

STATUTORY INSTRUMENTS

2019 No. 620

**The Waste (Miscellaneous Amendments)
(EU Exit) Regulations 2019**

PART 4

Amendment and revocation of retained direct EU legislation

CHAPTER 2

Decisions

PROSPECTIVE

Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of waste pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste

^{F1}13.

F1 Reg. 13 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(3), **14(9)**

Commission Decision 2001/171/EC establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste

14.—(1) Commission Decision 2001/171/EC establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste is amended as follows.

(2) Before Article 1, insert—

“Article A1

1. In this Decision, “Directive 94/62/EC” means European Parliament and Council Directive 94/62/EC on packaging and packaging waste ^{M1}, as last amended by [^{F2}Directive (EU) 2018/852] of the European Parliament and of the Council ^{M2}, and read in accordance with paragraphs 2 and 3.

2. Article 2 is to be read as if—

- (a) in paragraph 1, for “[^{F3}the Community]” there were substituted “[^{F4}Great Britain]”;
- (b) paragraph 2 were omitted.

[^{F5}3. Article 3 is to be read as if, in paragraph 2, for “Article 3 of Directive 2008/98/EC” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.]

4. In paragraph [^{F6}3], the “Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by [^{F7}Directive (EU) 2018/851], and read in accordance with paragraphs 5 and 6.

[^{F8}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 this Article—

“appropriate agency” means—

- (a) in relation to England, the Environment Agency;
- (b) in regulation to Wales, the Natural Resources Body for Wales;
- (c) in relation to Scotland, the Scottish Environment Protection Agency;

“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.”].

- (3) In Article 1, omit the words from “, and aims” to the end.
- (4) In Article 3, omit “established in Article 11 of Directive 94/62/EC”.
- (5) In Article 5—
 - (a) in the first paragraph, in the words before the first indent, in the first sentence, omit “in the Member States”;
 - (b) in the second paragraph—
 - (i) for “[^{F9}the European] Union” substitute “ [^{F10}Great Britain] ”;
 - (ii) omit “Community”.
- (6) Omit Article 7.

F2	Words in reg. 14(2) 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), 14(10)(a)
F3	Words in reg. 14(2) substituted (31.12.2020 immediately before IP completion day) by The Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1647) , regs. 1(2), 17(2)(a)(i)
F4	Words in reg. 14(2) substituted (31.12.2020 immediately before IP completion day) by The Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1647) , regs. 1(2), 17(2)(a)(ii)
F5	Words in reg. 14(2) 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), 14(10)(b)
F6	Word in reg. 14(2) 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), 14(10)(c)(i)

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019, CHAPTER 2. (See end of Document for details)

- F7** Words in reg. 14(2) 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), **14(10)(c)(ii)**
- F8** Words in reg. 14(2) 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), **14(10)(d)**
- F9** Words in reg. 14(5)(b)(i) substituted (31.12.2020 immediately before IP completion day) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(2), **17(2)(b)(i)**
- F10** Words in reg. 14(5)(b)(i) substituted (31.12.2020 immediately before IP completion day) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(2), **17(2)(b)(ii)**

Commencement Information

- I1** Reg. 14 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)

Marginal Citations

- M1** OJ No L 365, 31.12.1994, p 10.
M2 OJ No L 115, 6.5.2015, p 11.

Council Decision [2003/33/EC](#) establishing criteria and procedures for the acceptance of waste at landfills

15.—(1) Council Decision [2003/33/EC](#) establishing criteria and procedures for the acceptance of waste at landfills is amended as follows.

(2) Before Article 1 insert—

“Article A1

1. In this Decision—

- (a) “appropriate agency” means—
- (i) in relation to England, the Environment Agency;
 - (ii) in relation to Wales, the Natural Resources Body for Wales;
 - (iii) in relation to Northern Ireland—
 - for the purposes of this Article, the Department of Agriculture, Environment and Rural Affairs;
 - otherwise, the Department for Infrastructure;
- (b) “appropriate authority” means—
- (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
 - (iii) in relation to Northern Ireland—
 - for the purposes of this Article, the Department of Agriculture, Environment and Rural Affairs;
 - otherwise, the Department for Infrastructure;
- (c) “local authority” means—

- (i) in England outside Greater London—
 - a district council,
 - a county council, or
 - the Council of the Isles of Scilly;
- (ii) in Greater London—
 - the council of a London borough,
 - the Common Council of the City of London,
 - the Sub-Treasurer of the Inner Temple, or
 - the Under-Treasurer of the Middle Temple;
- (iii) in Wales—
 - a county council, or
 - a county borough council;
- (iv) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.

2. In this Decision, “the Landfill Directive” means Council Directive [1999/31/EC](#) on the landfill of waste, as last amended by [^{F11}Directive (EU) 2018/850], and read in accordance with paragraphs 3 to 12.

3. 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 [^{F12}IP completion day], was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England, Wales or Northern Ireland.

4. Article 1 is to be read as if—

- (a) in paragraph 1, the words from “With a view” to “thereof,” were omitted;
- (b) in paragraph 2, for “Directive [96/61/EC](#)”, in both places it occurs, there were substituted “ Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions ”.

