
DRAFT STATUTORY INSTRUMENTS

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 1103/2010 establishing, pursuant to **Directive 2006/66/EC** of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators

8.—(1) **Commission Regulation (EU) No 1103/2010** establishing, pursuant to **Directive 2006/66/EC** of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, for “the date referred to in Article 5” substitute “30th November 2010”;
- (b) after paragraph 1, insert—

“**1A.** In paragraph 1, ‘placed on the market’ means supplied or made 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.”.

(3) Omit Article 5.

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

(5) In Annex 1, after point (1) insert—

“(2) In point (1), “**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⁽¹⁾ as last amended by **Directive 2013/56/EU** of the European Parliament and of the Council⁽²⁾, and read as if—

(a) in Article 3—

- (i) in paragraph 7, for “Article 1(1)(a) of **Directive 2006/12/EC**⁽³⁾” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;

(1) OJ No L 266, 26.9.2006, p 1.

(2) OJ No L 329, 10.12.2013, p 5.

(3) OJ No L 114, 27.4.2006, p 9, repealed by **Directive 2008/98/EC** of the European Parliament and of the Council (OJ No L 312, 22.11.2008, p 3).

- (ii) in paragraph 11, for “[Directive 2002/96/EC](#)(4)” there were substituted “Article 3(1)(a) of [Directive 2012/19/EU](#) of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(5), as it had effect immediately before 4th July 2018”;
- (b) in Article 11—
 - (i) in the first sentence, for “Member States” there were substituted “The Secretary of State”;
 - (ii) in the second sentence, for “Member States” there were substituted “the Secretary of State”.
- (3) In point (2)(a)(i), “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](#), and read as if—
 - (a) Article 5(2) were omitted;
 - (b) in Article 6—
 - (i) paragraphs 1 to 3 were omitted;
 - (ii) in paragraph 4—
 - 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”;
 - the second sentence were omitted.
- (4) In point (3)(b)(ii), “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.”.
- (6) In Annex 4, in Part A, after point (4) insert—

“(5) In point (3), ‘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.”.

(4) OJ No L 37, 13.2.2003, p 24, repealed by [Directive 2012/19/EU](#) of the European Parliament and of the Council (OJ No L 197, 24.7.2012, p 38).

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