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STATUTORY INSTRUMENTS

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**2019 No. 620**

The Waste (Miscellaneous Amendments)  
(EU Exit) Regulations 2019

PART 4

Amendment and revocation of retained direct EU legislation

CHAPTER 2

Decisions

**Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of waste pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste**

**13.**—(1) Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of waste pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste is amended as follows.

(2) Omit Articles 4 and 6.

(3) In the Annex—

(a) after the “Definitions” Section, insert—

**“Definition: Directive 2008/98/EC**

**1.** In this Annex, “Directive 2008/98/EC” means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 2 to 10.

**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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion.

**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), as it extends to England and Wales, for the words from “[Directive 2006/21/EC](#)” to the end there were substituted “the Mining Waste Directive”;
  - (iv) for point (d), as it extends to Scotland, there were substituted—
    - “(d) extractive waste, which has the same meaning as in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010.”;
  - (v) for point (d), as it extends to Northern Ireland, there were substituted—
    - “(d) extractive waste, which has the same meaning as in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.”;
  - (b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted;
  - (c) paragraph 4 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 5 is to be read as if paragraph 2 were omitted.
  6. 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.
  7. 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, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, 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, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland

- under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 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 regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;
  - (d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties);
  - (e) a determination by the Scottish Ministers that a specific batch or type of waste—
    - (i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;
    - (ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.”;
- (c) paragraphs 2, 3 and 5 were omitted;
- (d) after paragraph 6 there were inserted—
- “6A.** In this Article, the “list of waste” means the list established by Commission [Decision 2000/532/EC](#).”;
- (e) paragraph 7 were omitted.
- 8.** Article 19 is to be read as if—
- (a) in paragraph 1, for “Community” there was substituted “national”;
  - (b) in paragraph 2, for “a Member State” there was substituted “the United Kingdom”.
- 9.** Article 23(5) is to be read as if “or Community” were omitted.
- 10.** Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.
- 11.** In paragraph 2—
- (a) “appropriate agency” means—
    - (i) in relation to England, the Environment Agency;
    - (ii) in relation to Wales, the Natural Resources Body for Wales;
    - (iii) in relation to Scotland, the Scottish Environment Protection Agency;
    - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (b) “appropriate authority” means—
    - (i) in relation to England, the Secretary of State;
    - (ii) in relation to Wales, the Welsh Ministers;
    - (iii) in relation to Scotland, the Scottish Ministers;

- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (c) “local authority” means—
  - (i) in England outside Greater London—
    - a district council,
    - a county council, or
    - the Council of the Isles of Scilly;
  - (ii) in Greater London—
    - the council of a London borough,
    - the Common Council of the City of London,
    - the Sub-Treasurer of the Inner Temple, or
    - the Under-Treasurer of the Middle Temple;
  - (iii) in Wales—
    - a county council, or
    - a county borough council;
  - (iv) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - (v) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.

**Definition: the Mining Waste Directive and the Industrial Emissions Directive**

1. In this Annex, “the Mining Waste Directive” means [Directive 2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

- (a) in paragraph 2(c), the reference to Article 11(3)(j) of [Directive 2000/60/EC](#) were a reference to that Article read in accordance with paragraph 7 of this Article;
- (b) paragraphs 3 and 4 were omitted.

3. Article 3(1) is to be read as if, for “Article 1(a) of [Directive 75/442/EEC](#)” there were substituted “Article 3(1) of [Directive 2008/98/EC](#), as read with Articles 5 and 6 of that Directive”.

4. In this Annex, “the Industrial Emissions Directive” means [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control), read in accordance with paragraphs 5 and 6.

5. Article 3 is to be read as if—

- (a) in point (1)(a), for the words from “Article 1” to the end there were substituted “Article 4(78) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation”;
- (b) in point (10)(b), for “Member State in question” there were substituted “United Kingdom”;
- (c) in point (23), for the words from “point 1” 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”;
- (d) in point (37), for the words from “of the European” to the end there were substituted “, read with Articles 5 and 6 of that Directive”.
6. 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 reference to Council [Directive 1999/31/EC](#) of 26 April 1999 on the landfill of waste were a reference to the Landfill Directive;
- (d) in point 6.9, for “[Directive 2009/31/EC](#)” there were substituted “the EU-derived domestic legislation which transposed [Directive 2009/31/EC](#) in respect of 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”.
7. For the purposes of paragraph 2(a), Article 11(3)(j) of [Directive 2000/60/EC](#) 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, “environmental objectives”—
- (i) 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;
- (ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;
- (iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.
8. In paragraph 6(c), “the Landfill Directive” means Council [Directive 1999/31/EC](#) on the landfill of waste, as last amended by Council [Directive 2011/97/EU](#), and read as if, in Article 2—
- (a) for point (a) there were substituted—
- “**(a)** “waste” means anything that—
- (i) is waste within the meaning of Article 3(1) of [Directive 2008/98/EC](#), as read with Articles 5 and 6 of that Directive, and
- (ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;”;
- (b) for point (c) there were substituted—

“(c) “hazardous waste” has the meaning given in Article 3(2) of [Directive 2008/98/EC](#).”.

9. In paragraph 6(d), “EU-derived domestic legislation” has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018.

10. In paragraph 7—

- (a) “appropriate agency” and “appropriate authority” have the meanings given in paragraph 11 of the “Definition: [Directive 2008/98/EC](#)” Section;
  - (b) “the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.”;
- (b) in the “Assessment and Classification” Section, in paragraph 2—
- (i) in the first subparagraph, after “pursuant to” insert “Article 3(2) and 7(1) of”;
  - (ii) in the second subparagraph, in the first indent, in the second sentence, omit “in the Member States”.

**Commission [Decision 2001/171/EC](#) establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in [Directive 94/62/EC](#) on packaging and packaging waste**

14.—(1) Commission [Decision 2001/171/EC](#) establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in [Directive 94/62/EC](#) on packaging and packaging waste is amended as follows.

(2) Before Article 1, insert—

*“Article A1*

1. In this Decision, “[Directive 94/62/EC](#)” means European Parliament and Council [Directive 94/62/EC](#) on packaging and packaging waste<sup>(1)</sup>, as last amended by Directive (EU) 2015/720 of the European Parliament and of the Council<sup>(2)</sup>, and read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

- (a) in paragraph 1, for “Community” there were substituted “United Kingdom”;
- (b) paragraph 2 were omitted.