5. Article 2 is to be read as if—

[^{F13}(a) in point (a)—

- (i) “‘waste’,” were omitted; and
 - (ii) for “[Directive 2008/98/EC](#)” there were substituted “the Waste Framework Directive”;
- (b) after point (a) there were inserted—
- “(aa) “waste” means anything that—
 - (i) is waste within the meaning of Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive, and
 - (ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;”];

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019, CHAPTER 2. (See end of Document for details)

- (c) for point (l) there were substituted—
- “(l) “operator”—
- (i) in relation to England and Wales, has the meaning given in regulation 7 of the Environmental Permitting (England and Wales) Regulations 2016 ^{M3};
- (ii) in relation to Northern Ireland, has the meaning given in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 ^{M4}.”.

[^{F14}5A. Article 3 is to be read as if—

- (a) in paragraph 2, “Without prejudice to existing Community legislation” were omitted;
- (b) for paragraph 3 there were substituted—

“3. The management of extractive waste is excluded from the scope of this Directive—

- (a) in relation to England and Wales, where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to the Environmental Permitting (England and Wales) Regulations 2016 (“the 2016 Regulations”);
- (b) in relation to Northern Ireland, where it falls within the scope of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 (“the 2015 Regulations”).

In this paragraph, “extractive waste”—

- (a) in relation to England and Wales, has the meaning given in regulation 2(1) of the 2016 Regulations;
- (b) in relation to Northern Ireland, has the meaning given in regulation 2(2) of the 2015 Regulations.”.]

6. Article 5(3) is to be read as if—

- (a) in point (b), for “Annex III to Directive 91/689/EEC^{M5}” there were substituted “Annex 3 to the Waste Framework Directive ”;
- (b) in point (c), for the words from “(property H9” to the end there were substituted “in Annex 3 to the Waste Framework Directive ”;
- (c) in point (d)—
- (i) for “two years from the date laid down in Article 18(1)” there were substituted “16th July 2001 ”;
- (ii) for “five years from the date laid down in Article 18(1)” there were substituted “from 16th July 2004 ”.

[^{F15}(d) in point (f)—

- (i) after “waste”, in the first place it occurs, there were inserted “paper, metal, plastic and glass”;
- (ii) the words from “pursuant” to “Article 22 of that Directive” were omitted;
- (iii) for “Article 4 of that Directive” there were substituted “Article 4 of the Waste Framework Directive”;

[^{F16}6A. Article 6(a) is to be read as if—

- (a) in the first paragraph, in the second sentence, for “may” there were substituted “does”;
- (b) in the second paragraph, for the words from “of Directive 2008/98/EC” to the end, there were substituted “set out in Part 1 of Schedule 1 to the Waste (England and Wales) Regulations 2011, or any objectives in retained EU law relating to the increase of preparing for re-use and recycling”.]

7. Article 9 is to be read as if, in the words before point (a), the words from “Specifying” to “Directive 96/61/EC,” were omitted.

8. Article 11(1)(b) is to be read as if—

- (a) in the first indent—
 - (i) for “Article 5(3) of Directive 91/689/EEC” there were substituted “ Article 19(2) of the Waste Framework Directive ”;
 - (ii) for the words from “Council Regulation (EEC) No 259/93” to the end there were substituted “ Regulation (EC) 1013/2006 of the European Parliament and of the Council on shipments of waste ”;
- (b) in the third indent, in the second sentence, “and Community” was omitted.

9. Article 13(d) is to be read as if the words from “and without prejudice” to “waste holder” were omitted.

10. Annex 1 is to be read as if—

- (a) in point 3.4, for “Directive 80/68/EEC^{M6}”, there were substituted “ Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy^{M7} ”;

^{F17}(b)

11. Annex 2 is to be read as if—

- (a) point 1 were omitted;
- (b) in point 2, in the second paragraph, the third sentence were omitted;
- (c) in point 4, in the fourth and fifth paragraphs, for “covered by Directive 91/689/EEC” there were substituted “ classified as hazardous waste ”;

^{F17}(d)

12. Annex 3 is to be read as if—

- (a) Annex 3 is to be read as if—
 - ^{F17}(i)
 - (ii) in the table, for “14.00h CET” in both places it occurs there were substituted “ 1 p.m. ”;
- (b) in point 3, in the fourth paragraph, in the table, in table footnote (7), the words from “, and will report” to the end were omitted.

Article A2

1. In this Decision, “the Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by [^{F18}Directive (EU) 2018/851], and read in accordance with paragraphs 2 to 8.

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 [^{F19}IP completion day], was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England, Wales or Northern Ireland.

3. Article 2 is to be read as if—

(a) in paragraph 2—

- (i) in the words before point (a), for “other Community legislation” there were substituted “retained EU law”;
- (ii) in points (b) and (c), for “Regulation (EC) No 1774/2002” there were substituted “Regulation (EC) No 1069/2009”;
- (iii) in point (d), as it extends to England and Wales, for the words from “Directive 2006/21/EC” to the end there were substituted “the Mining Waste Directive”;
- (iv) for point (d), as it extends to Northern Ireland, there were substituted—

“(d) extractive waste, which has the same meaning as in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.”;

- (b) in paragraph 3, the words from “Without prejudice” to “Community legislation,” were omitted;
- (c) paragraph 4 were omitted.

[^{F20}4. 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..

5. 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.

6. Article 7 is to be read as if—

- (a) before paragraph 1 there were inserted—
 - “**A1.** In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in England, Wales or Northern Ireland (as the case may be).”;
- (b) in paragraph 1—
 - (i) the first and second sentences were omitted;
 - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
- (c) paragraphs 2, 3, 6 and 7 were omitted.]

