation) (England) Regulations 2015(**27**) and the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009(**28**)”.
- (6) Article 11(d) and (e) is to be read as if, for “[Directive 2008/98/EC](#)(**29**)” there were substituted “the Waste Framework Directive”.
- (7) Article 12(2) is to be read as if—
- (a) for “[Directive 85/337/EEC](#)” there were substituted “the EU-derived domestic legislation which transposed [Directive 2011/92/EU](#) in respect of England and Wales”;
 - (b) for “[Directive 96/82/EC](#)(**30**)” there were substituted “the Control of Major Accident Hazards Regulations 2015(**31**)”.
- (8) Article 13 is to be read as if—
- (a) paragraphs 1 to 6 were omitted;
 - (b) in paragraph 7, for the words from “Pending” to “paragraph 5, the” there were substituted “In the absence of a BAT conclusion, any relevant”.
- (9) Article 14 is to be read as if—
- (a) in paragraph 4, the second sentence were omitted;
 - (b) in paragraph 7, for “the legislation” there were substituted “retained EU law”.
- (10) Article 15 is to be read as if—
- (a) in paragraph 3, in the words before point (a), “referred to in Article 13(5)” were omitted;
 - (b) in paragraph 4, the fifth subparagraph were omitted.
- (11) Article 21 is to be read as if—
- (a) in paragraph 1, for the words from “Member States” to “periodically reconsiders” there were substituted “The competent authority must periodically reconsider”;
 - (b) in paragraph 3—
 - (i) in the first subparagraph, in the words before point (a), for “decisions on BAT conclusions in accordance with Article 13(5)” there were substituted “BAT conclusions”;
 - (ii) in the second subparagraph, “in accordance with Article 13(5)” were omitted.
- (12) Article 22 is to be read as if—

(25) 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).

(26) OJ No L 143, 30.4.2004, p 56, as last amended by [Directive 2013/30/EU](#) of the European Parliament and of the Council (OJ No L 178, 28.6.2013, p 66).

(27) [S.I. 2015/810](#), to which there are amendments not relevant to these Regulations.

(28) [S.I. 2009/995 \(W 81\)](#), to which there are amendments not relevant to these Regulations.

(29) OJ No L 312, 22.11.2008, p 3.

(30) OJ No L 10, 14.1.1997, p 13, repealed by [Directive 2012/18/EU](#) of the European Parliament and of the Council (OJ No L 197, 24.7.2012, p 1).

(31) [S.I. 2015/483](#), to which there are amendments not relevant to these Regulations.

- (a) in paragraph 1—
 - (i) for the words from “[Directive 2000/60/EC](#)(**32**)”to “deterioration” there were substituted “the legislation listed in paragraph 1A”;
 - (ii) for “Union” there were substituted “retained EU”;
 - (b) after paragraph 1 there were inserted—
 - “**1A.** The legislation referred to in paragraph 1 is—
 - (a) the EU-derived domestic legislation which transposed [Directive 2000/60/EC](#) in respect of England and Wales(**33**);
 - (b) the Environmental Damage (Prevention and Remediation) (England) Regulations 2015;
 - (c) the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009;
 - (d) Schedule 22 to the Environmental Permitting (England and Wales) Regulations 2016 and the other EU-derived domestic legislation which transposed [Directive 2006/118/EC](#)(**34**)in respect of England and Wales(**35**).”;
 - (c) in paragraph 2—
 - (i) in the fourth subparagraph, for “Union” there were substituted “retained EU”;
 - (ii) the fifth subparagraph were omitted.
- (13) Article 23 is to be read as if—
- (a) in paragraph 4—
 - (i) in the fourth subparagraph, point (c) were omitted;
 - (ii) the fifth subparagraph were omitted;
 - (b) in paragraph 6, in the second subparagraph, for the words from “[Directive 2003/4/EC](#)(**36**)”to “environmental information” there were substituted “the Environmental Information Regulations 2004(**37**)”.
- (14) Article 24(4) is to be read as if, for “Article 4(1) and (2) of [Directive 2003/4/EC](#)” there were substituted “the exceptions in Part 3 of the Environmental Information Regulations 2004”.
- (15) Article 30 is to be read as if—
- (a) in paragraph 5 the second sub-paragraph were omitted;
 - (b) in paragraph 6, the third subparagraph were omitted.
- (16) Article 31 is to be read as if—
- (a) in paragraph 1, the words from “and with prior validation” to the end were omitted;
 - (b) in paragraph 2, for “points 3.1 or” there were substituted “point”.
- (17) Article 32 is to be read as if—

(32) 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).