3. Article 3 is to be read as if—

- (a) in paragraph 1, the fourth subparagraph were omitted;
- (b) in paragraph 2, for “[Directive 75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.

4. In paragraph 3(b), the “Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 5 and 6.

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

6. Article 6 is to be read as if—

- (a) paragraphs 1 to 3 were omitted;

(1) OJ No L 365, 31.12.1994, p 10.

(2) OJ No L 115, 6.5.2015, p 11.

- (b) in paragraph 4—
  - (i) in the first sentence, for the words from “Where criteria” to “Member States” there were substituted “Except where waste ceases to be waste in accordance with Council Regulation (EU) No 333/2011, [Commission Regulation \(EU\) No 1179/2012](#) or [Commission Regulation \(EU\) No 715/2013](#), the appropriate agency”;
  - (ii) the second sentence were omitted.
- 7. In paragraph 6(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.”.
- (3) In Article 1, omit the words from “, and aims” to the end.
- (4) In Article 3, omit “established in Article 11 of [Directive 94/62/EC](#)”.
- (5) In Article 5—
  - (a) in the first paragraph, in the words before the first indent, in the first sentence, omit “in the Member States”;
  - (b) in the second paragraph—
    - (i) for “European Union” substitute “United Kingdom”;
    - (ii) omit “Community”.
- (6) Omit Article 7.

**Council Decision 2003/33/EC establishing criteria and procedures for the acceptance of waste at landfills**

15.—(1) Council [Decision 2003/33/EC](#) establishing criteria and procedures for the acceptance of waste at landfills is amended as follows.

- (2) Before Article 1 insert—

*“Article 1*

- 1. In this Decision—
  - (a) “appropriate agency” means—
    - (i) in relation to England, the Environment Agency;
    - (ii) in relation to Wales, the Natural Resources Body for Wales;
    - (iii) in relation to Northern Ireland—
      - for the purposes of this Article, the Department of Agriculture, Environment and Rural Affairs;
      - otherwise, the Department for Infrastructure;
  - (b) “appropriate authority” means—
    - (i) in relation to England, the Secretary of State;
    - (ii) in relation to Wales, the Welsh Ministers;
    - (iii) in relation to Northern Ireland—

- for the purposes of this Article, the Department of Agriculture, Environment and Rural Affairs;
  - otherwise, the Department for Infrastructure;
- (c) “local authority” means—
- (i) in England outside Greater London—
    - a district council,
    - a county council, or
    - the Council of the Isles of Scilly;
  - (ii) in Greater London—
    - the council of a London borough,
    - the Common Council of the City of London,
    - the Sub-Treasurer of the Inner Temple, or
    - the Under-Treasurer of the Middle Temple;
  - (iii) in Wales—
    - a county council, or
    - a county borough council;
  - (iv) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.

**2.** In this Decision, “the Landfill Directive” means Council [Directive 1999/31/EC](#) on the landfill of waste, as last amended by Council [Directive 2011/97/EU](#), and read in accordance with paragraphs 3 to 12.

**3.** 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 in respect of England, Wales or Northern Ireland.

**4.** 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](#)”, in both places it occurs, there were substituted “[Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions”.

**5.** Article 2 is to be read as if—

- (a) for point (a) there were substituted—
  - “(a) “waste” means anything that—
    - (i) is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive, and
    - (ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;”;
  - (b) in point (c), for the words from “Article 1(4)” to the end there were substituted “Article 3(2) of the Waste Framework Directive”;
  - (c) for point (l) there were substituted—
    - “(l) “operator”—



- (i) in relation to England and Wales, has the meaning given in regulation 7 of the Environmental Permitting (England and Wales) Regulations 2016<sup>(3)</sup>;
  - (ii) in relation to Northern Ireland, has the meaning given in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013<sup>(4)</sup>;
- 6. Article 5(3) is to be read as if—
  - (a) in point (b), for “Annex III to [Directive 91/689/EEC](#)<sup>(5)</sup>” 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 “in 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”.
- 7. 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.
- 8. Article 11(1)(b) is to be read as if—
  - (a) in the first indent—
    - (i) for “Article 5(3) of [Directive 91/689/EEC](#)” there were substituted “Article 19(2) of the Waste Framework Directive”;
    - (ii) for the words from “[Council Regulation \(EEC\) No 259/93](#)” to the end there were substituted “[Regulation \(EC\) 1013/2006](#) of the European Parliament and of the Council on shipments of waste”;
  - (b) in the third indent, in the second sentence, “and Community” was omitted.
- 9. Article 13(d) is to be read as if the words from “and without prejudice” to “waste holder” were omitted.
- 10. Annex 1 is to be read as if—
  - (a) in point 3.4, for “[Directive 80/68/EEC](#)<sup>(6)</sup>”, there were substituted “[Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy<sup>(7)</sup>”;
  - (b) point 3.5 were omitted.
- 11. Annex 2 is to be read as if—
  - (a) point 1 were omitted;
  - (b) in point 2, in the second paragraph, the third sentence were omitted;
  - (c) in point 4, in the fourth and fifth paragraphs, for “covered by [Directive 91/689/EEC](#)” there were substituted “classified as hazardous waste”;

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(3) [S.I. 2016/1154](#), amended by [S.I.S.I. 2017/1012](#), [2018/110](#), [428](#), [575](#), [721 \(W.140\)](#).

(4) [S.R. 2013 No.160](#), to which there are amendments not relevant to these Regulations.

(5) 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).

(6) 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).

(7) 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).

(d) in point 5, the second and third sentences were omitted.

12. Annex 3 is to be read as if—

(a) in point 2—

(i) the first paragraph were omitted;

(ii) in the table, for “14.00h CET” in both places it occurs there were substituted “1 p.m.”;

(b) in point 3, in the fourth paragraph, in the table, in table footnote (7), the words from “, and will report” to the end were omitted.

#### *Article A2*

1. In this Decision, “the Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 2 to 8.

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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of England, Wales or Northern Ireland.