7. Article 19(2) is to be read as if, for “a Member State” there was substituted “ the United Kingdom ”.

8. Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

Article A3

1. In Article A2(3)(a)(iii), the “Mining Waste Directive” means Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries, read in accordance with paragraphs 2 and 3.
 2. Article 2 is to be read as if—
 - (a) in paragraph 2(c), the reference to Article 11(3)(j) of Directive [2000/60/EC](#) were a reference to that Article read in accordance with paragraph 7 of this Article;
 - (b) paragraphs 3 and 4 were omitted.
 3. Article 3(1) is to be read as if, for “Article 1(a) of Directive [75/442/EEC](#)” there were substituted “ Article 3(1) of Directive [2008/98/EC](#), as read with Articles 5 and 6 of that Directive ”.
 4. For the purposes of paragraph 2(a), Article 11(3)(j) of Directive [2000/60/EC](#) is to be read as if—
 - (a) the reference to “Member States” were a reference to the competent authority or appropriate agency;
 - (b) in the words after the final indent, “environmental objectives”—
 - (i) in relation to the Northumbria River Basin District, means the environmental objectives referred to in the WFD Regulations as applied by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003;
 - (ii) in relation to the Solway Tweed River Basin District, has the same meaning as in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;
 - (iii) in relation to a river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations.
 5. In paragraph 4(b), “the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.”.
- (3) In Article 1—
- (a) the existing text becomes paragraph 1;
 - (b) after that paragraph insert—
- “2. This Decision does not extend to Scotland.”.
- (4) In Articles 2 and 3 for “Member States” substitute “ The appropriate agency ”.
- (5) In Article 5—
- (a) in the first sentence, omit “Without prejudice to existing Community legislation,”;
 - (b) omit the second sentence.
- (6) Omit Articles 6 to 8.

- (7) In the Annex—
- (a) in the introduction, omit the second and seventh paragraphs;
 - (b) in section 1—
 - (i) in section 1.1.1, in the final paragraph, for “Member State” substitute “ appropriate authority ”;
 - (ii) in section 1.1.2—
 - (aa) in point (f), for “the European waste list (Commission Decision [2001/118/EC](#))” substitute “ Commission Decision [2000/532/EC](#) ”;
 - (bb) in point (g), for the words from “Annex III” to the end, substitute “ Annex 3 to the Waste Framework Directive ”;
 - (iii) in section 1.2, in the seventh paragraph, for “Member State” substitute “ appropriate authority ”;
 - (c) in section 1.3—
 - (i) in the fourth paragraph, for “Member States” substitute “ The appropriate authority ”;
 - (ii) in the fifth paragraph, in the second sentence—
 - (aa) for “Member State” substitute “ appropriate authority ”;
 - (bb) for “Article 11(b)” substitute “ Article 11(1)(b) ”;
 - (d) in section 2—
 - (i) in the words before section 2.1—
 - (aa) for the third paragraph substitute—

“The Secretary of State must publish information on the annual number of permits issued in relation to England under this provision. The Welsh Ministers must publish information on the annual number of permits issued in relation to Wales under this provision. The first information under the first and second sentences must be published before 1st April 2022. Subsequent information must be published at intervals not exceeding 3 years.”;
 - (bb) in the fourth paragraph, for “Member States” substitute “ The appropriate authority ”;
 - (ii) in section 2.1.2.1, for “Member States” substitute “ The appropriate authority ”;
 - (iii) in section 2.1.2.2, in the table, in the fifth entry (PAHs), for “Member States” substitute “ The appropriate authority ”;
 - (iv) in section 2.2, for “Member States” substitute “ The appropriate authority ”;
 - [^{F21}(v) in section 2.2.1, in the first paragraph—
 - (aa) for “Article 2(b) of the Landfill Directive” substitute “Article 3(2b) of the Waste Framework Directive”;
 - (bb) for “the European waste list” substitute “Commission [Decision 2000/532/EC](#)”];
 - (vi) in section 2.2.2 and 2.3.1—
 - (aa) in the first paragraph, in the second sentence, for “Member States” substitute “ The appropriate authority ”;
 - (bb) in the sentence after the table, for “Member States” substitute “ The appropriate authority ”;
 - (vii) in section 2.3.2, in the second and third paragraphs, for “Member States” substitute “ The appropriate authority ”;

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019, CHAPTER 2. (See end of Document for details)

- (viii) in section 2.4.1—
 - (aa) in the first paragraph, in the third sentence, for “Member States” substitute “ The appropriate authority ”;
 - (bb) in the sentence after the table, for “Member States” substitute “ The appropriate authority ”;
- (e) in section 3—
 - (i) in the second paragraph, for “Member States” substitute “ The appropriate authority ”;
 - (ii) in the third paragraph, for “Member States” substitute “ the appropriate authority ”.
- (8) In Appendix A—
 - (a) in section 1.1, omit the second paragraph;
 - (b) in section 2.2, in the second paragraph, for “Member States” substitute “ The appropriate agency ”;
 - (c) in section 4.1, omit the fourth paragraph.
- (9) Omit Appendix B.