(33) See for example the Coast 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, 1994/2841, 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.

(34) OJ No L 372, 27.12.2006, p 19, as amended by Commission [Directive 2014/80/EU](#) (OJ No L 182, 21.6.2014, p 52).

(35) See for example S.I. 2003/3245, 2004/99, 2009/995 (W 81), 2015/810, 1937 (W 291), 2017/407.

(36) OJ No L 41, 14.2.2003, p 26.

(37) S.I. 2004/3391, as amended by paragraphs 305 and 307 of Schedule 19 to the Data Protection Act 2018 (c. 12).

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- (a) a reference to the plan or transitional national plan were a reference to the UK transitional plan prepared by the Secretary of State and submitted to the European Commission on 20th October 2015;
 - (b) in paragraph 2, in the second subparagraph, the words “, pursuant in particular to the requirements of Directives [2001/80/EC\(38\)](#) and [2008/1/EC\(39\)](#),” were omitted;
 - (c) in paragraph 3, the second subparagraph were omitted.
- (18) Article 33 is to be read as if—
- (a) in paragraph 1—
 - (i) in the words before point (a)—
 - (aa) the reference to the transitional national plan were a reference to the UK transitional plan prepared by the Secretary of State and submitted to the European Commission on 20th October 2015;
 - (bb) “referred to in Article 32” were omitted;
 - (ii) at the end of point (b) there were inserted “and”;
 - (iii) in point (c), the words “, pursuant in particular to the requirements of Directives [2001/80/EC](#) and [2008/1/EC](#),” were omitted;
 - (iv) point (d) (and the “and” immediately preceding it) were omitted;
 - (b) in paragraph 2—
 - (i) for “Commission” in both places it occurs there were substituted “appropriate authority”;
 - (ii) in the first sentence, for “each Member State” substitute “the regulator”.
- (19) Articles 34(1) and 35(1)(d) are to be read as if the words “, pursuant in particular to the requirements of Directives [2001/80/EC](#) and [2008/1/EC](#),” were omitted.
- (20) Article 42(2)(a)(iii) is to be read as if, for the words from “Regulation (EC) No 1774/2002” to the end there were substituted “Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption”.
- (21) Article 44(d) is to be read as if “and Union” were omitted.
- (22) Article 45(1)(a) is to be read as if for “European Waste List established by” there were substituted “List in”.
- (23) Article 50(3) is to be read as if, in the second subparagraph, for the words from “Article 2(2)” to the end there were substituted “regulation 2(1) of the Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007(40)”.
- (24) Article 51 is to be read as if—
- (a) in paragraph 1, the second sentence were omitted;
 - (b) in paragraph 4—
 - (i) for “Commission” there were substituted “appropriate authority”;
 - (ii) the words from “as part” to the end were omitted.
- (25) Article 52 is to be read as if—
- (a) in paragraph 2, for “European Waste List established by” there were substituted “List in”;

(38) OJ No L 309, 27.11.2001, p 1, repealed by [Directive 2010/75/EU](#) of the European Parliament and of the Council (OJ No L 334, 17.12.2010, p 17).

(39) OJ No L 24, 29.1.2008, p 8, repealed by [Directive 2010/75/EU](#) of the European Parliament and of the Council (OJ No L 334, 17.12.2010, p 17).

(40) [S.I. 2007/79](#), amended by [S.I. 2014/1975](#).