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), as it extends to England and Wales, for the words from “[Directive 2006/21/EC](#)” to the end there were substituted “the Mining Waste Directive”;

(iv) for point (d), as it extends to Northern Ireland, there were substituted—

“(d) extractive waste, which has the same meaning as in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.”;

(b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted;

(c) paragraph 4 were omitted.

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

5. 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.

6. 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, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, 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, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 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 regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;
    - (d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 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) after paragraph 6 there were inserted—
    - “6A. In this Article, the “list of waste” means the list established by Commission [Decision 2000/532/EC](#).”;
  - (e) paragraph 7 were omitted.

7. Article 19(2) is to be read as if, for “a Member State” there was substituted “the United Kingdom”.

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

### *Article A3*

1. In Article A2(3)(a)(iii), the “Mining Waste Directive” means [Directive 2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

- (a) in paragraph 2(c), the reference to Article 11(3)(j) of [Directive 2000/60/EC](#) were a reference to that Article read in accordance with paragraph 7 of this Article;
  - (b) paragraphs 3 and 4 were omitted.
3. Article 3(1) is to be read as if, for “Article 1(a) of [Directive 75/442/EEC](#)” there were substituted “Article 3(1) of [Directive 2008/98/EC](#), as read with Articles 5 and 6 of that Directive”.
4. For the purposes of paragraph 2(a), Article 11(3)(j) of [Directive 2000/60/EC](#) is to be read as if—
- (a) the reference to “Member States” were a reference to the competent authority or appropriate agency;
  - (b) in the words after the final indent, “environmental objectives”—
    - (i) 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;
    - (ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;
    - (iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.
5. In paragraph 4(b), “the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.”.
- (3) In Article 1—
- (a) the existing text becomes paragraph 1;
  - (b) after that paragraph insert—
    - “2. This Decision does not extend to Scotland.”.
- (4) In Articles 2 and 3 for “Member States” substitute “The appropriate agency”.
- (5) In Article 5—
- (a) in the first sentence, omit “Without prejudice to existing Community legislation,”;
  - (b) omit the second sentence.
- (6) Omit Articles 6 to 8.
- (7) In the Annex—
- (a) in the introduction, omit the second and seventh paragraphs;
  - (b) in section 1—
    - (i) in section 1.1.1, in the final paragraph, for “Member State” substitute “appropriate authority”;
    - (ii) in section 1.1.2—
      - (aa) in point (f), for “the European waste list (Commission [Decision 2001/118/EC](#))” substitute “Commission [Decision 2000/532/EC](#)”;
      - (bb) in point (g), for the words from “Annex III” to the end, substitute “Annex 3 to the Waste Framework Directive”;
    - (iii) in section 1.2, in the seventh paragraph, for “Member State” substitute “appropriate authority”;

- (c) in section 1.3—
  - (i) in the fourth paragraph, for “Member States” substitute “The appropriate authority”;
  - (ii) in the fifth paragraph, in the second sentence—
    - (aa) for “Member State” substitute “appropriate authority”;
    - (bb) for “Article 11(b)” substitute “Article 11(1)(b)”;
- (d) in section 2—
  - (i) in the words before section 2.1—
    - (aa) for the third paragraph substitute—

“The Secretary of State must publish information on the annual number of permits issued in relation to England under this provision. The Welsh Ministers must publish information on the annual number of permits issued in relation to Wales under this provision. The first information under the first and second sentences must be published before 1st April 2022. Subsequent information must be published at intervals not exceeding 3 years.”;
    - (bb) in the fourth paragraph, for “Member States” substitute “The appropriate authority”;
  - (ii) in section 2.1.2.1, for “Member States” substitute “The appropriate authority”;
  - (iii) in section 2.1.2.2, in the table, in the fifth entry (PAHs), for “Member States” substitute “The appropriate authority”;
  - (iv) in section 2.2, for “Member States” substitute “The appropriate authority”;
  - (v) in section 2.2.1, in the first paragraph, for “the European waste list” substitute “Commission [Decision 2000/532/EC](#)”;
  - (vi) in section 2.2.2 and 2.3.1—
    - (aa) in the first paragraph, in the second sentence, for “Member States” substitute “The appropriate authority”;
    - (bb) in the sentence after the table, for “Member States” substitute “The appropriate authority”;
  - (vii) in section 2.3.2, in the second and third paragraphs, for “Member States” substitute “The appropriate authority”;
  - (viii) in section 2.4.1—
    - (aa) in the first paragraph, in the third sentence, for “Member States” substitute “The appropriate authority”;
    - (bb) in the sentence after the table, for “Member States” substitute “The appropriate authority”;
- (e) in section 3—
  - (i) in the second paragraph, for “Member States” substitute “The appropriate authority”;
  - (ii) in the third paragraph, for “Member States” substitute “the appropriate authority”.
- (8) In Appendix A—
  - (a) in section 1.1, omit the second paragraph;
  - (b) in section 2.2, in the second paragraph, for “Member States” substitute “The appropriate agency”;
  - (c) in section 4.1, omit the fourth paragraph.
- (9) Omit Appendix B.

**Commission Decision 2009/292/EC establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste**

16.—(1) Commission Decision 2009/292/EC establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste is amended as follows.

(2) After Article 1 insert—

*“Article 1A*

1. In this Decision, “Directive 94/62/EC” means European Parliament and Council Directive 94/62/EC on packaging and packaging waste, as last amended by Directive (EU) 2015/720 of the European Parliament and of the Council, and read in accordance with paragraphs 2 and 3.

2. Article 3 is to be read as if—

- (a) in paragraph 1, the fourth subparagraph were omitted;
- (b) in paragraph 2, for “Directive 75/442/EEC” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.

3. Article 11(1) is to be read as if—

- (a) in the words before the first indent, for “Member States” there were substituted “The Secretary of State”;
- (b) in the first, second and third indents, for “the date referred to in Article 22(i)” there were substituted “30th June 1996”.

4. In paragraph 2(b), the “Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 5 and 6.

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

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

7. In paragraph 6(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.”.

(3) In Article 4—

- (a) in paragraph 2, for “Member States” substitute “The Secretary of State”;
- (b) in paragraph 3, omit “of the Member State concerned”.