- F11** Words in reg. 15(2) 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\(3\), 14\(11\)\(a\)\(i\)](#)
- F12** Words in reg. 15(2) 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\(3\), 14\(11\)\(a\)\(ii\)](#)
- F13** Words in reg. 15(2) 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\(3\), 14\(11\)\(a\)\(iii\)](#)
- F14** Words in reg. 15(2) inserted (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\(3\), 14\(11\)\(a\)\(iv\)](#)
- F15** Words in reg. 15(2) inserted (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\(3\), 14\(11\)\(a\)\(v\)](#)
- F16** Words in reg. 15(2) inserted (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\(3\), 14\(11\)\(a\)\(vi\)](#)
- F17** Words in reg. 15(2) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\), regs. 1\(3\), 14\(11\)\(a\)\(vii\)](#)
- F18** Words in reg. 15(2) 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\(3\), 14\(11\)\(b\)\(i\)](#)
- F19** Words in reg. 15(2) 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\(3\), 14\(11\)\(b\)\(ii\)](#)
- F20** Words in reg. 15(2) 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\(3\), 14\(11\)\(b\)\(iii\)](#)
- F21** Reg. 15(7)(d)(v) 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\(3\), 14\(11\)\(c\)](#)

Commencement Information

- I2** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

Marginal Citations

- M3** [S.I. 2016/1154](#), amended by S.I. [S.I. 2017/1012](#), 2018/110, 428, 575, 721 (W.140).
M4 S.R. [2013 No.160](#), to which there are amendments not relevant to these Regulations.
M5 OJ No L 377, 31.12.1991, p 20, repealed by Directive 2008/98/EC of the European Parliament and of the Council (OJ No L 312, 22.11.2008, p 3).
M6 OJ No L 20, 26.1.1980, p 43, repealed by Directive 2000/60/EC of the European Parliament and of the Council (OJ No L 327, 22.12.2000, p 1).
M7 OJ No L 327, 22.12.2000, p 1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p 32).

Commission Decision [2009/292/EC](#) establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive [94/62/EC](#) on packaging and packaging waste

16.—(1) Commission Decision [2009/292/EC](#) establishing the conditions for a derogation for plastic crates and plastic pallets in relation to the heavy metal concentration levels established in Directive [94/62/EC](#) on packaging and packaging waste is amended as follows.

(2) After Article 1 insert—

“Article 1A

1. In this Decision, “Directive [94/62/EC](#)” means European Parliament and Council Directive [94/62/EC](#) on packaging and packaging waste, as last amended by [^{F22}Directive (EU) 2018/852] of the European Parliament and of the Council, and read in accordance with paragraphs 2 and 3.

[^{F23}2. Article 3 is to be read as if, in paragraph 2, for “Article 3 of Directive [2008/98/EC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”.]

3. Article 11(1) is to be read as if—

- (a) in the words before the first indent, for “Member States” there were substituted “The Secretary of State”;
- (b) in the first, second and third indents, for “the date referred to in Article 22(i)” there were substituted “30th June 1996”.

4. In paragraph [^{F24}2], the “Waste Framework Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by [^{F25}Directive (EU) 2018/851], and read in accordance with paragraphs 5 and 6.

[^{F26}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 this Article—
- “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;

- “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.”].
- (3) In Article 4—
- (a) in paragraph 2, for “Member States” substitute “ The Secretary of State ”;
 - (b) in paragraph 3, omit “of the Member State concerned”.
- (4) In Article 5—
- (a) in paragraph 1, in the first subparagraph, for “Member States” substitute “ The Secretary of State ”;
 - (b) in paragraph 2, in the first sentence, for “Member States” substitute “ the Secretary of State ”;
 - (c) in paragraph 3—
 - (i) in the first subparagraph, for “Member States” substitute “ The Secretary of State ”;
 - (ii) in the second subparagraph—
 - (aa) for “[^{F27}the Community]” in the first place it occurs substitute “[^{F28}Great Britain]”;
 - (bb) omit “Community” in the second place it occurs.
- (5) In Article 6, for “Member States” substitute “ The Secretary of State ”.
- (6) In Article 7—
- (a) the existing text becomes paragraph 1;
 - (b) in that paragraph—
 - (i) for the words from “Member States” to “Article 17 of Directive 94/62/EC” substitute “ The Secretary of State must publish, in a manner which the Secretary of State considers appropriate, ”;
 - (ii) at the end, insert “ in respect of [^{F29}Great Britain]”;
 - (c) after that paragraph insert—
 - “2. The first report under paragraph 1 must be published before the end of the period of 3 years beginning with [^{F30}IP completion day].
 - 3. Subsequent information must be published at intervals not exceeding 3 years.”.
- (7) Omit Articles 8 and 9.

- | |
|--|
| <p>F22 Words in reg. 16(2) 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), 14(12)(a)(i)</p> <p>F23 Words in reg. 16(2) 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), 14(12)(a)(ii)</p> <p>F24 Word in reg. 16(2) 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), 14(12)(a)(iii)(aa)</p> |
|--|

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019, CHAPTER 2. (See end of Document for details)

- F25** Words in reg. 16(2) 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), **14(12)(a)(iii)(bb)**
- F26** Words in reg. 16(2) 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), **14(12)(a)(iv)**
- F27** Words in reg. 16(4)(c)(ii)(aa) substituted (31.12.2020 immediately before IP completion day) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(2), **17(3)(a)(i)**
- F28** Words in reg. 16(4)(c)(ii)(aa) substituted (31.12.2020 immediately before IP completion day) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(2), **17(3)(a)(ii)**
- F29** Words in reg. 16(6)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(2), **17(3)(b)**
- F30** Words in reg. 16(6)(c) 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), **14(12)(b)**

Commencement Information

- I3** Reg. 16 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)

Commission Decision [2009/335/EC](#) on technical guidelines for the establishment of the financial guarantee in accordance with [Directive 2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries

17.—(1) Commission Decision [2009/335/EC](#) on technical guidelines for the establishment of the financial guarantee in accordance with [Directive 2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, in the words before point (a)—
- (i) omit “Member States and”;
 - (ii) omit “referred to in Article 14 of [Directive 2006/21/EC](#)”;
- (b) after paragraph 2 insert—

