
STATUTORY INSTRUMENTS

2018 No. 942

The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018

PART 2

Amendments of legislation concerning the environment

CHAPTER 1

Amendments of primary legislation

The Environmental Protection Act 1990

2. In section 62A(1)(b) of the Environmental Protection Act 1990(1), at the end insert “, as last amended by Council Regulation (EU) 2017/997(2)”.

The Environment Act 1995

3. In section 41(1)(c) of the Environment Act 1995(3), after “[Directive 2008/98/EC](#)” insert “, as last amended by Council Regulation (EU) 2017/997,”.

The Pollution Prevention and Control Act 1999

4.—(1) The Pollution Prevention and Control Act 1999(4) is amended as follows.

(2) In section 1—

(a) for subsection (1)(a) substitute—

“(a) [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)(5);”;

(b) in subsection (3)(e), for “Council [Directive 96/61/EC](#)(6)” substitute “[Directive 2010/75/EU](#)”.

(3) In Schedule 1, in paragraph 20(2)—

(a) omit paragraphs (a) and (b) (together with the final “and”);

(b) in paragraph (c) omit “other”.

(1) [1990 c. 43](#); section 62A was inserted by [S.I. 2005/894](#) and subsection (1)(b) was amended by [S.I. 2015/1360](#).

(2) OJ No L 150, 14.6.2017, p 1.

(3) [1995 c. 25](#); section 41(1)(c) was substituted in relation to England by [S.I. 2005/894](#) and in relation to Wales by [S.I. 2005/1806 \(W. 138\)](#), and was amended by [S.I. 2011/988](#), [2013/755 \(W. 90\)](#).

(4) [1999 c. 24](#); section 1 was amended by the Regulatory Reform (Scotland) Act 2014 ([asp 3](#)), Schedule 3, Part 1, paragraph 7. Schedule 1, paragraph 20 was amended by [S.I. 2011/1043](#).

(5) OJ No L 334, 17.12.2010, p 17, as corrected by a corrigendum (OJ No L 158, 19.6.2012, p 25).

(6) OJ No L 257, 10.10.1996, p 26, as repealed by [Directive 2008/1/EC](#) of the European Parliament and of the Council (OJ No L 24, 29.1.2008, p 8).

The Natural Environment and Rural Communities Act 2006

5. In section 43(3) of the Natural Environment and Rural Communities Act 2006(7)—
- (a) in paragraph (c), at the end insert “, as last corrected by a corrigendum (OJ No L 280, 28.10.2017, p 57)”;
 - (b) in paragraph (d), at the end insert “, as last amended by Commission Regulation (EU) 2018/605(8)”.

The Marine and Coastal Access Act 2009

6. In section 75(5) of the Marine and Coastal Access Act 2009(9), after “waste” insert “, as last amended by Council Regulation (EU) 2017/997,”.

CHAPTER 2

Amendments of secondary legislation

The Control of Pesticides Regulations 1986

- 7.—(1) The Control of Pesticides Regulations 1986(10) are amended as follows.
- (2) In regulation 2(1), in the definition of “Regulation 1107/2009”, for “and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#)” substitute “, as last amended by Commission Regulation (EU) 2018/605”.
 - (3) In regulation 8(6), for “the Environmental Information Regulations 1992(11)” substitute “the Environmental Information Regulations 2004(12)”.

The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

- 8.—(1) The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999(13) are amended as follows.
- (2) In regulation 2(1) omit the definition of “EEA State”.
 - (3) In regulation 3(3), in the words before sub-paragraph (a)—
 - (a) omit “paragraphs (4) and (5) (in relation to England) and”;
 - (b) for “likely to have, or not to have,” substitute “not likely to have”.
 - (4) In regulation 3B—
 - (a) after paragraph (6) insert—

“(6A) Where a proposer applies for a grant from the appropriate forestry body or from the National Forest Company for the purposes of a proposed project of the kind described in paragraph (1)—

 - (a) the proposer is not required to send prior full notification to the appropriate forestry body in respect of the project to which the grant relates, and
 - (b) where the appropriate forestry body or the National Forest Company offers a grant to the proposer, the proposer may conclude that the project to which the

(7) [2006 c. 16](#); section 43(3) was amended by [S.I. 2013/1506](#), [2017/304](#).

(8) OJ No L 101, 20.4.2018, p 33, as corrected by a corrigendum (OJ No L 111, 2.5.2018, p 10).

(9) [2009 c. 23](#); section 75(5) was inserted by [S.I. 2011/405](#) and amended by [S.I. 2016/738](#).