- (4) In Article 5—
  - (a) in paragraph 1, in the first subparagraph, for “Member States” substitute “The Secretary of State”;
  - (b) in paragraph 2, in the first sentence, for “Member States” substitute “the Secretary of State”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, for “Member States” substitute “The Secretary of State”;
    - (ii) in the second subparagraph—
      - (aa) for “Community” in the first place it occurs substitute “United Kingdom”;
      - (bb) omit “Community” in the second place it occurs.
- (5) In Article 6, for “Member States” substitute “The Secretary of State”.
- (6) In Article 7—
  - (a) the existing text becomes paragraph 1;
  - (b) in that paragraph—
    - (i) for the words from “Member States” to “Article 17 of [Directive 94/62/EC](#)” substitute “The Secretary of State must publish, in a manner which the Secretary of State considers appropriate,”;
    - (ii) at the end, insert “in respect of the United Kingdom”;
  - (c) after that paragraph insert—
    - “2. The first report under paragraph 1 must be published before the end of the period of 3 years beginning with exit day.
    - 3. Subsequent information must be published at intervals not exceeding 3 years.”.
- (7) Omit Articles 8 and 9.

**Commission [Decision 2009/335/EC](#) on technical guidelines for the establishment of the financial guarantee in accordance with [Directive 2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries**

17.—(1) Commission [Decision 2009/335/EC](#) on technical guidelines for the establishment of the financial guarantee in accordance with [Directive 2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries is amended as follows.

- (2) In Article 1—
  - (a) in paragraph 1, in the words before point (a)—
    - (i) omit “Member States and”;
    - (ii) omit “referred to in Article 14 of [Directive 2006/21/EC](#)”;
  - (b) after paragraph 2 insert—
    - “3. In paragraph 1—
      - (a) in so far as it extends to England and Wales, “financial guarantee” means the financial guarantee referred to in Article 14 of [Directive 2006/21/EC](#);
      - (b) in so far as it extends to Scotland, “financial guarantee”, “rehabilitation”, “treatment” and “waste facility” have the meanings given in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010;
      - (c) in so far as it extends to Northern Ireland, “financial guarantee”, “rehabilitation”, “treatment” and “waste facility” have the meanings given in regulation 2(2) of

the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.’.

(3) After Article 1, insert—

*“Article 1A*

1. For the purposes of this Decision, [Directive 2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries is to be read in accordance with paragraphs 2 to 12.

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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 2 is to be read as if—

- (a) in paragraph 2(c), the reference to Article 11(3)(j) of [Directive 2000/60/EC](#) were a reference to that Article read in accordance with Article 1C;
- (b) paragraphs 3 and 4 were omitted.

4. Article 3 is to be read as if—

- (a) in point (1), for “Article 1(a) of [Directive 75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;
- (b) in point (2), for “Article 1(4) of Council [Directive 91/689/EEC](#) of 12 December 1991 on hazardous waste” there were substituted “Article 3(2) of the Waste Framework Directive”;
- (c) in point (4), for the words from “the national law” to the end there were substituted “national law”;
- (d) in point (17), for “[Directive 67/548/EEC](#)(8) or [Directive 1999/45/EC](#)(9)” 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”;
- (e) in point (18), for “Article 2(11) of [Directive 96/61/EC](#)” there were substituted “Article 3(10) of the Industrial Emissions Directive”;
- (f) in point (24), for the words from “the national law” to “takes place” there were substituted “national law”;
- (g) in point (26), for the words from “the national law” to “operates” there were substituted “national law”;
- (h) in point (27), for “which a Member State designates” there were substituted “designated”.

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

(8) 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).

(9) 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).



European Parliament and of the Council establishing a framework for Community action in the field of water policy in respect of England and Wales<sup>(10)</sup>”;

(c) in paragraph 5, “national or Community” were omitted.

6. Article 6(2) is to be read as if 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), the reference to [Directive 85/337/EEC](#)<sup>(11)</sup> were a reference to the EU-derived domestic legislation which transposed [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<sup>(12)</sup> in respect of England and Wales<sup>(13)</sup>;

(c) in paragraph 3(b), for “Article 7 of [Directive 75/442/EEC](#)” there were substituted “Article 28 of the Waste Framework Directive”;

(d) in paragraph 4, the third indent were omitted;

(e) in paragraph 5, “and Community” were omitted.

8. Article 10 is to be read as if paragraph 2 were omitted.

9. Article 11(2)(a) is to be read as if—

(a) “Community or” were omitted;

(b) for “Directives [76/464/EEC](#)<sup>(14)</sup>, [80/68/EEC](#) and [2000/60/EC](#)” there were substituted “the EU-derived domestic legislation which transposed [Directive 2000/60/EC](#) in respect of England and Wales”.

10. Article 12 is to be read as if—

(a) in paragraph 4, “national or Community” were omitted;

(b) in paragraph 5, for the words from “Community” to “2000/60/EC” there were substituted “retained EU law, in particular the EU-derived domestic legislation which transposed [Directive 2000/60/EC](#) in respect of England and Wales”.

11. 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](#) in respect of England and Wales”;

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(10) See for example the Coastal 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, 1994/2941, 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.

(11) 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).

(12) 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).

(13) 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.

(14) 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).

- (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](#) 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](#) 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](#) in respect of England and Wales”.

**12.** 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”;
- (b) in the third indent, for “Directives [67/548/EEC](#) or [1999/45/EC](#)” there were substituted “Regulation [\(EC\) 1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures”.

**13.** In this Decision—

- (a) “appropriate authority” means—
  - (i) in relation to England, the Secretary of State;
  - (ii) in relation to Wales, the Welsh Ministers;
- (b) “appropriate agency” means—
  - (i) in relation to England, the Environment Agency;
  - (ii) in relation to Wales, the Natural Resources Body for Wales;
- (c) “EU-derived domestic legislation” has the meaning given in section 2(2) of the European Union (Withdrawal) Act 2018;
- (d) “local authority” means—
  - (i) in England outside Greater London—
    - a district council,
    - a county council, or
    - the Council of the Isles of Scilly;
  - (ii) in Greater London—
    - the council of a London borough,
    - the Common Council of the City of London,
    - the Sub-Treasurer of the Inner Temple, or
    - the Under-Treasurer of the Middle Temple;
  - (iii) in Wales—
    - a county council, or
    - a county borough council.