“3. In paragraph 1—

[^{F31}(a) in so far as it extends to England and Wales—

- (i) “financial guarantee” means the financial guarantee referred to in Article 14 of [Directive 2006/21/EC](#), as it applies by virtue of paragraph 7(j) of Schedule 20 to the Environmental Permitting (England and Wales) Regulations 2016 (“the 2016 Regulations”);
- (ii) “rehabilitation” has the meaning given in Article 3(20) of [Directive 2006/21/EC](#), and for the purposes of that definition “waste facility” has the meaning given in paragraph (iv);
- (iii) “treatment” has the meaning given in Article 3(8) of [Directive 2006/21/EC](#), and for the purposes of that definition “waste” has the meaning given in paragraph (b) of the definition of “waste” in regulation 2(1) of the 2016 Regulations;

- (iv) “waste facility” has the meaning given to “mining waste facility” in paragraph 2(1) of Schedule 20 to the 2016 Regulations;]
- (b) in so far as it extends to Scotland, “financial guarantee”, “rehabilitation”, “treatment” and “waste facility” have the meanings given in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010;
- (c) in so far as it extends to Northern Ireland, “financial guarantee”, “rehabilitation”, “treatment” and “waste facility” have the meanings given in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.”.

F32(3)

(4) Omit Article 2.

F31 Words in reg. 17(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), **14(13)(a)**

F32 Reg. 17(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Waste and Environmental Permitting etc. \(Legislative Functions and Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1540\)](#), regs. 1(3), **14(13)(b)**

Commencement Information

I4 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

Commission Decision [2009/337/EC](#) on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive [2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries

18.—(1) Commission Decision [2009/337/EC](#) on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive [2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries is amended as follows.

(2) Before Article 1 insert—

“Article 1

1. In this Decision, “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—
 - (i) a planning authority, or
 - (ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000 ^{M8} (as the case may be);
 - (d) in relation to Northern Ireland—
 - (i) a district council established under section 1 of the Local Government Act (Northern Ireland) 1972, or

(ii) the Department for Infrastructure (as the case may be).

2. A term which is used in this Decision—
 - (a) as it extends to Scotland and which is defined in regulation 2(1) of the 2010 Scotland Regulations has the meaning given in that regulation;
 - (b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the 2015 NI Regulations has the meaning given in that regulation.

3. In this Decision—
 - (a) “the 2010 Scotland Regulations” means the Management of Extractive Waste (Scotland) Regulations 2010;
 - (b) “the 2015 NI Regulations” means the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.

Article A2

1. For the purposes of this Decision, Directive [2006/21/EC](#) of the European Parliament and of the Council concerning the management of waste from extractive industries is to be read in accordance with this Article.

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 [^{F33}IP completion day], was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 3 is to be read as if—
 - (a) in point (1), for “Article 1(a) of Directive [75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;
 - (b) in point (2), for “Article 1(4) of Council Directive [91/689/EEC](#) of 12 December 1991 on hazardous waste” there were substituted “Article 3(2) of the Waste Framework Directive”;
 - (c) in point (4), for the words from “the national law” to the end there were substituted “national law”;
 - (d) in point (24), for the words from “the national law” to “takes place” there were substituted “national law”.

4. Annex 3 is to be read as if—
 - (a) in the second indent, “under Directive [91/689/EEC](#)” were omitted;
 - (b) in the third indent, for “Directives [67/548/EEC](#) or [1999/45/EC](#)” there were substituted “Regulation (EC) [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures”.

Article A3

1. In Article A2(3), the “Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by [^{F34}Directive (EU) 2018/851], and read in accordance with this Article.

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 [^{F35}IP completion day], was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

[^{F36}3. 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.

4. 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.
5. Article 7 is to be read as if—
- (a) before paragraph 1 there were inserted—

“A1. In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in England, Wales, Scotland or Northern Ireland (as the case may be).”;
 - (b) in paragraph 1—
 - (i) the first and second sentences were omitted;
 - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
 - (c) paragraphs 2, 3, 6 and 7 were omitted.]
6. Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

Article A4

In Articles A2 and A3—

- (a) “appropriate authority” means—
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
- (b) “local authority” means—
 - (i) in England outside Greater London—
 - a district council,
 - a county council, or
 - the Council of the Isles of Scilly;
 - (ii) in Greater London—
 - the council of a London borough,
 - the Common Council of the City of London,
 - the Sub-Treasurer of the Inner Temple, or
 - the Under-Treasurer of the Middle Temple;
 - (iii) in Wales—
 - a county council, or
 - a county borough council.”.