- (b) in paragraph 4(a), for “[Directive 2008/98/EC](#)” there were substituted “the Waste Framework Directive”.
- (26) Article 55(2) is to be read as if, in the first sentence, for “report referred to in Article 72 shall include” there were substituted “regulator must provide to the appropriate authority”.
- (27) Article 59 is to be read as if—
 - (a) in paragraph 1, the second subparagraph were omitted;
 - (b) in paragraph 4—
 - (i) for “Commission” there were substituted “appropriate authority”;
 - (ii) “in accordance with Article 72(2)” were omitted.
- (28) Article 65(3) is to be read as if for “restrictions laid down in Article 4(1) and (2) of [Directive 2003/4/EC](#)” there were substituted “exceptions in Part 3 of the Environmental Information Regulations 2004”.
- (29) 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 words from “, as defined” to “of waste” were omitted;
 - (d) in point 6.9, for “[Directive 2009/31/EC](#)” there were substituted “Chapter 3 of Part 1 of the Energy Act 2008 and other EU-derived domestic legislation which transposed [Directive 2009/31/EC](#) on the geological storage of carbon dioxide in relation to 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”.
- (30) Annex 2 is to be read as if, in the Section headed “Water”, in paragraph 13, for “[Directive 2000/60/EC](#)” there were substituted “the Water Framework Directive”.
- (31) Annex 4 is to be read as if—
 - (a) in point 1(b), for the words from “consultations” to the end there were substituted “a consultation in accordance with paragraph 10(2A)(a) of Schedule 5 to the Environmental Permitting (England and Wales) Regulations 2016”;
 - (b) in point 2—
 - (i) in point (a) “or authorities” were omitted;
 - (ii) in point (b), for “[Directive 2003/4/EC](#)” there were substituted “the Environmental Information Regulations 2004”;
 - (c) in point 5, for “Member States” there were substituted “appropriate authority”.
- (32) Annex 6 is to be read as if—
 - (a) in Part 4—
 - (i) in point 1, in the definition of “Vproc”, “Union or” were omitted;
 - (ii) point 3.1 were omitted;
 - (b) in Part 5, in entry 1 of the table, in the first column, after “defined in” there were inserted “the third entry of Table 1 in”;

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- (c) in Part 6, in point 2.1(c), after “furans” there were inserted “and dioxin-like polychlorinated biphenyls and polycyclic aromatic hydrocarbons”, but only in the case of particular plants where the regulator can demonstrate that emissions of those additional substances are, or are likely to be, significant.

Modification of the Landfill Directive

7.—(1) For the purposes of these Regulations, the Landfill Directive is to be read in accordance with this paragraph.

(2) When interpreting the Landfill Directive for the purposes of these Regulations—

- (a) an expression used in the Directive that is defined in Part 1 of these Regulations has the meaning given in that Part;
- (b) “landfill permit” or “permit” means environmental permit;
- (c) “nature protection zone” means any—
- (i) European site (which has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2017), or
 - (ii) site of special scientific interest (which has the meaning given in section 52(1) of the Wildlife and Countryside Act 1981⁽⁴¹⁾);
- (d) 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 so far as it related to England or Wales;
- (e) the competent authority is the regulator.

(3) 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](#)(42)”, in both places it occurs, there were substituted “the Industrial Emissions Directive”.

(4) Article 2 is to be read as if points (a), (c), (d), (l) and (p) were omitted.

(5) Article 3(2) is to be read as if, in the words before the first indent, “Without prejudice to existing Community legislation,” were omitted.

(6) Article 5(3) is to be read as if—

- (a) in point (b), for “Annex III to [Directive 91/689/EEC](#)(43)” 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 “by Annex 3 to the Waste Framework Directive”;
- (c) in point (d)—
- (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”.

(41) [1981 c. 69](#). Section 52(1) was amended by paragraph 5(1) and (2) of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37).

(42) 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).

(43) 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).

