
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 273

**The Management of Extractive Waste (EU Exit) (Scotland)
(Miscellaneous Amendments) Regulations 2019**

PART 3

Other Amendments to Subordinate Legislation (EU Exit)

Amendment of the Management of Extractive Waste (Scotland) Regulations 2010

7. The Management of Extractive Waste (Scotland) Regulations 2010(1) are amended in accordance with regulations 8 to 18.

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

(2) in paragraph (1)—

(a) before the definition of “the 1997 Act”, insert—

““the 1996 Regulations” means the Special Waste Regulations 1996(2),”

(b) for the definition of “best available techniques” substitute—

““best available techniques” is as defined 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(3),”

(c) in the definition of “[Directive 2000/60/EC](#)”, at the end insert “, as it had effect immediately before exit day”,

(d) in the definition of “[Directive 2008/98/EC](#)”, at the end insert “, as it had effect immediately before exit day”,

(e) in the definition of “[Directive 2012/18/EU](#)”, at the end insert “, as it had effect immediately before exit day”,

(f) after the definition of “[Directive 2012/18/EU](#)”, insert—

““European Waste Catalogue” is as defined in regulation 1(4) of the 1996 Regulations;”

(g) in the definition of “[Regulation \(EC\) No 1272/2008](#)”, at the end insert “, as it had effect immediately before exit day”, and

(h) in the definition of “unpolluted soil”, before “EU” insert “retained”.

(3) In paragraph (2)—

(1) [S.S.I. 2010/60](#).

(2) [S.I. 1996/972](#). Relevant amending instruments are [S.S.I. 2004/112](#), [S.S.I. 2011/226](#), and [S.S.I. 2019/26](#).

(3) [OJ L 70, 08.03.2012 p.1](#) as amended by the Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations [S.I. 2018/1407](#).

- (a) omit “and in [Directive 2006/21/EC](#) on the management of waste from extractive industries”,
 - (b) for “that Directive” substitute “[Directive 2006/21/EC](#) on the management of waste from extractive industries⁽⁴⁾ as it had effect immediately before exit day”.
- 9.** In regulation 5(3)(b) (transitional provisions), for “or EU legislation” substitute “legislation or retained direct EU legislation”.
- 10.** In regulation 11(1)(j) (waste management plan) for “[Directive 2000/60/EC](#)” substitute “the Water Environment and Water Services (Scotland) Act 2003⁽⁵⁾ and the Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013⁽⁶⁾”.
- 11.** In regulation 12 (consultations before consideration of applications)—
- (a) in paragraph (2) for “or EU legislation” substitute “legislation or retained direct EU legislation”,
 - (b) in paragraph (3) for “another” substitute “a”, and
 - (c) in paragraph (4) for “another” substitute “a”.
- 12.** In regulation 13 (decision by planning authority)—
- (a) in paragraph (1) for “or EU legislation” substitute “legislation or retained direct EU legislation”, and
 - (b) in paragraph (5) for “or EU legislation” substitute “legislation or retained direct EU legislation”.
- 13.** In regulation 14(b) (mandatory conditions: general) for “and EU legislation” substitute “legislation or retained direct EU legislation”.
- 14.** In regulation 21 (co-operation with other member states)—
- (a) in the heading omit “other”, and
 - (b) in paragraph (1) for “another” substitute “a”.
- 15.** In regulation 22(1)(c) (construction and management: duties of operator) omit “EU or”.
- 16.** In regulation 23 (prevention of water status deterioration, air and soil pollution) for paragraph (4)(b) substitute—
- “(b) compliance with retained direct EU legislation.”.
- 17.** In schedule 1 (waste management plan: objectives) for “at Community level” in each place where it appears substitute “in retained direct EU legislation”.
- 18.** In schedule 2 (waste characterisation) for paragraph (b) substitute—
- “(b) a description of the waste using—
- (i) the classification of waste according to the European Waste Catalogue with particular regard to its hazardous characteristics;
 - (ii) a reference to the notice published or provided by the Scottish Ministers in relation to a determination made by them under regulation 2ZA, 2ZB or 2ZC of the 1996 Regulations;
 - (iii) evidence that in relation to Wales, England or Northern Ireland the waste is for the time being subject to a determination, made in a manner prescribed in regulation 2ZB(3) of the 1996 Regulations, that it is hazardous;

(4) OJ L 102, 11.4.2006, p.15.

(5) 2003 asp 3.

(6) S.S.I. 2013/323.

- (iv) evidence that in relation to Wales, England or Northern Ireland the waste is for the time being subject to a determination, made in a manner prescribed in section 2ZC(4) of the 1996 Regulations, that it is non-hazardous;”.