- (3) In Article 1—
- (a) in paragraph 1, in the words before point (a), for “indent of Annex III of Directive 2006/21/EC” substitute “ part of the categorisation legislation ”;
 - (b) after paragraph 2 insert—
 - “3. In paragraph 1, “first part of the categorisation legislation”—
 - (a) as it extends to England and Wales, means the first indent of Annex 3 to Directive 2006/21/EC;
 - (b) as it extends to Scotland, means paragraph (a) of the definition of “Category A waste facility” in regulation 2(1) of the 2010 Scotland Regulations;
 - (c) as it extends to Northern Ireland, means paragraph 1 of Schedule 3 to the 2015 NI Regulations.”.
- (4) In Article 3(2), omit “under Council Directive 91/689/EEC”.
- (5) In Article 4(1), for “Member States” substitute “ The appropriate agency ”.
- (6) In Article 7—
- (a) in paragraph 1—
 - (i) in the words before point (a), for “indent of Annex III of Directive 2006/21/EC” substitute “ part of the categorisation legislation ”;
 - (ii) in point (a), omit “in accordance with Directive 91/689/EEC”;
 - (b) after paragraph 4 insert—
 - “5. In paragraph 1, “second part of the categorisation legislation”—
 - (a) as it extends to England and Wales, means the second indent of Annex 3 to Directive 2006/21/EC;
 - (b) as it extends to Scotland, means paragraph (b) of the definition of “Category A waste facility” in regulation 2(1) of the 2010 Scotland Regulations;
 - (c) as it extends to Northern Ireland, means paragraph 2 of Schedule 3 to the 2015 NI Regulations.”.
- (7) In Article 8—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “ The appropriate agency ”;
 - (ii) for “indent of Annex III of Directive 2006/21/EC” substitute “ part of the categorisation legislation ”;
 - (b) in paragraph 2—
 - (i) in the first subparagraph, in point (c) for the words from “Council Directive 67/548/EEC” to the end substitute “ Regulation (EC) No 1272/2008 of the European Parliament and of the Council ”;
 - (ii) in the second subparagraph, for “Directives 1999/45/EC or 67/548/EEC” substitute “ Regulation (EC) No 1272/2008 of the European Parliament and of the Council ”;
 - (c) in paragraph 3, for “Directive 1999/45/EC or 67/548/EEC” substitute “ Regulation (EC) No 1272/2008 of the European Parliament and of the Council ”;
 - (d) in paragraph 4—
 - (i) in the first sentence, for “Member States” substitute “ the appropriate agency ”;

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019, CHAPTER 2. (See end of Document for details)

- (ii) in the second sentence, for “Directives [1999/45/EC](#) or [67/548/EEC](#)” substitute “[Regulation \(EC\) No 1272/2008](#) of the European Parliament and of the Council”;
- (e) after paragraph 4 insert—

“5. In paragraph 1, “third part of the categorisation legislation”—

- (a) as it extends to England and Wales, means the third indent of Annex 3 to Directive [2006/21/EC](#);
- (b) as it extends to Scotland, means paragraph (c) of the definition of “Category A waste facility” in regulation 2(1) of the 2010 Scotland Regulations;
- (c) as it extends to Northern Ireland, means paragraph 3 of Schedule 3 to the 2015 NI Regulations.”.

(8) Omit Article 11.

- F33** Words in reg. 18(2) 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), **14(14)(a)**
- F34** Words in reg. 18(2) 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), **14(14)(b)(i)**
- F35** Words in reg. 18(2) 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), **14(14)(b)(ii)**
- F36** Words in reg. 18(2) 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), **14(14)(b)(iii)**

Commencement Information

- I5** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

Marginal Citations

- M8** [2000 asp 10](#).

Commission Decision [2009/359/EC](#) completing the definition of inert waste in implementation of Article 22(1)(f) of Directive [2006/21/EC](#) of the European Parliament and the Council concerning the management of waste from extractive industries

19.—(1) Commission Decision [2009/359/EC](#) completing the definition of inert waste in implementation of Article 22(1)(f) of Directive [2006/21/EC](#) of the European Parliament and the Council concerning the management of waste from extractive industries is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, for “Article 3(3) of Directive [2006/21/EC](#)” substitute “ the relevant definition provision ”;
- (b) in paragraph 3, for “Member States” substitute “ appropriate agency ”;
- (c) after paragraph 3 insert—

“4. In paragraph 1, “the relevant definition provision”—

- (a) as it extends to England and Wales, means Article 3(3) of Directive [2006/21/EC](#);
 - (b) as it extends to Scotland, means regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010;
 - (c) as it extends to Northern Ireland, means regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.
5. In paragraph 3, “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—
 - (i) a planning authority, or
 - (ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000 (as the case may be);
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
6. A term which is used in this Article—
- (a) as it extends to Scotland and which is defined in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010 has the meaning given by that regulation;
 - (b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 has the meaning given by that regulation.”.
- (3) After Article 1 insert—

“Article 1A

1. For the purposes of Article 1, Directive [2006/21/EC](#) of the European Parliament and the Council concerning the management of waste from extractive industries is to be read in accordance with paragraphs 2 and 3.

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 [^{F37}IP completion day], was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

3. Article 3 is to be read as if—
- (a) in point (1), for “Article 1(a) of Directive [75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019, CHAPTER 2. (See end of Document for details)

- (b) in point (2), for “Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste” there were substituted “ Article 3(2) of the Waste Framework Directive ”;
- (c) in point (4), for the words from “the national law” to the end there were substituted “ national law ”;
- (d) in point (24), for the words from “the national law” to “takes place” there were substituted “ national law ”.

4. In paragraph 2—

- (a) “appropriate agency” has the meaning given in Article 1(5);
- (b) “appropriate authority” means—
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
- (c) “local authority” means—
 - (i) in England outside Greater London—
 - a district council,
 - a county council, or
 - the Council of the Isles of Scilly;
 - (ii) in Greater London—
 - the council of a London borough,
 - the Common Council of the City of London,
 - the Sub-Treasurer of the Inner Temple, or
 - the Under-Treasurer of the Middle Temple;
 - (iii) in Wales—
 - a county council, or
 - a county borough council.

Article 1B

1. In Article 1A(3), the “Waste Framework Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by [F38 Directive (EU) 2018/851], and read in accordance with this Article.