- (7) Article 6(a) is to be read as if, in the second sentence, for “may” there were substituted “does”.
- (8) Article 7 is to be read as if—
- (a) in the first subparagraph, in point (h)—
 - (i) the reference to Council [Directive 85/337/EEC](#) of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment were a reference to the EU-derived domestic legislation which transposed [Directive 2011/92/EU](#) in respect of England and Wales;
 - (iii) the reference to Article 5 of [Directive 85/337/EEC](#) were a reference to the EU-derived domestic legislation which transposed Article 5 of [Directive 2011/92/EU](#) in respect of England and Wales;
 - (b) in the second subparagraph, “and Community” were omitted.
- (9) Article 8 is to be read as if—
- (a) in point (a)—
 - (i) in point (i), “without prejudice to Article 3(4) and (5),” were omitted;
 - (ii) in point (iv)—
 - (aa) in the first sentence, “issued under the provisions of this Directive” were omitted;
 - (bb) the final sentence were omitted;
 - (b) in point (b), for “Article 7 of [Directive 75/442/EEC](#)” there were substituted “regulation 7 of the Waste (England and Wales) Regulations 2011⁽⁴⁴⁾”.
- (10) 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.
- (11) Article 10 is to be read as if for the words from “Council [Directive 90/313/EEC](#)(⁴⁵)” to “environment” there were substituted “the Environmental Information Regulations 2004”.
- (12) Article 11(1) is to be read as if—
- (a) in point (b)—
 - (i) in the first indent—
 - (aa) for “Article 5(3) of [Directive 91/689/EEC](#)” there were substituted “Article 19(2) of the Waste Framework Directive”;
 - (bb) for “Council Regulation” to the end there were substituted “Regulation ([EC](#)) [No 1013/2006](#) of the European Parliament and of the Council on shipments of waste”;
 - (ii) in the third indent, “and Community” were omitted;
 - (b) in point (d), “without prejudice to the provisions of Regulation ([EEC](#)) [No 259/93](#),” were omitted.
- (13) Article 13(d) is to be read as if “Community or” were omitted.
- (14) Article 14 is to be read as if—
- (a) in the words before point (a), for “within eight years after the date laid down in Article 18(1)” there were substituted “by 16th July 2007”;
 - (b) in point (a), for the words from “with a period” to “Article 18(1)” there were substituted “by 16th July 2000”;

(44) [S.I. 2011/988](#), to which there are amendments not relevant to these Regulations.

(45) [OJ No L 158, 23.6.1990, p 56.](#)

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- (c) in point (c), for “within eight years after the date laid down in Article 18(1)” there were substituted “by 16th July 2007”;
 - (d) in point (d)—
 - (i) in point (i), for “within one year after the date laid down in Article 18(1)” there were substituted “by 16th July 2000”;
 - (ii) in point (ii), for “within three years after the date laid down in Article 18(1)” there were substituted “by 16th July 2002”.
- (15) Annex 1 is to be read as if—
- (a) in Section 2, for the final sentence there were substituted “The above provisions do not apply to inert landfills.”;
 - (b) in Section 3.3, omit the second paragraph;
 - (c) in Section 3.4, for “[Directive 80/68/EEC](#)(46)” there were substituted “the EU-derived domestic legislation which transposed [Directive 2000/60/EC](#) of the European Parliament and of the Council in respect of England and Wales”;
 - (d) Section 3.5 were omitted.
- (16) Annex 2 is to be read as if—
- (a) Section 1 were omitted;
 - (b) in Section 2, in the second paragraph, the final sentence were omitted;
 - (c) in Section 4, in the fourth and fifth paragraphs, for “covered by [Directive 91/689/EEC](#)” there were substituted “classified as hazardous waste”;
 - (d) in Section 5, the second and third sentences were omitted.
- (17) Annex 3 is to be read as if—
- (a) in Section 2—
 - (i) the first paragraph were omitted;
 - (ii) in the second paragraph, in the table, in the first column, for “14.00 h CET” in both places it occurs there were substituted “1 p.m.”;
 - (b) in Section 3, in the fourth paragraph, in the table, in table note 7, the words from “, and will report” to the end were omitted.
- (18) In sub-paragraph (2)(d), “local authority” has the meaning given in paragraph 4(7).

