
DRAFT STATUTORY INSTRUMENTS

2022 No.

**The Waste and Agriculture (Legislative
Functions) Regulations 2022**

PART 2

Waste: retention of legislative functions

CHAPTER 7

Retention of functions from the WEEE Directive

Power to provide for alternative treatment technologies

18.—(1) The appropriate authority may, by regulations, make provision to specify technologies for the treatment of materials and components of waste electrical and electronic equipment.

(2) The provision which may be made under paragraph (1) includes—

- (a) modifying provision corresponding to that made by Annex 7 (selective treatment for materials and components of waste electrical and electronic equipment) to the WEEE Directive;
- (b) requiring a reference to Annex 7 to the WEEE Directive (or a reference which encompasses that Annex) to be read as a reference to that Annex with modifications.

(3) Any provision made under paragraph (1) must include a requirement for the technology specified to be applied in such a way that environmentally-sound preparation for re-use and recycling of components or whole appliances of waste electrical and electronic equipment is not hindered.

(4) The appropriate authority may exercise the power in paragraph (1) only where the technology specified ensures a level of protection for human health and the environment equivalent to that provided by the technologies set out in Annex 7.

(5) Regulations under paragraph (1) may modify any subordinate legislation.

(6) In this regulation, “waste electrical and electronic equipment” and “treatment” have the meanings given by regulation 2 of the Waste Electrical and Electronic Equipment Regulations 2013⁽¹⁾.

Power to update in light of scientific and technical progress

19.—(1) The appropriate authority may, by regulations—

- (a) modify provision in any subordinate legislation which corresponds to that made by a relevant Annex to the WEEE Directive;
- (b) make provision requiring (whether by modifying any subordinate legislation, or otherwise) a reference to a relevant Annex to the WEEE Directive (or a reference encompassing a relevant Annex) to be read as a reference to that Annex with modifications.

⁽¹⁾ [S.I. 2013/3113](#). Regulation 2 is amended by [S.I. 2019/188](#); there are other amending instruments but none is relevant.

(2) The appropriate authority may exercise the power in paragraph (1) only to the extent that the authority considers that it is appropriate to do so as a result of scientific and technical progress.

(3) The relevant Annexes of the WEEE Directive are—

- (a) Annex 4 (non-exhaustive list of EEE which falls within the categories listed in Annex 3 to the WEEE Directive);
- (b) Annex 7 (selective treatment for materials and components of waste electrical and electronic equipment);
- (c) Annex 8 (technical requirements).

Power to update in light of scientific and technical progress – EEE symbol

20.—(1) The Secretary of State may, by regulations—

- (a) modify provision in any subordinate legislation which corresponds to that made by Annex 9 (symbol for the marking of EEE) to the WEEE Directive;
- (b) make provision requiring (whether by modifying any subordinate legislation, or otherwise) a reference to Annex 9 to the WEEE Directive (or a reference encompassing Annex 9) to be read as a reference to that Annex with modifications.

(2) The Secretary of State may exercise the power in paragraph (1) only to the extent that the Secretary of State considers that it is appropriate to do so as a result of scientific and technical progress.