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 [F39 IP completion day], was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion in respect of England or Wales.

[F40] 3. 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.
4. 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.
5. Article 7 is to be read as if—
- (a) before paragraph 1 there were inserted—
 - “**A1.** In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in England, Wales, Scotland or Northern Ireland (as the case may be).”;
 - (b) in paragraph 1—
 - (i) the first and second sentences were omitted;

(ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;

(c) paragraphs 2, 3, 6 and 7 were omitted.]

6. Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

7. In [^{F41}this Article]—

(a) “appropriate agency” has the meaning given in Article 1(5);

(b) “appropriate authority” and “local authority” have the meanings given in Article 1A(4).”.

(4) Omit Article 3.

- | | |
|------------|---|
| F37 | Words in reg. 19(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), 14(15)(a) |
| F38 | Words in reg. 19(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), 14(15)(b)(i) |
| F39 | Words in reg. 19(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), 14(15)(b)(ii) |
| F40 | Words in reg. 19(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), 14(15)(b)(iii) |
| F41 | Words in reg. 19(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), 14(15)(b)(iv) |

Commencement Information

- I6** Reg. 19 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)

Commission Decision [2009/360/EC](#) completing the technical requirements for waste characterisation laid down by Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries

20.—(1) Commission Decision [2009/360/EC](#) completing the technical requirements for waste characterisation laid down by Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries is amended as follows.

(2) Before Article 1 insert—

“Article A1

1. A term which is used in this Decision—

- (a) as it extends to Scotland and which is defined in regulation 2(1) of the Management of Extractive Waste (Scotland) Regulations 2010 has the meaning given in that regulation;
- (b) as it extends to Northern Ireland and which is defined in regulation 2(2) of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 has the meaning given in that regulation.

2. For the purposes of this Decision, Directive [2006/21/EC](#) of the European Parliament and the Council concerning the management of waste from extractive industries is to be read as if, in Article 3—

- (a) in point (1), for “Article 1(a) of Directive [75/442/EEC](#)” there were substituted “Article 3(1) of the Waste Framework Directive, as read with Articles 5 and 6 of that Directive”;
- (b) in point (2), for “Article 1(4) of Council Directive [91/689/EEC](#) of 12 December 1991 on hazardous waste” there were substituted “Article 3(2) of the Waste Framework Directive”;
- (c) in point (4), for the words from “the national law” to the end there were substituted “national law”;
- (d) in point (24), for the words from “the national law” to “takes place” there were substituted “national law”.

3. In paragraph 2, the “Waste Framework Directive” means Directive [2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by [^{F42}Directive (EU) 2018/851], and read in accordance with paragraphs 4 to 8.

4. 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 [^{F43}IP completion day], was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion in respect of England or Wales.

[^{F44}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—

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019, CHAPTER 2. (See end of Document for details)

- (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. Article 7 is to be read as if—
- (a) before paragraph 1 there were inserted—
 - “**A1.** In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in England, Wales, Scotland or Northern Ireland (as the case may be).”;
 - (b) in paragraph 1—
 - (i) the first and second sentences were omitted;
 - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
 - (c) paragraphs 2, 3, 6 and 7 were omitted.]
8. Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.
9. In [^{F45}this Article]—
- (a) “appropriate authority” means—

- (i) in relation to England, the Secretary of State;
- (ii) in relation to Wales, the Welsh Ministers;
- (b) “local authority” means—
 - (i) in England outside Greater London—
 - a district council,
 - a county council, or
 - the Council of the Isles of Scilly;
 - (ii) in Greater London—
 - the council of a London borough,
 - the Common Council of the City of London,
 - the Sub-Treasurer of the Inner Temple, or
 - the Under-Treasurer of the Middle Temple;
 - (iii) in Wales—
 - a county council, or
 - a county borough council.

10. In this Decision, “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—
 - (i) a planning authority, or
 - (ii) a National Park authority within the meaning of section 35(1) of the National Parks (Scotland) Act 2000 (as the case may be);
 - (d) in relation to Northern Ireland—
 - (i) a district council established under section 1 of the Local Government Act (Northern Ireland) 1972, or
 - (ii) the Department for Infrastructure (as the case may be).”
- (3) In Article 1(1), for “Member States” substitute “ The appropriate agency ”.
- (4) In Article 2(2), omit “European”.
- (5) Omit Article 3.

- | | |
|------------|--|
| F42 | Words in reg. 20(2) 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), 14(16)(a) |
| F43 | Words in reg. 20(2) 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), 14(16)(b) |
| F44 | Words in reg. 20(2) 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), 14(16)(c) |
| F45 | Words in reg. 20(2) 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), 14(16)(d) |

Commencement Information

- I7** Reg. 20 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)

Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council

21.—(1) Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council is amended as follows.

(2) In Article 1, after point (6) insert—

“(7) ‘appropriate authority’ means—

- (i) in relation to England, the Secretary of State;
- (ii) in relation to Wales, the Welsh Ministers;
- (iii) in relation to Scotland, the Scottish Ministers;
- (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(3) After Article 1 insert—

“Article 1A

Modification of Directive 2008/98/EC of the European Parliament and of the Council

1. In this Decision, “Directive 2008/98/EC” means Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by [^{F46}Directive (EU) 2018/851], and read in accordance with paragraphs 2 to 7.

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 [^{F47}IP completion day], was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion.

[^{F48}**2A.** Article 3 is to be read as if points 2b, 2c, 15a and 17a were omitted.]

