
STATUTORY INSTRUMENTS

2020 No. 1577

The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020

PART 2

Amendment of the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019

Schedule 1

4.—(1) Schedule 1 is amended in accordance with this regulation.

(2) In paragraph 2(4), for the inserted paragraphs 2A to 2C substitute—

“**2A.** For the purposes of this Regulation, “[Directive 2008/98/EC](#)” means that Directive as last amended by [Directive \(EU\) 2018/851\(1\)](#), and read in accordance with paragraphs 2B and 2C.

2B. 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.

2C. 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.
- 2D.** In paragraphs 2B and 2C, “appropriate agency” means—
- (a) the Environment Agency, in relation to England;
 - (b) the Natural Resources Body for Wales, in relation to Wales;
 - (c) the Scottish Environment Protection Agency, in relation to Scotland.”.
- (3) In paragraph 2(9)(a) and (b), for “the United Kingdom” substitute “Great Britain”.
- (4) In paragraph 2(10)—
- (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (5) In paragraph 3, in inserted Article 2B(5), omit subparagraph (c) of the definition of “other environmental regulator”.
- (6) In paragraph 4(2), in inserted paragraph A2, omit—
- (a) subparagraph (d);
 - (b) the text after subparagraph (d).
- (7) In paragraph 4(3)—
- (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (8) In paragraph 4(4)—
- (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (9) In paragraph 4(5)—
- (a) for “customs” substitute “the customs”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (10) After paragraph 4(5), insert—
- “(5A) After paragraph 10, insert—
- “**10A.** protected NI import: has the meaning given by Article 139A(2);
- 10B.** qualifying Northern Ireland good: has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.”;

- (11) In paragraph 4(6)—
 - (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (12) In paragraph 5, in inserted Article 4A—
 - (a) in paragraphs 2 and 3, for “the United Kingdom” substitute “Great Britain”;
 - (b) omit paragraphs 4 to 8.
- (13) In paragraph 6(b)—
 - (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (14) In paragraph 8(2), for “non-United Kingdom” substitute “non-Great British”.
- (15) In paragraph 8(3)—
 - (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (16) In paragraph 8(4), for “non-United Kingdom” substitute “non-Great British”.
- (17) In paragraph 9(2)(b)—
 - (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (18) In paragraph 11—
 - (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (19) In paragraph 16—
 - (a) for “Community” substitute “the Community”;
 - (b) for “United Kingdom” substitute “Great Britain”.
- (20) In paragraph 27(2), for “the United Kingdom” substitute “Great Britain”.
- (21) In paragraph 39(b), in the first inserted subparagraph, for “the United Kingdom” substitute “Great Britain”.
- (22) In paragraph 43, for “the United Kingdom” substitute “Great Britain”.
- (23) In paragraph 48(8), in inserted paragraph 7, omit subparagraphs (b) and (d)(v).
- (24) In paragraph 89(1), in the substitute Article 129, omit paragraphs 5(d), 8 and 9.