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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

**The Environment (EU Exit) (Scotland)  
(Amendment etc.) (No. 2) Regulations 2019**

**PART 3**

**Amendments of secondary legislation relating  
to withdrawal from the European Union**

**3.** In regulation 2(1) (interpretation) of the Landfill Allowances Scheme (Scotland) Regulations 2005<sup>(1)</sup> for the definition of “European Waste Catalogue”<sup>(2)</sup> substitute—

““European Waste Catalogue” has the same meaning as in regulation 1(4) of the Special Waste Regulations 1996<sup>(3)</sup>.”

**4.—**(1) The National Waste Management Plan for Scotland Regulations 2007<sup>(4)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 1990 Act” insert—

““best available techniques” has the meaning given in Article 2(2), as read with Article 2(3), of [Decision 2012/134/EU](#) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass<sup>(5)</sup>.”

(b) for the definition of “hazardous waste” substitute—

““hazardous waste” means any waste which is “special waste” as defined in regulation 2 of the Special Waste Regulations 1996<sup>(6)</sup>.”

(3) In the schedule (objectives for the purposes of the national waste management plan) in paragraph 3(a)<sup>(7)</sup>—

(a) for “European Union as a whole to become” substitute “Scotland to move towards the aim of becoming”, and

(b) omit “and the Member States individually to move towards that aim.”

**5.—**(1) The Waste Batteries (Scotland) Regulations 2009<sup>(8)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

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<sup>(1)</sup> [S.S.I. 2005/157](#).

<sup>(2)</sup> Definition substituted by [S.S.I. 2015/188](#).

<sup>(3)</sup> [S.I. 1996/972](#), as relevantly amended by [S.S.I. 2011/226](#).

<sup>(4)</sup> [S.S.I. 2007/251](#), amended by [S.I. 2011/1043](#), [S.S.I. 2011/226](#), [S.S.I. 2015/438](#) and [S.S.I. 2018/391](#).

<sup>(5)</sup> Article 2 of [Decision 2012/134/EU](#) was amended by the Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations [S.I. 2018/1407](#).

<sup>(6)</sup> [S.I. 1996/972](#), as relevantly amended by [S.S.I. 2004/112](#) and [S.S.I. 2011/226](#).

<sup>(7)</sup> As relevantly amended by [S.I. 2011/1043](#).

<sup>(8)</sup> [S.S.I. 2009/247](#).

- (a) for the definition of “battery” substitute—
  - ““battery” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable; an accumulator), but does not include—
  - (a) equipment connected with the protection of essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes, or
  - (b) equipment designed to be sent into space,”
- (b) for the definition of “waste battery”<sup>(9)</sup> substitute—
  - ““waste battery” means any battery which the holder discards or intends or is required to discard.”.

**6.—(1)** The Waste Management Licensing (Scotland) Regulations 2011<sup>(10)</sup> are amended as follows.

- (2) In schedule 4 (waste framework directive) in paragraph 6(4)(b)—
  - (a) for “European Union as a whole to become” substitute “Scotland to move towards the aim of becoming”,
  - (b) omit “and the Member States individually to move towards that aim,”.

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<sup>(9)</sup> Definition substituted by [S.S.I. 2011/226](#) and amended by [S.S.I. 2018/391](#).

<sup>(10)</sup> [S.S.I. 2011/228](#) as relevantly amended by [S.I. 2011/1043](#).