### Article 1B

1. In this Decision, the “Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 2 to 10.

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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of England or Wales.

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”;

(b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted;

(c) paragraph 4 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 5 is to be read as if paragraph 2 were omitted.

6. 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.

7. 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, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, 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 regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 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 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) after paragraph 6 there were inserted—

“**6A.** In this Article, the “list of waste” means the list established by Commission [Decision 2000/532/EC](#).”;

(e) paragraph 7 were omitted.

**8.** Article 16 is to be read as if—

(a) in paragraph 1—

(i) in the first subparagraph, the words from “, in cooperation” to “advisable,” were omitted;

(ii) in the second subparagraph, the second sentence were omitted;

(b) in paragraph 2—

(i) for “Community as a whole” there were substituted “United Kingdom”;

(ii) the words from “, and to enable” to “individually” were omitted;

(c) paragraph 4 were omitted.

**9.** Article 28 is to be read as if—

(a) in paragraph 1, in the second subparagraph, for “Member State concerned” there were substituted “United Kingdom”;

(b) in paragraph 3(b), for “Community legislation” there were substituted “retained EU law”;

(c) in paragraph 5—

(i) for “[Directive 94/62/EC](#)” there were substituted “the Packaging Waste Directive”;

(ii) for “[Directive 1999/31/EC](#)” there were substituted “the Landfill Directive”.

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

#### *Article 1C*

**1.** For the purposes of Article 1A(3)(a), Article 11(3)(j) of [Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy 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, “environmental objectives”—

- (i) 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;
  - (ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;
  - (iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.
2. In paragraph 1(b), “the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

#### *Article 1D*

1. In Articles 1A(4)(e) and 1B(4), the “Industrial Emissions Directive” means [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions, read in accordance with paragraphs 2 and 3.

2. Article 3 is to be read as if—

- (a) in point (1)(a), for the words from “Article 1” to the end there were substituted “Article 4(78) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation”;
- (b) in point (10)(b), for “Member State in question” there were substituted “United Kingdom”;
- (c) in point (23), for the words from “point 1” 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”;
- (d) in point (37), for “[Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on waste” there were substituted “the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;
- (e) in point (38), for “[Directive 2008/98/EC](#)” there were substituted “the Waste Framework Directive”.

3. 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 reference to Council [Directive 1999/31/EC](#) of 26 April 1999 on the landfill of waste were a reference to the Landfill Directive;
- (d) in point 6.9, for “[Directive 2009/31/EC](#)” there were substituted “the EU-derived domestic legislation which transposed [Directive 2009/31/EC](#) in respect of 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”.

#### *Article 1E*

1. In Article 1B(9)(c)(i), “the Packaging Waste Directive” means European Parliament and Council [Directive 94/62/EC](#) on packaging and packaging waste, as last amended by Directive (EU) 2015/720 of the European Parliament and of the Council, and read in accordance with paragraphs 2 to 6.

2. A reference to one or more member States in a provision of the Directive 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 in respect of England or Wales.

3. Article 3 is to be read as if—

- (a) in paragraph 1, the fourth subparagraph were omitted;
- (b) in paragraph 2, for “[Directive 75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.

4. Article 4 is to be read as if—

- (a) in paragraph 1—
  - (i) in the first subparagraph, for the words from “measures to” to “Article 9” there were substituted “essential requirements (which has the meaning given by regulation 2(1) of the Packaging (Essential Requirements) Regulations 2015(15))”;
  - (ii) in the second subparagraph—
    - (aa) in the first sentence, for “Member States” there were substituted “the United Kingdom”;
    - (bb) the second sentence were omitted;
- (b) paragraphs 1a to 3 were omitted.

5. Article 5 is to be read as if “, in conformity with the Treaty” were omitted.

6. Article 14 is to be read as if—

- (a) “the” in the second place it occurs were omitted;
- (b) “required pursuant to Article 17 of [Directive 75/442/EEC](#),” were omitted;
- (c) at the end, there were inserted “, the Single Use Carrier Bags Charges (England) Order 2015(16) and the Single Use Carrier Bags Charge (Wales) Regulations 2010(17)”.

#### *Article 1F*

1. In Articles 1B(9)(c)(ii) and 1D(3)(c), “the Landfill Directive” means Council [Directive 1999/31/EC](#) on the landfill of waste, as last amended by Council [Directive 2011/97/EU](#), and read in accordance with paragraphs 2 to 5.

(15) [S.I. 2015/1640](#), amended by [S.I. 2018/942](#). It is prospectively amended by [S.I. 2019/188](#) from exit day (see section 20 of the European Union (Withdrawal) Act 2018).

(16) [S.I. 2015/776](#).

(17) [S.I. 2010/2880 \(W. 238\)](#), amended by [S.I. 2011/2184 \(W. 236\)](#), [2012/1916](#), [2013/898 \(W. 102\)](#), [2014/2291 \(W. 226\)](#), [2016/1221 \(W. 292\)](#).

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 for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 2 is to be read as if—

(a) for point (a) there were substituted—

“(a) “waste” means anything that—

(i) is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive, and

(ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;”;

(b) for point (c) there were substituted—

“(c) “hazardous waste” has the meaning given in Article 3(2) of the Waste Framework Directive;”.

4. Article 5 is to be read as if—

(a) in paragraph 1—

(i) in the first sentence, for the words from “the date” to the end there were substituted “16th July 2001”;

(ii) the third sentence were omitted;

(b) in paragraph 2—

(i) in the first subparagraph, in points (a) to (c), for “the date laid down in Article 18(1)” there were substituted “16th July 2001”;

(ii) the second subparagraph were omitted;

(iii) in the third subparagraph, the second and third sentences were omitted;

(c) in paragraph 3—

(i) in point (b), for “Annex III to [Directive 91/689/EEC](#)” there were substituted “Annex 3 to the Waste Framework Directive”;

(ii) in point (c), for the words from “(property H9)” to the end there were substituted “in Annex 3 to the Waste Framework Directive”;

(iii) in point (d), for “the date laid down in Article 18(1)” in both places it occurs there were substituted “16th July 2001”.