Modification of the Medium Combustion Plant Directive

8.—(1) For the purposes of these Regulations, the Medium Combustion Plant Directive is to be read in accordance with this paragraph.

(2) When interpreting the Medium Combustion Plant Directive for the purposes of these Regulations—

- (a) except where defined in this paragraph, an expression used in the Directive that is defined in Part 1 of these Regulations has the meaning given in that Part;
- (b) the competent authority is the regulator;
- (c) “general binding rule” means a standard rule published under regulation 26;
- (d) a reference to “Member States” is to be read as a reference to the regulator;
- (e) “permit” means environmental permit;

(46) 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).

- (f) a reference to [Directive 2010/75/EU](#)(47) is to be read as if it were a reference to the Industrial Emissions Directive.
- (3) Article 2 is to be read as if—
 - (a) in paragraph 3(b), for “[Directive 97/68/EC](#) of the European Parliament and of the Council(48)” there were substituted “Regulation (EU) 2016/1628 of the European Parliament and of the Council on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery”;
 - (b) in paragraph 4, the second sentence were omitted.
- (4) Article 3 is to be read as if points (1), (5) and (17) were omitted.
- (5) Article 6 is to be read as if—
 - (a) in paragraph 1, the second subparagraph were omitted;
 - (b) paragraphs 8, 11 and 12 were omitted.
- (6) Article 7 is to be read as if—
 - (a) in paragraph 5(c), for “Article 6(8)” there were substituted “paragraph 8(1) of Schedule 25A to the Environmental Permitting (England and Wales) Regulations 2016”;
 - (b) in paragraph 7, in the first sentence, for “Article 8” there were substituted “Article 8(2) and (3)”.
- (7) Annex 1 is to be read as if, in point 7, for “Article 6(8)” there were substituted “paragraph 8(1) of Schedule 25A to the Environmental Permitting (England and Wales) Regulations 2016”.
- (8) Annex 3 is to be read as if—
 - (a) in Part 1, in point 2, for “Article 6(8)” in each place it occurs there were substituted “paragraph 8(1) of Schedule 25A to the Environmental Permitting (England and Wales) Regulations 2016”;
 - (b) in Part 2, in point 3, for “Article 6(11) and Article 6(12)” there were substituted “paragraph 11(2) and (4) of Schedule 25A to the Environmental Permitting (England and Wales) Regulations 2016”.

Modification of the Mining Waste Directive

9.—(1) For the purposes of these Regulations, the Mining Waste Directive is to be read in accordance with this paragraph.

- (2) When interpreting the Mining Waste Directive for the purposes of these Regulations—
 - (a) except where defined in this paragraph, an expression used in the Directive that is defined in Part 1 of these Regulations has the meaning given in that Part;
 - (b) “permit” means an environmental permit;
 - (c) 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 so far as it related to England or Wales;
 - (d) the competent authority is the regulator.
- (3) Article 2 is to be read as if—

(47) OJ No L 334, 17.12.2010, p 17, as corrected by a corrigendum (OJ No L 158, 19.6.2012, p 25).

(48) OJ No L 59, 27.2.1998, p 1, repealed by Regulation (EU) 2016/1628 of the European Parliament and of the Council (OJ No L 252, 16.9.2016, p 53).

