

This Statutory Instrument has been made to correct errors in SI 2018/1408, 2019/96, 2019/xxx and 2019/xxx and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2019 No.

EXITING THE EUROPEAN UNION

ENVIRONMENTAL PROTECTION

PESTICIDES

WATER RESOURCES, ENGLAND AND WALES

WILDLIFE

The Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019

Sift requirements satisfied ***

Made - - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 1

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The Secretary of State, in exercise of the powers conferred by sections 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a), makes the following Regulations.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019.

(2) Regulations 2 to 7 and this regulation come into force immediately before exit day.

(3) Regulations 8 to 12 and the Schedule come into force on exit day.

(a) 2018 c. 16.

(4) An amendment made by regulations 2 to 7 has the same extent as the provision being amended.

PART 2

Amendment of secondary legislation

The Trade in Endangered Species of Wild Fauna and Flora (Amendment) (EU Exit) Regulations 2018

2. In the Trade in Endangered Species of Wild Fauna and Flora (Amendment) (EU Exit) Regulations 2018(a), in regulation 6, for paragraph (9)(a)(vi) substitute—

“(vi) in box number 19, in each form, in tick-box e), for “Union” substitute “United Kingdom”;

The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019

3.—(1) The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In regulation 2—

- (a) omit paragraph (11)(b)(i);
- (b) in paragraph (17)(b)(i)—
 - (i) in the words before sub-paragraph (aa), for “for” substitute “in”;
 - (ii) omit sub-paragraph (aa);
- (c) omit paragraph (18)(b)(i).

(3) In the Schedule, in the text of new Schedule 1A, after paragraph 6(5) insert—

“(5A) Article 9 is to be read as if—

- (a) in paragraph 2, for “Member States” there were substituted “the competent authority”;
- (b) in paragraph 4, for the words from “to 3 shall not” to the end, substitute “and 2 and the references to Annex 1 to Directive 2003/87/EC in both are to be read as if for “in a storage site permitted under Directive 2009/31/EC(c)” in each place in which those words occur in that Annex, there were substituted “in a storage site permitted under Chapter 3 of Part 1 of the Energy Act 2008(d) or other domestic legislation which immediately before exit day implemented Directive 2009/31/EC””.

The Control of Mercury (Amendment) (EU Exit) Regulations 2019

4. In the Control of Mercury (Amendment) (EU Exit) Regulations 2019(e), in regulation 12(5), omit sub-paragraph (a).

The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019

5. In the Floods and Water (Amendment etc.) (EU Exit) Regulations 2019(f), in regulation 21—

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- (a) S.I. 2018/1408.
 - (b) S.I. 2019/39.
 - (c) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006.
 - (d) 2008 c. 32.
 - (e) S.I. 2019/96.
 - (f) S.I. 2019/xxx.

- (a) for paragraph (a) substitute—
 - “(a) for paragraph (a) substitute—
 - “(a) a European site within the meaning of regulation 8(1)(e) of the 2017 Regulations;”;
- (b) in paragraph (b), for the words from “, for the words from” to the end substitute “for “regulation 13” substitute “regulation 12””.

The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019

6. In the Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019(a), in Schedule 1, omit paragraph 4(2)(h)(i) and (3)(a)(iv).

The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019

7.—(1) The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019(b) are amended as follows.

- (2) Omit regulation 5(24).
- (3) In regulation 13(2), in the text of Article 80—
 - (a) in paragraph 2D(b), for “point (b)(i)” substitute “point (c)(i)”;
 - (b) in paragraph 2E(b), for “point (b)(ii)” substitute “point (c)(ii)”.
- (4) In regulation 15(3)(c), in the text of point (h), for “Article 15(1)” substitute “Article 15(1A)”.
- (5) In regulation 16(2), in the text of Article A1(1)(c), in the words before point (i), for “to” in the second place it occurs substitute “as regards”.
- (6) Omit regulations 18(8)(c)(xvii) and 20(14).
- (7) In Schedule 1, in paragraph 7—
 - (a) in sub-paragraph (5), at the end insert “with the agreement of that competent authority”;
 - (b) in sub-paragraph (8), in the definition of “assessing competent authority”, for “Article 15(1)” substitute “Article 15(1A)”.

