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STATUTORY INSTRUMENTS

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**2019 No. 96**

**The Control of Mercury (Amendment)  
(EU Exit) Regulations 2019**

**PART 4**

Amendments to retained direct EU legislation

**Amendments to Article 2**

**8.**—(1) Article 2 is amended as follows.

(2) The existing paragraph becomes paragraph 1.

(3) In paragraph 1—

(a) in point (6)—

(i) in the words before point (a), after ‘export’ insert “(except in the expressions “exporting country” and “exported mercury”);

(ii) in point (a)—

(aa) after “export” insert “from the United Kingdom to a country other than one which is a member state on exit day”;

(bb) omit the words from “meeting” to the end;

(iii) omit point (b);

(b) in point (7)—

(i) for “customs territory of the Union”, in the first place it occurs, substitute “United Kingdom from a country other than one which is a member state on exit day”;

(ii) omit the words from “that are placed” to the end;

(c) in point (11), in the first sentence, after “available” insert “in the United Kingdom”;

(d) after point (11) insert—

“(12) ‘competent authority’ means—

(a) for England and offshore installations in the English offshore area, the Environment Agency;

(b) for Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(c) for Scotland and offshore installations in the Scottish offshore area, the Scottish Environment Protection Agency;

(d) for Wales, the Natural Resources Body for Wales;

and ‘offshore installation’, ‘English offshore area’ and ‘Scottish offshore area’ have the meanings given in Schedule 2 to the Control of Mercury (Enforcement) Regulations 2017.”.

(4) After paragraph 1 insert—

“2. In this Regulation, “[Directive 2008/98/EC\(1\)](#)” means [Directive 2008/98/EC](#) as amended by—

- (a) [Commission Regulation \(EU\) No 1357/2014\(2\)](#);
- (b) [Commission Directive \(EU\) 2015/1127\(3\)](#); and
- (c) [Council Regulation \(EU\) 2017/997\(4\)](#),

and read in accordance with paragraphs 3 and 4.

3. Article 5 of [Directive 2008/98/EC](#) is to be read as if paragraph 2 were omitted.

4. Article 6 of [Directive 2008/98/EC](#) 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 the beginning 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 competent authority within the meaning given by Article 2(1)(12) of [Regulation \(EU\) 2017/852](#)”;
  - (ii) the second sentence were omitted.”.

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(1) OJ No. L 312, 22.11.2008, p. 3.  
(2) OJ No. L 365, 19.12.2014, p. 89.  
(3) OJ No. L 184, 11.7.2015, p. 13.  
(4) OJ No. L 150, 14.6.2017, p. 1.