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- (a) in paragraph 2(c), for “[Directive 2000/60/EC](#)” there were substituted “the Water Framework Directive”;
 - (b) in paragraph 3, the second and third subparagraphs were omitted;
 - (c) paragraph 4 were omitted.
- (4) Article 3 is to be read as if—
- (a) points (1) and (2) were omitted;
 - (b) in point (4), for the words from “the national law” to the end there were substituted “national law”;
 - (c) in point (17), for “[Directive 67/548/EEC](#)(49) or [Directive 1999/45/EC](#)(50)” 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”;
 - (d) in point (18), for “Article 2(11) of [Directive 96/61/EC](#)” there were substituted “Article 3(10) of the Industrial Emissions Directive”;
 - (e) in point (19), for “[Directive 2000/60/EC](#)” there were substituted “the Water Framework Directive”;
 - (f) point (24) were omitted;
 - (g) in point (26), for the words from “the national law” to “operates” there were substituted “national law”;
 - (h) point (27) were omitted.
- (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 in respect of England and Wales”;
 - (c) in paragraph 5, “national or Community” were omitted.
- (6) Article 6 is to be read as if—
- (a) in paragraph 1, for “[Directive 96/82/EC](#)” there were substituted “the Control of Major Accident Hazards Regulations 2015”;
 - (b) in paragraph 2, 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), a reference to [Directive 85/337/EEC](#) were a reference to the EU-derived domestic legislation which transposed [Directive 2011/92/EU](#) in respect of England and Wales;
 - (c) in paragraph 3(b), for “Article 7 of [Directive 75/442/EC](#)” there were substituted “regulation 7 of the Waste (England and Wales) Regulations 2011”;
 - (d) in paragraph 4, the third indent were omitted;
 - (e) in paragraph 5, “and Community” were omitted.
- (8) Article 8 is to be read as if—

(49) 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).

(50) 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).

- (a) in paragraph 1(b), for the words from “between” to the end there were substituted “in accordance with paragraph 10(2A)(a) of Schedule 5 to the Environmental Permitting (England and Wales) Regulations 2016”;
 - (b) in paragraph 2(b), for the words from “provisions” to “environmental information” there were substituted “Environmental Information Regulations 2004”.
- (9) Article 10(2) is to be read as if for “[Directive 1999/31/EC](#)(51)” there were substituted “The Landfill Directive”.
- (10) Article 11(2)(a) is to be read as if—
- (a) “Community or” were omitted;
 - (b) for “Directives [76/464/EEC](#)(52), [80/68/EEC](#) and [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 in respect of England and Wales”.
- (11) Article 12 is to be read as if—
- (a) in paragraph 4, “or Community” were omitted;
 - (b) in paragraph 5, in the words before point (a)—
 - (i) for “Community legislation” there were substituted “retained EU law”;
 - (ii) 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](#) of the European Parliament and of the Council in respect of England and Wales”.
- (12) Article 13 is to be read as if—
- (a) in paragraph 1, in the words before point (a)—
 - (i) “Community” were omitted;
 - (ii) 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 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](#) of the European Parliament and of the Council 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](#) of the European Parliament and of the Council 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](#) of the European Parliament and of the Council in respect of England and Wales”.
- (13) Article 20 is to be read as if, in the second sentence, the words from “, taking into account” to the end were omitted.
- (14) Article 24(4) is to be read as if, in the second indent, “Community or” were omitted.
- (15) 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”;

(51) OJ No L 182, 16.7.1999, p 1.

(52) 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).

Status: This is the original version (as it was originally made).

- (b) in the third indent, for “Directives [67/548/EEC](#) or [1999/45/EC](#)” 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”.
- (16) In sub-paragraph (2)(c), “local authority” has the meaning given in paragraph 4(7).

Modification of PVR I

10.—(1) For the purposes of these Regulations, PVR I is to be read in accordance with this paragraph.

(2) Article 2(k) is to be read as if for the words from “Chapter 1” to the end there were substituted “regulation 3 of the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010⁽⁵³⁾”.

(3) Article 4 is to be read as if—

- (a) in paragraph 1, in the sixth subparagraph, the second and third sentences were omitted;
- (b) in paragraph 4, the second subparagraph were omitted.

(4) Annex 1 is to be read as if, in point 1, in the third sentence—

- (a) for “Member States” there were substituted “The regulator”;
- (b) “special landscape areas which have been designated by national authority” included the Broads, the New Forest and any National Park or Area of Outstanding Natural Beauty.