PART 3

Amendment of retained direct EU legislation

Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

8. In Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, in Article 44j—

- (a) in the second paragraph of the text in quotation marks, for “the State in which the certificate was issued” substitute “the United Kingdom”;
- (b) in the third paragraph of the text in quotation marks, for “the State which issued the certificate” substitute “the United Kingdom”.

(a) S.I. 2019/xxx.
 (b) S.I. 2019/xxx.

Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

9. In Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, in Article 46, in the first paragraph, for “Member State” substitute “competent authority”.

Commission Regulation (EU) No 546/2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products

10. In the Annex to Commission Regulation (EU) No 546/2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products, in Part 1, in Part C, in point 2.6.2(v), in the table heading, for “or EU” substitute “MRL or”.

Commission Implementing Regulation (EU) No 844/2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

11.—(1) Commission Implementing Regulation (EU) No 844/2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market is amended as follows.

(2) In Article 11a, for “rapporteur Member State” in both places it occurs substitute “assessing competent authority”.

(3) In Article 13(3a)—

(a) in the first subparagraph—

(i) in the first sentence—

(aa) for “Authority” in the first, second and third places it occurs substitute “assessing competent authority”;

(bb) for “Member States” in the first place it occurs substitute “other competent authorities”;

(cc) for the words from “rapporteur Member State” to “Authority” in the fourth place it occurs substitute “assessing competent authority and the other competent authorities”;

(ii) in the second sentence—

(aa) for “Authority” substitute “assessing competent authority”;

(bb) omit “the rapporteur Member State and”;

(b) in the second subparagraph, for “Authority” substitute “assessing competent authority”;

(c) in the third subparagraph—

(i) in the first sentence, for “Authority, in consultation with the Member States,” substitute “assessing competent authority”;

(ii) in the second sentence—

(aa) for “Authority” in the first place it occurs substitute “assessing competent authority”;

(bb) for the words from “rapporteur” to “Authority” in the second place it occurs substitute “assessing competent authority and the other competent authorities”;

(d) in the fifth subparagraph—

(i) for “Authority” substitute “assessing competent authority”;

- (ii) for the words from “, the rapporteur” to “Member States” substitute “and the other competent authorities”;
- (e) in the sixth subparagraph—
 - (i) in the first sentence—
 - (aa) for “rapporteur Member State” substitute “assessing competent authority”;
 - (bb) for the words from “send its” to “form of” substitute “circulate to the other competent authorities and the applicant”;
 - (ii) in the second sentence—
 - (aa) for “Authority” substitute “assessing competent authority”;
 - (bb) for “all the Member States” substitute “the other competent authorities”;
 - (iii) in the third sentence—
 - (aa) for “Authority” substitute “assessing competent authority”;
 - (bb) for “receipt” substitute “circulation”.
- (4) In Article 14—
 - (a) in the heading, for “report and renewal Regulation” substitute “decision”;
 - (b) for paragraph 1 substitute—
 - “1. Article 20 of Regulation (EC) No 1107/2009 applies.
 - 1za. Paragraph 1a applies in relation to an application where—
 - (a) paragraph 7 of Schedule 1 to the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 applies in relation to that application, and
 - (b) the European Food Safety Authority adopted a conclusion in relation to that application before 10th November 2018 in accordance with Article 13.”;
 - (c) in paragraph 1a—
 - (i) omit the first subparagraph;
 - (ii) in the second subparagraph—
 - (aa) for the words from the beginning to “Member State,” in the first place it occurs substitute “For the purposes of assessment of the approval criteria set out in points 3.6.5 and 3.8.2 of Annex 2 to Regulation (EC) No 1107/2009, the assessing competent authority may”;
 - (bb) for the words from “rapporteur” in the second place it occurs to “Authority” in the second place it occurs substitute “assessing competent authority and the other competent authorities”;
 - (cc) for “Authority” in the third place it occurs substitute “assessing competent authority”;
 - (dd) omit “ the rapporteur Member State and”;
 - (iii) in the third subparagraph, for “Authority” substitute “assessing competent authority”;
 - (iv) in the fourth subparagraph—
 - (aa) for “Authority, in consultation with the Member States,” substitute “assessing competent authority”;
 - (bb) for “Authority” in the second place it occurs substitute “assessing competent authority”;
 - (cc) for the words from “rapporteur” to “Authority,” in the third places it occurs, substitute “assessing competent authority and the other competent authorities”;
 - (v) in the fifth subparagraph—

