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STATUTORY INSTRUMENTS

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**2019 No. 188**

**The Waste (Miscellaneous Amendments)  
(EU Exit) (No. 2) Regulations 2019**

**PART 2**

Amendment of out of date references

**The End-of-Life Vehicles Regulations 2003**

2.—(1) The End-of-Life Vehicles Regulations 2003(1) are amended as follows.

(2) In regulation 2—

(a) for the definition of “authorised treatment facility” substitute—

““authorised treatment facility” means any establishment or undertaking carrying out treatment operations which holds—

(a) in England or Wales, an environmental permit authorising those operations granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2016(2);

(b) in Scotland, a site licence that complies with the relevant provisions of regulation 3 to 6 of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003(3) or a permit issued under regulation 13 of the Pollution Prevention and Control (Scotland) Regulations 2012(4);

(c) in Northern Ireland—

(i) a site licence that meets the requirements of regulation 26 of, and Schedule 5 to, the Waste Management Licensing Regulations (Northern Ireland) 2003(5);

(ii) a permit granted under regulation 10 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(6);”;

(b) in the definition of “end-of-life vehicle”, as it extends to Northern Ireland, for “Article 1(a)” substitute “Article 3(1)”;

(c) in the definition of “recovery”, as it extends to Northern Ireland, for “Annex IIB” substitute “Annex 2”.

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(1) S.I. 2003/2635, amended by S.I. 2005/263, 2007/3538, 2010/1094, 2011/988, 1043, 2016/738, 2018/235 and 942, and by S.S.I. 2011/226.

(2) S.I. 2016/1154, to which there are amendments not relevant to these Regulations.

(3) S.S.I. 2003/593, to which there are amendments not relevant to these Regulations.

(4) S.S.I. 2012/360, amended by S.S.I. 2014/267, 2015/438 and 2017/446; there are other amending instruments but none are relevant.

(5) S.R. 2003 No. 493, amended by S.R. 2011 No. 127; there are other amending instruments but none is relevant.

(6) S.R. 2013 No. 160, amended by S.R. 2014 No. 304; there are other amending instruments but none is relevant.

**The End-of-Life Vehicles (Producer Responsibility) Regulations 2005**

3.—(1) The End-of-Life Vehicles (Producer Responsibility) Regulations 2005(7) are amended as follows.

(2) In regulation 2—

(a) for the definition of “authorised treatment facility” substitute—

““authorised treatment facility” means any establishment or undertaking carrying out treatment operations which holds—

(a) in England or Wales, an environmental permit authorising those operations granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2016;

(b) in Scotland, a site licence that complies with the relevant provisions of regulations 3 to 6 of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003 or a permit issued under regulation 13 of the Pollution Prevention and Control (Scotland) Regulations 2012;

(c) in Northern Ireland—

(i) a site licence that meets the requirements of regulation 26 of, and Schedule 5 to, the Waste Management Licensing Regulations (Northern Ireland) 2003;

(ii) a permit granted under regulation 10 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;”;

(b) in the definition of “end-of-life vehicle”, as it extends to Northern Ireland, for “Article 1(a)” substitute “Article 3(1)”;

(c) in the definition of “recovery”, as it extends to Northern Ireland, for “Annex IIB” substitute “Annex 2”.

**The Producer Responsibility Obligations (Packaging Waste) Regulations 2007**

4.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations 2007(8) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “the Packaging Waste Directive”, at the end insert “, as last amended by Directive (EU) 2015/720(9);

(b) in the definition of “the Waste Directive”, as it extends to Scotland, at the end insert “, as last amended by Council Regulation (EU) 2017/997(10)”.

(3) In Schedule 5, in paragraph 1(r)—

(a) in paragraph (i), after “waste”, insert “, as last amended by Commission Regulation (EU) 2015/2002(11)”;

(b) in paragraph (ii), after “apply”, insert “, as last amended by [Commission Regulation \(EU\) No 733/2014\(12\)](#)”.