(5) Annex 2 is to be read as if—

(a) in point 2—

(i) in the second paragraph—

- (aa) in the words before the first indent, for “United Kingdom” there were substituted “regulator”;
- (bb) in the third indent, for “Commission” there were substituted “appropriate authority”;

(ii) in the third paragraph, for “Member States’ competent authorities” there were substituted “regulator”;

(b) in points 3 and 4, for “Member States’ competent authorities” there were substituted “regulator”.

(6) Annex 4 is to be read as if points 2.3, 3.2 and 3.5 were omitted.

Modification of PVR II

11.—(1) For the purposes of these Regulations, PVR II is to be read in accordance with this paragraph.

(2) Article 3(1) to (3) is to be read as if “Member States shall ensure that” were omitted.

(3) Article 4 is to be read as if—

- (a) in paragraph 1, for the words from “Member States” to “such systems is” there were substituted “The petrol vapour capture efficiency of Stage II petrol vapour recovery systems must be”;
- (b) in paragraph 2, the words from “With effect” to “Article 3,” were omitted.

(4) Article 5 is to be read as if—

- (a) “Member States shall ensure that”, in each place it occurs, were omitted;

(53) [S.I. 2010/1075](#), amended by [S.I. 2018/53](#).

- (b) in paragraph 1, for “is” there were substituted “must be”;
- (c) in paragraph 2, in the first sentence, for “is” there were substituted “must be”;
- (d) in paragraph 3, for “displays” there were substituted “must display”.

Modification of the Waste Framework Directive

12.—(1) For the purposes of these Regulations, the Waste Framework Directive is to be read in accordance with this paragraph.

(2) A reference to Member States or competent authority is to be read as a reference to the regulator.

(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), for the words from “Directive 2006/21/EC(54)” to the end there were substituted “the Mining Waste Directive”;

(b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” 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 4(2) is to be read as if the second subparagraph were omitted.

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

(7) 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.

(8) 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(55), or by the Welsh Ministers

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

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

Status: This is the original version (as it was originally made).

- under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005⁽⁵⁶⁾, 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 regulations 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulations 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⁽⁵⁷⁾ 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) in paragraph 6, for “Member States may consider waste” there were substituted “Waste may be considered”;
- (e) after paragraph 6 there were inserted—
- “6A. In this Article, the “list of waste” means the list established by Commission Decision 2000/532/EC.”;
- (f) paragraph 7 were omitted.
- (9) Article 19(2) is to be read as if, for “a Member State” there were substituted “the United Kingdom”.
- (10) Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

Modification of the Water Framework Directive

- 13.**—(1) For the purposes of these Regulations, the Water Framework Directive is to be read in accordance with this paragraph.
- (2) Article 2 is to be read as if paragraph 30 were omitted.
- (3) Article 11(3)(j) 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, for “established for that body of groundwater” there were substituted “(which has the meaning given in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016) in relation to a river basin district”.

Modification of the WEEE Directive

- 14.**—(1) For the purposes of these Regulations, the WEEE Directive is to be read in accordance with this paragraph.
- (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

⁽⁵⁶⁾ S.I. 2005/1806 (W 138); relevant amending instruments are S.I. 2011/971 (W 141) and 2015/1417 (W 141).

⁽⁵⁷⁾ 1990 c. 43. Section 62A was inserted by S.I. 2005/894, and amended by S.I. 2011/988, 2015/1360 and 2018/721 (W 140).

for the United Kingdom's compliance with that obligation or able to exercise that discretion so far as it related to England or Wales.