(10) [S.I. 1986/1510](#); relevant amending instruments are [S.I. 1997/188](#), [2011/2131](#).

(11) [S.I. 1992/3240](#), revoked in relation to England and Wales by [S.I. 2004/3391](#) and in relation to Scottish public authorities by [S.S.I. 2004/520](#).

(12) [S.I. 2004/3391](#), to which there are amendments not relevant to these Regulations.

(13) [S.I. 1999/2228](#), amended by [S.I. 2017/592](#).

grant relates is to be treated as being unlikely to have significant effects on the environment.”;

- (b) in paragraph (7)(g), for “and repealing Council Regulation (EC) No 1698/2005” substitute “, as last amended by Commission Delegated Regulation (EU) 2018/162(14)”.
- (5) In regulation 6, after paragraph (1A) insert—
 - “(1B) Where a proposer applies for a grant from the appropriate forestry body or the National Forest Company for the purposes of the project and the application is accompanied by the information referred to in regulation 5(2), the appropriate forestry body may treat that grant application as an application for an opinion under regulation 5 and as an exceptional case for the purposes of paragraph (1A).”.
- (6) Schedule 2 is amended in accordance with paragraphs (7) to (10).
- (7) In the heading, for “likely” substitute “not likely”.
- (8) In paragraph 1A—
 - (a) in the heading, for “likely” substitute “not likely”;
 - (b) in sub-paragraph (1)—
 - (i) after “regulation 3(3),” insert “and subject to regulations 6(3) and 7(6),”;
 - (ii) for “likely to have, or not to have,” substitute “not likely to have”;
 - (c) in the table after sub-paragraph (2), omit rows 2, 3, 7, 8, 10, 11, 13, 14, 16, 17 and 19.
- (9) In the heading of paragraph 2, for “likely” substitute “not likely”.
- (10) For paragraph 2(1) substitute—
 - “(1) For the purposes of regulation 3(3), and subject to regulations 6(3) and 7(6), a project in Wales of a type specified in an entry in Column 1 in the Table that is below the threshold (if any) specified in Column 2 or 3 of the Table, whichever is appropriate to the land covered, or proposed to be covered, by that project is to be treated as being not likely to have a significant effect on the environment.”.

The End-of-Life Vehicles Regulations 2003

- 9.—(1) The End-of-Life Vehicles Regulations 2003(15) are amended as follows.
- (2) In regulation 2—
 - (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Directive (EU) 2017/2096(16)”;
 - (b) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.
- (3) In regulation 5, for “Article 8(2)(a) of Directive 70/156/EEC(17)” substitute “Article 23 of Directive 2007/46/EU of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(18)”.

(14) OJ No L 30, 2.2.2018, p 6.

(15) S.I. 2003/2635; relevant amending instruments are S.I. 2005/263, 2016/738.

(16) OJ No L 299, 16.11.2017, p 24.

(17) OJ No L 42, 23.2.1970, p 1, as repealed by Directive 2007/46/EC of the European Parliament and of the Council (OJ No L 263, 9.10.2007, p 1).

(18) OJ No L 263, 9.10.2007, p 1, as last amended by Commission Regulation (EU) 2017/2400 (OJ No L 349, 29.12.2017, p 1).

The Environmental Information Regulations 2004

10. In regulation 18(6) of the Environmental Information Regulations 2004, for the words from “applies to a decision notice” to the end substitute “does not apply”.

The End-of-Life Vehicles (Producer Responsibility) Regulations 2005

11.—(1) The End-of-Life Vehicles (Producer Responsibility) Regulations 2005(19) are amended as follows.

(2) In regulation 2—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Directive (EU) 2017/2096”;
- (b) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

(3) In regulation 5, for “the second indent of Article 4(1)(a) of [Directive 70/156/EEC](#)” substitute “Article 9(1)(b) of [Directive 2007/46/EU](#) of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles”.

The Marine Works (Environmental Impact Assessment) Regulations 2007

12. In Schedule A1 to the Marine Works (Environmental Impact Assessment) Regulations 2007(20), in paragraph 15, after “Council on waste” insert “, as last amended by Council Regulation (EU) 2017/997,”.

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

13. In regulation 26(2) of the Batteries and Accumulators (Placing on the Market) Regulations 2008(21), for the words “and repealing [Directive 91/157/EEC](#)(22)” substitute “, as last amended by [Directive 2013/56/EU](#) of the European Parliament and of the Council(23),”.