5. Annex 2 is to be read as if—

(a) point 1 were omitted;

(b) in point 2, in the second paragraph, the third sentence were omitted;

(c) in point 4, in the fourth and fifth paragraphs, for “covered by [Directive 91/689/EEC](#)” there were substituted “classified as hazardous waste”;

(d) in point 5, the second and third sentences were omitted.”.

(4) Omit Article 2.

**Commission [Decision 2009/337/EC](#) on the definition of the criteria for the classification of waste facilities in accordance with Annex III of [Directive 2006/21/EC](#) of the European**

## Parliament and of the Council concerning the management of waste from extractive industries

18.—(1) Commission [Decision 2009/337/EC](#) on the definition of the criteria for the classification of waste facilities in accordance with Annex III of [Directive 2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries is amended as follows.

(2) Before Article 1 insert—

### *“Article A1*

1. In this Decision, “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—
    - (i) a planning authority, or
    - (ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000<sup>(18)</sup> (as the case may be);
  - (d) in relation to Northern Ireland—
    - (i) a district council established under section 1 of the Local Government Act (Northern Ireland) 1972, or
    - (ii) the Department for Infrastructure (as the case may be).
2. A term which is used in this Decision—
  - (a) as it extends to Scotland and which is defined in regulation 2(1) of the 2010 Scotland Regulations has the meaning given in that regulation;
  - (b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the 2015 NI Regulations has the meaning given in that regulation.
3. In this Decision—
  - (a) “the 2010 Scotland Regulations” means the Management of Extractive Waste (Scotland) Regulations 2010;
  - (b) “the 2015 NI Regulations” means the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.

### *Article A2*

1. For the purposes of this Decision, [Directive 2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries is to be read in accordance with this Article.

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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 3 is to be read as if—

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(18) 2000 asp 10.



- (a) in point (1), for “Article 1(a) of [Directive 75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;
  - (b) in point (2), for “Article 1(4) of Council [Directive 91/689/EEC](#) of 12 December 1991 on hazardous waste” there were substituted “Article 3(2) of the Waste Framework Directive”;
  - (c) in point (4), for the words from “the national law” to the end there were substituted “national law”;
  - (d) in point (24), for the words from “the national law” to “takes place” there were substituted “national law”.
4. Annex 3 is to be read as if—
- (a) in the second indent, “under [Directive 91/689/EEC](#)” were omitted;
  - (b) in the third indent, for “Directives [67/548/EEC](#) or [1999/45/EC](#)” there were substituted “Regulation ([EC](#)) [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures”.

#### *Article A3*

1. In Article A2(3), the “Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with this Article.

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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 5 is to be read as if paragraph 2 were omitted.
4. 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.
5. 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, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales)

Regulations 2005, 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 regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 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 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) after paragraph 6 there were inserted—

“**6A.** In this Article, the “list of waste” means the list established by Commission [Decision 2000/532/EC](#).”;

(e) paragraph 7 were omitted.

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

#### *Article A4*

In Articles A2 and A3—

- (a) “appropriate authority” means—
  - (i) in relation to England, the Secretary of State;
  - (ii) in relation to Wales, the Welsh Ministers;
- (b) “local authority” means—
  - (i) in England outside Greater London—
    - a district council,
    - a county council, or
    - the Council of the Isles of Scilly;
  - (ii) in Greater London—
    - the council of a London borough,
    - the Common Council of the City of London,
    - the Sub-Treasurer of the Inner Temple, or
    - the Under-Treasurer of the Middle Temple;
  - (iii) in Wales—
    - a county council, or
    - a county borough council.”.
- (3) In Article 1—

- (a) in paragraph 1, in the words before point (a), for “indent of Annex III of [Directive 2006/21/EC](#)” substitute “part of the categorisation legislation”;
- (b) after paragraph 2 insert—
  - “3. In paragraph 1, “first part of the categorisation legislation”—
    - (a) as it extends to England and Wales, means the first indent of Annex 3 to [Directive 2006/21/EC](#);
    - (b) as it extends to Scotland, means paragraph (a) of the definition of “Category A waste facility” in regulation 2(1) of the 2010 Scotland Regulations;
    - (c) as it extends to Northern Ireland, means paragraph 1 of Schedule 3 to the 2015 NI Regulations.”.
- (4) In Article 3(2), omit “under Council [Directive 91/689/EEC](#)”.
- (5) In Article 4(1), for “Member States” substitute “The appropriate agency”.
- (6) In Article 7—
  - (a) in paragraph 1—
    - (i) in the words before point (a), for “indent of Annex III of [Directive 2006/21/EC](#)” substitute “part of the categorisation legislation”;
    - (ii) in point (a), omit “in accordance with [Directive 91/689/EEC](#)”;
  - (b) after paragraph 4 insert—
    - “5. In paragraph 1, “second part of the categorisation legislation”—
      - (a) as it extends to England and Wales, means the second indent of Annex 3 to [Directive 2006/21/EC](#);
      - (b) as it extends to Scotland, means paragraph (b) of the definition of “Category A waste facility” in regulation 2(1) of the 2010 Scotland Regulations;
      - (c) as it extends to Northern Ireland, means paragraph 2 of Schedule 3 to the 2015 NI Regulations.”.
- (7) In Article 8—
  - (a) in paragraph 1—
    - (i) for “Member States” substitute “The appropriate agency”;
    - (ii) for “indent of Annex III of [Directive 2006/21/EC](#)” substitute “part of the categorisation legislation”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, in point (c) for the words from “Council [Directive 67/548/EEC](#)” to the end substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council”;
    - (ii) in the second subparagraph, for “Directives [1999/45/EC](#) or [67/548/EEC](#)” substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council”;
  - (c) in paragraph 3, for “[Directive 1999/45/EC](#) or [67/548/EEC](#)” substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council”;
  - (d) in paragraph 4—
    - (i) in the first sentence, for “Member States” substitute “the appropriate agency”;
    - (ii) in the second sentence, for “Directives [1999/45/EC](#) or [67/548/EEC](#)” substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council”;
  - (e) after paragraph 4 insert—

- “5. In paragraph 1, “third part of the categorisation legislation”—
- (a) as it extends to England and Wales, means the third indent of Annex 3 to [Directive 2006/21/EC](#);
  - (b) as it extends to Scotland, means paragraph (c) of the definition of “Category A waste facility” in regulation 2(1) of the 2010 Scotland Regulations;
  - (c) as it extends to Northern Ireland, means paragraph 3 of Schedule 3 to the 2015 NI Regulations.”.

