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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

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

**PART 4**

Amendment and revocation of retained direct EU legislation

CHAPTER 1

Regulations

**Commission Regulation (EU) No 493/2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators**

**10.**—(1) [Commission Regulation \(EU\) No 493/2012](#) laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators is amended as follows.

(2) In Article 2—

- (a) the existing text becomes paragraph 1;
- (b) in that paragraph, after point (4) insert—

“(4A) “waste battery or accumulator” means any battery or accumulator which is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive;

(4B) “disposal” means any of the applicable operations provided for in Annex 1 to the Waste Framework Directive;

(4C) “[Directive 2006/66/EC](#)” means [Directive 2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators, as last amended by [Directive 2013/56/EU](#) of the European Parliament and of the Council;”;

(c) after that paragraph, insert—

“**2.** In paragraph 1, “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, read in accordance with paragraphs 3 and 4.

**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 “, 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.

5. In paragraph 4(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 3(4) and (6), for “Member State’s competent authorities” substitute “competent authority”.

(4) Omit Article 4.

(5) After Article 4, omit from “This Regulation” to “Member States”.

(6) In Annex 1, after point 6 insert—

“7. For the purposes of point 1, [Directive 2006/66/EC](#) is to be read as if “waste battery or accumulator” had the meaning given by Article 2(1)(4A).

8. In point 3, “producer” means any person in the United Kingdom that, irrespective of the selling technique used, including by distance contract, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the United Kingdom on a professional basis.

9. In point 8—

- (a) “appliance” means any electrical or electronic equipment, as defined by Article 3(1)(a) of [Directive 2012/19/EU](#) of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) as it had effect immediately before 4th July 2018, which is fully or partly powered by batteries or accumulators or is capable of being so;
- (b) “distance contract” has the meaning given in regulation 5 of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013(1);
- (c) “placing on the market” means supplying or making available, whether in return for payment or free of charge, to a third party within the United Kingdom and includes import into the United Kingdom.”.

(7) In Annexes 2 and 3, after point 2 insert—

“3. For the purposes of point 1, [Directive 2006/66/EC](#) is to be read as if “waste battery or accumulator” had the meaning given by Article 2(1)(4A).”.

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(1) [S.I. 2013/3134](#), to which there are amendments not relevant to these Regulations.