The Waste Batteries and Accumulators Regulations 2009

14. In regulation 71(2) of the Waste Batteries and Accumulators Regulations 2009(24), for the words from “Council [Directive 67/548/EEC](#)(25)” to “dangerous substances” substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures”.

The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009

15. In regulation 3 of the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009(26), for the words from “[Directive](#)

(19) [S.I. 2005/263](#), amended by [S.I. 2016/738](#); there are other amending instruments but none is relevant.

(20) [S.I. 2007/1518](#); relevant amending instruments are [S.S.I. 2017/115](#), [S.I. 2017/588](#).

(21) [S.I. 2008/2164](#), amended by [S.I. 2012/1139](#); there are other amending instruments but none is relevant.

(22) OJ No L 78, 26.3.1991, p 38, as repealed by [Directive 2006/66/EC](#) of the European Parliament and of the Council (OJ No L 266, 26.9.2006, p 1).

(23) OJ No L 329, 10.12.2013, p 5.

(24) [S.I. 2009/890](#), to which there are amendments not relevant to these Regulations.

(25) OJ No 196, 16.8.1967, p 1 (OJ/SE series I vol 1967 p 234), as repealed by Regulation (EC) No 1272/2008 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p 1).

(26) [S.I. 2009/1927](#), to which there are amendments not relevant to these Regulations.

96/82/EC(27)” to the end substitute “[Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances(28)”.

The Marine Strategy Regulations 2010

16. In regulation 2 of the Marine Strategy Regulations 2010(29), in the definition of “the Water Framework Directive”, for “amended” substitute “last amended by Commission [Directive 2014/101/EU](#)(30)”.

The Marine Licensing (Exempted Activities) Order 2011

17. In article 3 of the Marine Licensing (Exempted Activities) Order 2011(31), in the definition of “the Waste Framework Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

The Plant Protection Products Regulations 2011

18. In regulation 2(1) of the Plant Protection Products Regulations 2011(32), in the definition of “Regulation 1107/2009”, for “and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#)” substitute “, as last amended by Commission Regulation (EU) 2018/605”.

The Controlled Waste (England and Wales) Regulations 2012

19. In Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012(33), in paragraph 1, in the definition of “clinical waste”, in paragraph (c), for the words from “Council Directive” to the end substitute “Regulation (EC) No [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, as amended from time to time,”.

The Plant Protection Products (Sustainable Use) Regulations 2012

20.—(1) The Plant Protection Products (Sustainable Use) Regulations 2012(34) are amended as follows.

(2) In regulation 2(1)—

- (a) omit the definition of “[Directive 1999/45/EC](#)”;
- (b) in the definition of “the Directive”, after “pesticides” insert “, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council(35)”;
- (c) after the definition of “professional user” insert—

““Regulation 1272/2008” means Regulation (EC) No [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, as amended from time to time;”;

(27) OJ No L 10, 14.1.1997, p 13, as repealed by [Directive 2012/18/EU](#) of the European Parliament and of the Council (OJ No L 197, 24.7.2012, p 1).

(28) OJ No L 197, 24.7.2012, p 1.

(29) [S.I. 2010/1627](#), to which there are amendments not relevant to these Regulations.

(30) OJ No L 311, 31.10.2014, p 32.

(31) [S.I. 2011/409](#), amended by [S.I. 2016/738](#); there are other amending instruments but none is relevant.

(32) [S.I. 2011/2131](#), to which there are amendments not relevant to these Regulations.

(33) [S.I. 2012/811](#), to which there are amendments not relevant to these Regulations.

(34) [S.I. 2012/1657](#), to which there are amendments not relevant to these Regulations.

(35) OJ No L 189, 27.6.2014, p 1, as last amended by Regulation (EU) 2017/2393 of the European Parliament and of the Council (OJ No L 350, 29.12.2017, p 15).

- (d) in the definition of “Regulation 1107/2009”, for “and repealing Council Directives [79/117/EEC](#) and [91/414/EEC](#)” substitute “, as last amended by Commission Regulation (EU) 2018/605”.
- (3) In regulation 10—
- (a) in paragraph (2)(c)—
- (i) after “water policy” insert “, as last amended by Commission [Directive 2014/101/EU](#)”;
- (ii) for the words from “and Council” to the end insert “, as amended by Council [Directive 2013/17/EU\(36\)](#), and Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora, as last amended by Council [Directive 2013/17/EU\(37\)](#)”;
- (b) in paragraph (3)—
- (i) for “[Directive 1999/45/EC](#)” substitute “Regulation 1272/2008”;
- (ii) for “as referred to in Article 16(3) of” substitute “listed in Annex 10 to”;
- (c) in paragraph (4)(b), for “[Directive 1999/45/EC](#)” substitute “Regulation 1272/2008”.
- (4) In Schedule 1, in paragraph 1(c), for “[Directive 1999/45/EC](#)” substitute “Regulation 1272/2008”.