(8) Omit Article 11.

**Commission [Decision 2009/359/EC](#) completing the definition of inert waste in implementation of Article 22(1)(f) of [Directive 2006/21/EC](#) of the European Parliament and the Council concerning the management of waste from extractive industries**

19.—(1) Commission [Decision 2009/359/EC](#) completing the definition of inert waste in implementation of Article 22(1)(f) of [Directive 2006/21/EC](#) of the European Parliament and the Council concerning the management of waste from extractive industries is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, for “Article 3(3) of [Directive 2006/21/EC](#)” substitute “the relevant definition provision”;
- (b) in paragraph 3, for “Member States” substitute “appropriate agency”;
- (c) after paragraph 3 insert—

“4. In paragraph 1, “the relevant definition provision”—

- (a) as it extends to England and Wales, means Article 3(3) of [Directive 2006/21/EC](#);
- (b) as it extends to Scotland, means regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010;
- (c) as it extends to Northern Ireland, means regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.

5. In paragraph 3, “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—
  - (i) a planning authority, or
  - (ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000 (as the case may be);
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

6. A term which is used in this Article—

- (a) as it extends to Scotland and which is defined in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010 has the meaning given by that regulation;
- (b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 has the meaning given by that regulation.”.

(3) After Article 1 insert—

*“Article 1A*

1. For the purposes of Article 1, [Directive 2006/21/EC](#) of the European Parliament and the Council concerning the management of waste from extractive industries is to be read in accordance with paragraphs 2 and 3.

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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 3 is to be read as if—

- (a) in point (1), for “Article 1(a) of [Directive 75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;
- (b) in point (2), for “Article 1(4) of Council [Directive 91/689/EEC](#) of 12 December 1991 on hazardous waste” there were substituted “Article 3(2) of the Waste Framework Directive”;
- (c) in point (4), for the words from “the national law” to the end there were substituted “national law”;
- (d) in point (24), for the words from “the national law” to “takes place” there were substituted “national law”.

4. In paragraph 2—

- (a) “appropriate agency” has the meaning given in Article 1(5);
- (b) “appropriate authority” means—
  - (i) in relation to England, the Secretary of State;
  - (ii) in relation to Wales, the Welsh Ministers;
- (c) “local authority” means—
  - (i) in England outside Greater London—
    - a district council,
    - a county council, or
    - the Council of the Isles of Scilly;
  - (ii) in Greater London—
    - the council of a London borough,
    - the Common Council of the City of London,
    - the Sub-Treasurer of the Inner Temple, or
    - the Under-Treasurer of the Middle Temple;
  - (iii) in Wales—
    - a county council, or
    - a county borough council.

*Article 1B*

1. In Article 1A(3), the “Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with this Article.

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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of England or Wales.

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

4. 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.

5. 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, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, 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 regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 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 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) after paragraph 6 there were inserted—

“6A. In this Article, the “list of waste” means the list established by Commission [Decision 2000/532/EC](#).”;

(e) paragraph 7 were omitted.

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

7. In paragraph 2—

(a) “appropriate agency” has the meaning given in Article 1(5);

(b) “appropriate authority” and “local authority” have the meanings given in Article 1A(4).”.

(4) Omit Article 3.

**Commission [Decision 2009/360/EC](#) completing the technical requirements for waste characterisation laid down by [Directive 2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries**

20.—(1) Commission [Decision 2009/360/EC](#) completing the technical requirements for waste characterisation laid down by [Directive 2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries is amended as follows.

(2) Before Article 1 insert—

*“Article 1*

1. A term which is used in this Decision—

(a) as it extends to Scotland and which is defined in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010 has the meaning given in that regulation;

(b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 has the meaning given in that regulation.

2. For the purposes of this Decision, [Directive 2006/21/EC](#) of the European Parliament and the Council concerning the management of waste from extractive industries is to be read as if, in Article 3—

(a) in point (1), for “Article 1(a) of [Directive 75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;

(b) in point (2), for “Article 1(4) of Council [Directive 91/689/EEC](#) of 12 December 1991 on hazardous waste” there were substituted “Article 3(2) of the Waste Framework Directive”;

(c) in point (4), for the words from “the national law” to the end there were substituted “national law”;

(d) in point (24), for the words from “the national law” to “takes place” there were substituted “national law”.

3. In paragraph 2, the “Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 4 to 8.

4. 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 in respect of England or Wales.

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

6. 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.

7. 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, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, 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 regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, or regulation 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 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) after paragraph 6 there were inserted—

“6A. In this Article, the “list of waste” means the list established by [Commission Decision 2000/532/EC](#).”;

(e) paragraph 7 were omitted.



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

9. In paragraph 4—

- (a) “appropriate authority” means—
  - (i) in relation to England, the Secretary of State;
  - (ii) in relation to Wales, the Welsh Ministers;
- (b) “local authority” means—
  - (i) in England outside Greater London—
    - a district council,
    - a county council, or
    - the Council of the Isles of Scilly;
  - (ii) in Greater London—
    - the council of a London borough,
    - the Common Council of the City of London,
    - the Sub-Treasurer of the Inner Temple, or
    - the Under-Treasurer of the Middle Temple;
  - (iii) in Wales—
    - a county council, or
    - a county borough council.

10. In this Decision, “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—
    - (i) a planning authority, or
    - (ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000 (as the case may be);
  - (d) in relation to Northern Ireland—
    - (i) a district council established under section 1 of the Local Government Act (Northern Ireland) 1972, or
    - (ii) the Department for Infrastructure (as the case may be).”.
- (3) In Article 1(1), for “Member States” substitute “The appropriate agency”.
- (4) In Article 2(2), omit “European”.
- (5) Omit Article 3.

**Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council**

21.—(1) Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council is amended as follows.