(7) [S.I. 2005/263](#), amended by [S.I. 2010/1095](#), [2011/988](#), [1043](#), [2013/755 \(W. 90\)](#), [2016/738](#), [2018/235](#) and [942](#), and by [S.S.I 2011/226](#).

(8) [S.I. 2007/871](#); relevant amending instruments are [S.I. 2008/1941](#), [2010/2849](#), [2011/1043](#), [2016/738](#), [2018/575](#), [721](#) .

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

(10) OJ No L 150, 14.6.2017, p. 1.

(11) OJ No L 294, 11.11.2015, p.1.

(12) OJ No L 197, 4.7.2014, p. 10.

### **The Batteries and Accumulators (Placing on the Market) Regulations 2008**

5.—(1) The Batteries and Accumulators (Placing on the Market) Regulations 2008(13) are amended as follows.

(2) In regulation 7, in paragraph (3), for the words after “Article”, substitute “3(1) of [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997/EU(14)”.

### **The Waste Batteries and Accumulators Regulations 2009**

6.—(1) The Waste Batteries and Accumulators Regulations 2009(15) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

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

“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(16);”;

(ii) in the definitions of “disposal” and “waste battery”, as those definitions extend to England and Wales and Scotland, for the words from “[Directive 2008/98/EC](#)(17)” to the end substitute “the Waste Framework Directive”;

(iii) in the definition of “disposal”, as it extends to Northern Ireland, for the words from “Annex IIA” to the end substitute “Annex 1 to the Waste Framework Directive”;

(iv) in the definition of “waste battery”, as it extends to Northern Ireland, for “Article 1(1)(a) of [Directive 2006/12/EC](#)” substitute “Article 3(1) of the Waste Framework Directive”;

(b) after paragraph (1) insert—

“(1A) 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/EU.”.

(3) In regulation 56—

(a) in paragraph (3), for “Council [Directive 1999/31/EC](#) on the landfill of waste(18)” substitute “the Landfill Directive”;

(b) after paragraph (3) insert—

“(4) In paragraph (3), “the Landfill Directive” means Council [Directive 1999/31/EC](#) on the landfill of waste, as last amended by Council [Directive 2011/97/EU](#)(19).”.

### **The Controlled Waste (England and Wales) Regulations 2012**

7.—(1) The Controlled Waste (England and Wales) Regulations 2012(20) are amended as follows.

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(13) [S.I. 2008/2164](#): relevant amending instruments are [S.I. 2011/988](#), [2011/1043](#), [2015/1360](#) and [S.S.I 2011/226](#) .

(14) OJ No L 150, 14.6.2017, p.1.

(15) [S.I. 2009/890](#); relevant amending instruments are [S.I. 2011/988](#), [1043](#), [2013/3134](#) and [2015/1360](#) and [S.S.I. 2011/226](#).

(16) OJ No L 70, 8.3.2012, p 1.

(17) OJ No L 312, 22.11.08, p.3.

(18) OJ No L 182, 16.7.1999, p 1.

(19) OJ No L 328, 10.12.2011, p 49.

(20) [S.I. 2012/811](#), amended by [S.I. 2012/2320](#): there are other amending instruments but none are relevant.

(2) In regulation 2—

(a) in the definition of “Directive waste”, in sub-paragraph (a), for “[Directive 2008/98/EC](#) of the European Parliament and of the Council on waste and repealing certain Directives” substitute “the Waste Directive”;

(b) at the end, insert—

““Waste 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/EU.”.

### **The Waste Electrical and Electronic Equipment Regulations 2013**

**8.**—(1) The Waste Electrical and Electronic Equipment Regulations 2013(**21**) are amended as follows.

(2) In regulation 2—

(a) for the definition of “the Directive”, substitute—

““the Directive” means [Directive 2012/19/EU](#) of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(**22**), as it had effect immediately before 4th July 2018;”;

(b) in the definition of “relevant authorisation”, in paragraph (a), for “regulation 11”, substitute “regulation 13”.

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(21) [S.I. 2013/3113](#); relevant amending instruments are [S.I. 2015/1968](#), [2016/738](#), [2018/942](#).

(22) OJ No L 197, 24.7.2012, p. 38.