
STATUTORY INSTRUMENTS

2019 No. 188

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

PART 3

Amendments to secondary legislation

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

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

(2) In regulation 2(1)—

(a) in the definition of “appliance”, after “defined by” insert “ Article 3(1)(a) of ”;

[^{F1}(b) for the definition of “placing on the market” substitute—

““placing on the market”—

(a) except in relation to a person in Northern Ireland, means supplying or making available, whether in return for payment or free of charge, to a third party within the United Kingdom;

(b) in relation to a person in Northern Ireland, means supplying or making available, whether in return for payment or free of charge, to a third party within the United Kingdom or the European Economic Area, and includes import into the customs territory of the Union as defined in Article 4 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, as that Regulation applies in EU law;”];

[^{F2}(3) In regulation 3—

(a) in paragraph (2)(a), for “the essential security interests of EEA states” substitute “essential security interests”;

(b) after paragraph (2) insert—

“(3) In paragraph (2)(a)—

(a) as it applies in England and Wales and Scotland, “essential security interests” means the essential security interests of the United Kingdom;

(b) as it applies in Northern Ireland, “essential security interests” means the essential security interests of the United Kingdom or EEA states.”.]

(4) In regulation 7—

(a) in paragraph (3) (as amended by regulation 5(2)), at the end insert “ , and as read with Articles 5 and 6 of that Directive ”;

(b) after paragraph (3) insert—

“(4) For the purposes of paragraph (3), Directive [2008/98/EC](#) is to be read in accordance with paragraphs (5) and (6).

- [^{F3}(5) Article 5 is to be read as if—
- (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;
 - (b) after paragraph 1 there were inserted—
 - “**1A.** Any decision as to whether a substance or object is a by-product must be made—
 - (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
 - (b) having regard to any guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;
 - (c) paragraphs 2 and 3 were omitted.
- (6) Article 6 is to be read as if—
- (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;
 - (b) after paragraph 1 there were inserted—
 - “**1A.** Any decision as to whether a substance or object has ceased to be waste must be made—
 - (a) in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
 - (b) having regard to any guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;
 - (c) in paragraph 2—
 - (i) the first subparagraph were omitted;
 - (ii) in the second subparagraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
 - (iii) the third and fourth subparagraphs were omitted;
 - (d) paragraph 3 were omitted;
 - (e) in paragraph 4—
 - (i) in the first subparagraph—
 - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the appropriate agency”;
 - (bb) the second sentence were omitted;
 - (ii) in the second subparagraph—
 - (aa) for “Member States” there were substituted “The appropriate agency”;
 - (bb) “by competent authorities” were omitted.
- (7) In paragraphs (5) and (6)—
- “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;

“appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”].

- F1** Reg. 13(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(3), **11(7)(a)**
- F2** Reg. 13(3) substituted (31.12.2020 immediately before IP completion day) by [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(3), **11(7)(b)**
- F3** Words in reg. 13(4)(b) substituted (31.12.2020 immediately before IP completion day) by [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(3), **11(7)(c)**

Commencement Information

- I1** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)(b)

Changes to legislation:

There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019, Section 13.