- (3) Article 2 is to be read as if—
- (a) paragraph 2 were omitted;
 - (b) in paragraph 3(a), for “Member States” there were substituted “the United Kingdom”;
 - (c) paragraph 5 were omitted.
- (4) Article 3(1) is to be read as if—
- (a) after point (a) there were inserted—
 - “(aa) ‘waste’ means waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive;
 - (ab) ‘hazardous waste’ has the meaning given by regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016;”;
 - (b) in point (e), “within the meaning of Article 3(1) of [Directive 2008/98/EC](#)” were omitted;
 - (c) in point (f)—
 - (i) in the words before point (i), for the words from “distance communication” to the end, there were substituted “by means of distance communication”;
 - (ii) in points (i) and (ii)—
 - (aa) for “a Member State” there were substituted “the United Kingdom”;
 - (bb) for “territory of that Member State” there were substituted “United Kingdom”;
 - (cc) for point (iii) there were substituted—
 - “(iii) is established in the United Kingdom and places on the market, on a professional basis, EEE from another country; or”;
 - (iii) in point (iv), in the first subparagraph —
 - (aa) for “a Member State” there were substituted “the United Kingdom”;
 - (bb) “Member State or in a third” were omitted;
 - (d) in point (j), for “a Member State” there were substituted “the United Kingdom”;
 - (e) in point (k), for “territory of a Member State” there were substituted “United Kingdom”;
 - (f) for points (m) to (o) there were substituted—
 - “(m) ‘medical device’ means a medical device within the meaning of regulation 2(1) of the Medical Devices Regulations 2002⁽⁵⁸⁾ which is EEE;
 - (n) ‘in vitro diagnostic medical device’ means an in vitro diagnostic medical device within the meaning of regulation 2(1) of the Medical Devices Regulations 2002 which is EEE;
 - (o) ‘active implantable medical device’ means an active implantable medical device within the meaning of regulation 2(1) of the Medical Devices Regulations 2002 which is EEE.”.
- (5) Article 3(2) is to be read as if—
- (a) “‘hazardous waste’,” were omitted;
 - (b) for “[Directive 2008/98/EC](#)” there were substituted “the Waste Framework Directive”.
- (6) Article 8(5) is to be read as if the second to fifth subparagraphs were omitted.

(58) [S.I. 2002/618](#), amended by [S.I. 2008/2936](#); there are other amending instruments but none is relevant.

Status: This is the original version (as it was originally made).

- (7) Article 9 is to be read as if—
- (a) in paragraph 3—
 - (i) “or the registration referred to in paragraphs 1 and 2” were omitted;
 - (ii) the words from “and for the” to the end were omitted;
 - (b) after paragraph 3 there were inserted—
 - “4. In paragraph 3, “permit” means environmental permit.”.
- (8) Annex 7 is to be read as if, in paragraph 1—
- (a) in the first subparagraph—
 - (i) in the first indent, for the words from “Council [Directive 96/59/EC](#)(**59**)” to the end there were substituted “the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000(**60**)”;
 - (ii) in the thirteenth indent, for the words from “Commission [Directive 97/69/EC](#)(**61**)” to the end 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”;
 - (iii) in the fourteenth indent, for the words from “Article 3” to the end there were substituted “Annex 7 to the Basic Safety Standards Directive”;
 - (b) in the second subparagraph, for “[Directive 2008/98/EC](#)” there were substituted “the Waste Framework Directive”.
- (9) Annex 8 is to be read as if, in paragraph 1, in the words before the first indent, the words from “(without prejudice” to “landfill of waste)” were omitted.
- (10) In sub-paragraph (2), “local authority” has the meaning given in paragraph 4(7).
- (11) In sub-paragraph (4)(c)(i), “by means of distance communication” has the meaning given by regulation 3(1) of the Consumer Protection (Distance Selling) Regulations 2000(**62**).”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 ([c. 16](#)) in order to address failures 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 the Environmental Permitting (England and Wales) Regulations 2016 ([S.I. 2016/1154](#)).

(59) OJ No L 243, 24.9.1996, p 31, as amended by Regulation ([EC](#)) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14).

(60) [S.I. 2000/1043](#), amended by [S.I. 2000/3359](#), [2005/894](#), [1806 \(W 138\)](#), [2010/1159](#), [1820 \(W 177\)](#), [2011/988](#), [2013/755 \(W 90\)](#).

(61) OJ No L 343, 13.12.1997, p 19, repealed by Regulation ([EC](#)) No 1272/2008 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p 1).

(62) [S.I. 2000/2334](#), to which there are amendments not relevant to these Regulations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.