[^{F49}**3.** 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.
 - 4. 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.
5. Article 7 is to be read as if—
 - (a) before paragraph 1 there were inserted—
 - “A1. In this Article, the “list of waste” means the list contained in the Annex to Commission [Decision 2000/532/EC](#), as that list has effect in England, Wales, Scotland or Northern Ireland (as the case may be).”;
 - (b) in paragraph 1—
 - (i) the first and second sentences were omitted;
 - (ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission [Decision 2000/532/EC](#), be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;
 - (c) paragraphs 2, 3, 6 and 7 were omitted.
6. Article 11(2) is to be read as if—

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Waste
(Miscellaneous Amendments) (EU Exit) Regulations 2019, CHAPTER 2. (See end of Document for details)

- (a) in the words before point (a), for “European” there were substituted “United Kingdom”;
- (b) points (c) to (e) were omitted.]

7. Annex 3 is to be read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

8. In [^{F50}this Article]—

- (a) “appropriate agency” means—
 - (i) in relation to England, the Environment Agency;
 - (ii) in relation to Wales, the Natural Resources Body for Wales;
 - (iii) in relation to Scotland, the Scottish Environment Protection Agency;
 - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (b) “local authority” means—
 - (i) in England outside Greater London—
 - a district council,
 - a county council, or
 - the Council of the Isles of Scilly;
 - (ii) in Greater London—
 - the council of a London borough,
 - the Common Council of the City of London,
 - the Sub-Treasurer of the Inner Temple, or
 - the Under-Treasurer of the Middle Temple;
 - (iii) in Wales—
 - a county council, or
 - a county borough council;
 - (iv) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
 - (v) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972.”.

(4) In Article 2—

- (a) in point (1), for “Member States” substitute “ The appropriate authority ”;
- (b) omit point (4);
- (c) in point (5), omit “out of the Union”.

(5) In Article 3—

- (a) in paragraph 1, in the words before point (a) for “Member States” substitute “ the appropriate authority ”;
- (b) in paragraph 2, for “Member State” substitute “ appropriate authority ”;
- (c) in paragraph 3—
 - (i) for “Member States” substitute “ The appropriate authority ”;

- (ii) for “Member State” substitute “ appropriate authority ”;
 - (d) in paragraph 4, for “Member States' implementation reports on” substitute “ The progress report under Article 5 in respect of ”;
 - (e) omit paragraphs 5 and 6.
- (6) In Article 4—
- (a) in paragraph 1, for “Member States” substitute “ the appropriate authority ”;
 - (b) in paragraph 2, for “Member States' implementation reports on” substitute “ The progress report under Article 5 in respect of ”.
- (7) In Article 5—
- (a) for the heading substitute “ Progress report for England ”;
 - (b) for paragraph 1 substitute—
- “1. The Secretary of State must publish a report (“the progress report”) on whether the targets set in Article 11(2) of Directive [2008/98/EC](#) have been met in respect of England.
- 1A. The progress report must be published on or before 1st January 2022 in a manner which the Secretary of State considers appropriate.”;
- (c) in paragraph 2—
 - (i) for the words from “Member States” to “reports” substitute “ The progress report must include data ”;
 - (ii) for the words from “either each year” to the end substitute “ 2019 and 2020 ”;
 - (d) in paragraph 3, for “implementation report covering the year 2020, Member States” substitute “ progress report for 2020, the Secretary of State ”;
 - (e) omit paragraph 4.
- (8) Omit Article 6.
- (9) In Annex 1, the third column of the table is amended in accordance with paragraphs (10) to (14).
- (10) In the column heading, for “Member State implementation reports” substitute “ the progress report ”.
- (11) In the first entry—
- (a) for “Member States” in both places it occurs substitute “ The Secretary of State ”;
 - (b) in the third sentence, omit the words from “and how” to the end.
- (12) In the second entry—
- (a) in the first paragraph—
 - (i) for “Member States” in both places it occurs substitute “ The Secretary of State ”;
 - (ii) in the fourth sentence—
 - (aa) for “a Member State” substitute “ the Secretary of State ”;
 - (bb) for “it” substitute “ the Secretary of State ”;
 - (b) omit the second paragraph.
- (13) In the third entry—
- (a) in the first paragraph—

- (i) in the first sentence, for “Member States” substitute “ The Secretary of State ”;
- (ii) in the second sentence, for “They” substitute “ The Secretary of State ”;
- (b) omit the second and third paragraphs.
- (14) Omit the fourth entry.
- (15) In Annex 3, the second column of the table is amended in accordance with paragraphs (16) and (17).
- (16) In the column heading, for “Member State implementation reports” substitute “ the progress report ”.
- (17) In the first entry—
 - (a) in point (1), in the second paragraph, for “Member States” substitute “ The Secretary of State ”;
 - (b) omit point (2);
 - (c) in point (3)—
 - (i) in the first sentence, for “Member States” substitute “ The Secretary of State ”;
 - (ii) in the second sentence—
 - (aa) for “they” substitute “ The Secretary of State ”;
 - (bb) omit the words from “and how” to the end;
 - (iii) omit the third sentence.

- F46** Words in reg. 21(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), **14(17)(a)**
- F47** Words in reg. 21(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), **14(17)(b)**
- F48** Words in reg. 21(3) inserted (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), **14(17)(c)**
- F49** Words in reg. 21(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), **14(17)(d)**
- F50** Words in reg. 21(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), **14(17)(e)**

Commencement Information

- I8** Reg. 21 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)

Status:

This version of this chapter contains provisions that are prospective.

Changes to legislation:

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