The Climate Change Agreements (Eligible Facilities) Regulations 2012

21. In regulation 2 of the Climate Change Agreements (Eligible Facilities) Regulations 2012(**38**), in the definition of “the Waste Framework Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012

22. In regulation 2 of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(**39**)—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Delegated Directive (EU) 2017/1011(**40**)”;
- (b) in the definition of “harmonised standard”—
- (i) for the words from “Annex I” to “services” substitute “Annex 1 to Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation(**41**)”;
- (ii) for “Article 6 of that Directive” substitute “Article 10 of that Regulation”.

The Waste Electrical and Electronic Equipment Regulations 2013

23.—(1) The Waste Electrical and Electronic Equipment Regulations 2013(**42**) are amended as follows.

(36) OJ No L 158, 10.6.2013, p 193.

(37) OJ No L 206, 22.7.1992, p 7.

(38) [S.I. 2012/2999](#), amended by [S.I. 2016/738](#); there are other amending instruments but none is relevant.

(39) [S.I. 2012/3032](#), to which there are amendments not relevant to these Regulations.

(40) OJ No L 153, 16.6.2017, p 25.

(41) OJ No L 316, 14.11.2012, p 12, as last amended by Directive (EU) 2015/1535 of the European Parliament and of the Council (OJ No L 241, 17.9.2015, p 1).

(42) [S.I. 2013/3113](#); relevant amending instruments are [S.I. 2014/1771](#), [2016/738](#).

(2) In regulation 2—

- (a) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”;
- (b) omit the definition of “dangerous substance or mixture”;
- (c) in the definition of “producer”, for the words from “[Directive 97/7/EC](#)(43)” to “distance contracts” substitute “[Directive 2011/83/EU](#) of the European Parliament and of the Council on consumer rights(44)”.

(3) In regulation 24—

- (a) in paragraph (2)(b), for “substances and mixtures” substitute “substance or mixture”;
- (b) after paragraph (3) insert—

“(4) In paragraph (2)(b), “dangerous substance or mixture” means any substance or mixture which fulfils the criteria for any of the following hazard classes or categories set out in Annex 1 to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, as amended from time to time—

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (c) hazard class 4.1;
- (d) hazard class 5.1.”

The Environmental Damage (Prevention and Remediation) (England) Regulations 2015

24. In Schedule 2 to the Environmental Damage (Prevention and Remediation) (England) Regulations 2015(45), in paragraph 3(1)(e) omit “, as last amended by Council Regulation (EU) 2017/997”.

The Landfill Tax (Qualifying Fines) (No. 2) Order 2015

25. In article 2 of the Landfill Tax (Qualifying Fines) (No. 2) Order 2015(46), in the definition of “hazardous waste”, for “European Parliament and Council [Directive 2008/98/EC](#)” substitute “[Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997”.

The Packaging (Essential Requirements) Regulations 2015

26. In regulation 2(1) of the Packaging (Essential Requirements) Regulations 2015(47), in the definition of “the Waste Directive”, for “and repealing certain Directives” substitute “, as last amended by Council Regulation (EU) 2017/997”.

(43) OJ No L 144, 4.6.1997, p 19, as repealed by [Directive 2011/83/EU](#) of the European Parliament and of the Council (OJ No L 304, 22.11.2011, p 64).

(44) OJ No L 304, 22.11.2011, p 64, as last amended by Directive (EU) 2015/2302 of the European Parliament and of the Council (OJ No L 326, 11.12.2015, p 1).

(45) [S.I. 2015/810](#), amended by [S.I. 2018/575](#); there are other amending instruments but none is relevant.

(46) [S.I. 2015/1385](#).

(47) [S.I. 2015/1640](#).

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The Renewables Obligation Order 2015

27. In article 2(1) of the Renewables Obligation Order 2015(**48**), in paragraph (b) of the definition of “Solid Recovered Fuel”, after “Council on waste” insert “, as last amended by Council Regulation (EU) 2017/997”.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

28. In Schedule 1 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(**49**), in paragraph 9, for “of 19 November 2008 on waste” substitute “on waste, as last amended by Council Regulation (EU) 2017/997,”.

(48) [S.I. 2015/1947](#), to which there are amendments not relevant to these Regulations.

(49) [S.I. 2017/572](#), to which there are amendments not relevant to these Regulations.