- (2) In Article 1, after point (6) insert—

“(7) ‘appropriate authority’ means—

- (i) in relation to England, the Secretary of State;
- (ii) in relation to Wales, the Welsh Ministers;
- (iii) in relation to Scotland, the Scottish Ministers;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(3) After Article 1 insert—

*“Article 1A*

*Modification of Directive 2008/98/EC of the European Parliament and of the Council*

1. In this Decision, “[Directive 2008/98/EC](#)” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997, and read in accordance with paragraphs 2 to 7.

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 for the United Kingdom’s compliance with that obligation or able to exercise that discretion.

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

4. 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.

5. 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, or by the Welsh Ministers under regulation 8(1) of the Hazardous Waste (Wales) Regulations 2005, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 9(1) of the Hazardous Waste Regulations (Northern Ireland) 2005, 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, or by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland under regulation 10(1) of the Hazardous Waste Regulations (Northern Ireland) 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 regulation 8(2) or 9(2) of the Hazardous Waste (England and Wales) Regulations 2005, regulation 8(2) or 9(2) of the Hazardous Waste (Wales) Regulations 2005 or regulation 9(2) or 10(2) of the Hazardous Waste Regulations (Northern Ireland) 2005;
- (d) regulations (if any) made by the Secretary of State under section 62A(1) of the Environmental Protection Act 1990 or by the Welsh Ministers under section 62A(2) of that Act (lists of waste displaying hazardous properties);
- (e) a determination by the Scottish Ministers that a specific batch or type of waste—
  - (i) is to be treated as hazardous waste because the Scottish Ministers consider that the waste displays one or more of the hazardous properties listed in Annex 3;
  - (ii) is to be treated as non-hazardous waste because the Scottish Ministers consider that the waste displays none of the hazardous properties listed in Annex 3.”;

(c) paragraphs 2, 3 and 5 were omitted;

(d) after paragraph 6 there were inserted—

“**6A.** In this Article, the “list of waste” means the list established by Commission [Decision 2000/532/EC](#).”;

(e) paragraph 7 were omitted.

**6.** Article 11(2) is to be read as if, in the words before point (a), for “European” there were substituted “United Kingdom”.

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

**8.** In paragraph 2—

(a) “appropriate agency” means—

- (i) in relation to England, the Environment Agency;
- (ii) in relation to Wales, the Natural Resources Body for Wales;
- (iii) in relation to Scotland, the Scottish Environment Protection Agency;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(b) “local authority” means—

(i) in England outside Greater London—

- a district council,
- a county council, or
- the Council of the Isles of Scilly;

(ii) in Greater London—

- the council of a London borough,

- the Common Council of the City of London,
  - the Sub-Treasurer of the Inner Temple, or
  - the Under-Treasurer of the Middle Temple;
  - (iii) in Wales—
    - a county council, or
    - a county borough council;
  - (iv) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - (v) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.”.
- (4) In Article 2—
- (a) in point (1), for “Member States” substitute “The appropriate authority”;
  - (b) omit point (4);
  - (c) in point (5), omit “out of the Union”.
- (5) In Article 3—
- (a) in paragraph 1, in the words before point (a) for “Member States” substitute “the appropriate authority”;
  - (b) in paragraph 2, for “Member State” substitute “appropriate authority”;
  - (c) in paragraph 3—
    - (i) for “Member States” substitute “The appropriate authority”;
    - (ii) for “Member State” substitute “appropriate authority”;
  - (d) in paragraph 4, for “Member States’ implementation reports on” substitute “The progress report under Article 5 in respect of”;
  - (e) omit paragraphs 5 and 6.
- (6) In Article 4—
- (a) in paragraph 1, for “Member States” substitute “the appropriate authority”;
  - (b) in paragraph 2, for “Member States’ implementation reports on” substitute “The progress report under Article 5 in respect of”.
- (7) In Article 5—
- (a) for the heading substitute “Progress report for England”;
  - (b) for paragraph 1 substitute—
 

“1. The Secretary of State must publish a report (“the progress report”) on whether the targets set in Article 11(2) of [Directive 2008/98/EC](#) have been met in respect of England.

**1A.** The progress report must be published on or before 1st January 2022 in a manner which the Secretary of State considers appropriate.”;
  - (c) in paragraph 2—
    - (i) for the words from “Member States” to “reports” substitute “The progress report must include data”;
    - (ii) for the words from “either each year” to the end substitute “2019 and 2020”;
  - (d) in paragraph 3, for “implementation report covering the year 2020, Member States” substitute “progress report for 2020, the Secretary of State”;

- (e) omit paragraph 4.
- (8) Omit Article 6.
- (9) In Annex 1, the third column of the table is amended in accordance with paragraphs (10) to (14).
- (10) In the column heading, for “Member State implementation reports” substitute “the progress report”.
- (11) In the first entry—
  - (a) for “Member States” in both places it occurs substitute “The Secretary of State”;
  - (b) in the third sentence, omit the words from “and how” to the end.
- (12) In the second entry—
  - (a) in the first paragraph—
    - (i) for “Member States” in both places it occurs substitute “The Secretary of State”;
    - (ii) in the fourth sentence—
      - (aa) for “a Member State” substitute “the Secretary of State”;
      - (bb) for “it” substitute “the Secretary of State”;
  - (b) omit the second paragraph.
- (13) In the third entry—
  - (a) in the first paragraph—
    - (i) in the first sentence, for “Member States” substitute “The Secretary of State”;
    - (ii) in the second sentence, for “They” substitute “The Secretary of State”;
  - (b) omit the second and third paragraphs.
- (14) Omit the fourth entry.
- (15) In Annex 3, the second column of the table is amended in accordance with paragraphs (16) and (17).
- (16) In the column heading, for “Member State implementation reports” substitute “the progress report”.
- (17) In the first entry—
  - (a) in point (1), in the second paragraph, for “Member States” substitute “The Secretary of State”;
  - (b) omit point (2);
  - (c) in point (3)—
    - (i) in the first sentence, for “Member States” substitute “The Secretary of State”;
    - (ii) in the second sentence—
      - (aa) for “they” substitute “The Secretary of State”;
      - (bb) omit the words from “and how” to the end;
    - (iii) omit the third sentence.