
STATUTORY INSTRUMENTS

2019 No. 188

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

PART 3

Amendments to secondary legislation

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

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

(2) In regulation 2—

(a) in paragraph (1)—

- (i) in the definition of “the Packaging Waste Directive”, at the end insert “, and as read in accordance with regulation 2A”;
- (ii) in the definition of “the Waste Directive”, at the end insert “, and as read in accordance with regulation 2B”;

(b) in paragraph (2)—

(i) in the definition of “appropriate agency”, at the end insert—

“(e) for the purposes of regulation 2A(2)—

(i) the Secretary of State, in relation to England;

(ii) the Welsh Ministers, in relation to Wales;

(iii) the Scottish Ministers, in relation to Scotland.”.

(ii) after the definition of “financial year” insert—

““local authority” means—

(a) in England outside Greater London—

(i) a district council,

(ii) a county council, or

(iii) the Council of the Isles of Scilly;

(b) in Greater London—

(i) the council of a London borough,

(ii) the Common Council of the City of London,

(iii) the Sub-Treasurer of the Inner Temple, or

(iv) the Under-Treasurer of the Middle Temple;

(c) in Wales—

(i) a county council, or

- (ii) a county borough council;
 - (d) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.
- (3) After regulation 2, insert—

“ Modifications to the Packaging Waste Directive

2A.—(1) For the purposes of these Regulations, the Packaging Directive is to be read in accordance with this regulation.

(2) A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion.

(3) Article 3 is to be read as if—

- (a) in paragraph 1, the fourth subparagraph were omitted;
- (b) in paragraph 2, for “[Directive 75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Directive, as read with Articles 5 and 6 of that Directive”;
- (c) in paragraph 10, for “Annex II.A to [Directive 75/442/EEC](#)”, there were substituted “Annex 1 to the Waste Directive”.

(4) Article 6(2) is to be read as if—

- (a) for “Community” in the first place it occurs there were substituted “United Kingdom”;
- (b) for the words from “Council Regulations” to “1547/1999” there were substituted “Council Regulation [\(EC\) No 1420/1999](#), Regulation [\(EC\) No 1013/2006](#) of the European Parliament and of the Council, and [Commission Regulation \(EC\) No 1418/2007](#)”;
- (c) for “Community legislation” there were substituted “retained EU law”.

Modifications to the Waste Directive

2B.—(1) For the purposes of these Regulations, the Waste Directive is to be read in accordance with this regulation.

(2) A reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion.

(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 “paragraphs 1 and 2” there were substituted “Except where waste ceases to be waste in accordance with Council Regulation [\(EU\) No 333/2011](#), [Commission Regulation \(EU\) No 1179/2012](#) or [Commission Regulation \(EU\) No 715/2013](#)”;
 - (ii) the second sentence were omitted.”.

(4) In regulations 24 and 26(2), for “European Union” in each place it occurs, substitute “United Kingdom”.

(5) After Part 11 insert—

“PART XII

Report

Report

43.—(1) The Secretary of State must publish, in a manner the Secretary of State considers appropriate, a report on the magnitude, characteristics and evolution of the packaging and packaging waste flows (including information on the toxicity or danger of packaging materials and components used for their manufacture).

(2) The first report under this regulation must be published before the end of the period of 3 years beginning with the day after that on which exit day falls.

(3) Subsequent reports must be published at intervals not exceeding 3 years.”.