- (aa) for “rapporteur Member State” substitute “assessing competent authority”;
- (bb) for the words from “send its” to “form of” substitute “circulate to the other competent authorities and the applicant”;
- (cc) for “Authority” in the second place it occurs substitute “assessing competent authority”;
- (dd) for “all the Member States” substitute “the other competent authorities”;
- (vi) in the sixth subparagraph—
 - (aa) for “Authority” substitute “assessing competent authority”;
 - (bb) for “receipt” substitute “circulation”;
- (vii) in the seventh subparagraph—
 - (aa) for “Authority” substitute “assessing competent authority”;
 - (bb) for the words from “, the rapporteur” to “States” substitute “and the other competent authorities”;
- (d) omit paragraph 2.

PART 4

Revocations and saving

Revocations and saving

12.—(1) The retained direct EU legislation listed in the Schedule is revoked.

(2) Despite paragraph (1), a grace period contained within a Regulation listed in paragraph 3 or 6 of the Schedule which expires after exit day continues to have effect, and is treated as if it had been set by each competent authority in relation to its constituent territory in accordance with Article 21(6)(b) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market(a).

(3) In paragraph (2), “competent authority” and “constituent territory” have the meanings given in Article 3A of Regulation (EC) No 1107/2009(b).

	<i>Name</i> Parliamentary Under Secretary of State Department for Environment, Food and Rural Affairs
Date	

SCHEDULE

Regulation 12(!)

Revocations

1. Commission Decision (EU) 2018/1590 amending Decisions 2012/481/EU, 2014/391/EU, 2014/763/EU and 2014/893/EU as regards the period of validity of the ecological criteria for the award of the EU Ecolabel for certain products, and of the related assessment and verification requirements.

(a) Article 21 of Regulation (EC) No 1107/2009 is substituted by S.I. 2019/xxx.
 (b) Article 3A of Regulation (EC) No 1107/2009 is inserted by S.I. 2019/xxx.

2. Commission Implementing Regulation (EU) 2018/1913 renewing the approval of the active substance tribenuron in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

3. Commission Implementing Regulation (EU) 2018/1914 concerning the non-renewal of approval of the active substance quinoxifen, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011.

4. Commission Implementing Regulation (EU) 2018/1915 approving the active substance *Metschnikowia fructicola* strain NRRL Y-27328 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

5. Commission Implementing Regulation (EU) 2018/1916 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period of the active substance bispyribac.

6. Commission Implementing Regulation (EU) 2018/1917 concerning the non-renewal of approval of the active substance flurtamone, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011.

7. Commission Implementing Regulation (EU) 2018/1981 renewing the approval of the active substances copper compounds, as candidates for substitution, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

8. Commission Regulation (EU) 2018/2026 amending Annex IV to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

9. Commission Regulation (EU) 2019/50 amending Annexes II, III, IV and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorantraniliprole, clomazone, cyclaniliprole, fenazaquin, fencicoxamid, fluoxastrobin, lambda-cyhalothrin, mepiquat, onion oil, thiacloprid and valifenalate in or on certain products.

10. Commission Decision (EU) 2019/61 on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the public administration sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

11. Commission Decision (EU) 2019/62 on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the car manufacturing sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

12. Commission Decision (EU) 2019/63 on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the electrical and electronic equipment manufacturing sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

13. Commission Decision (EU) 2019/70 establishing the EU Ecolabel criteria for graphic paper and the EU Ecolabel criteria for tissue paper and tissue products.

14. Commission Regulation (EU) 2019/88 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid in certain products.

15. Commission Implementing Regulation (EU) 2019/139 approving the active substance *Beauveria bassiana* strain IMI389521, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

16. Commission Implementing Regulation (EU) 2019/147 approving the active substance *Beauveria bassiana* strain PPRI 5339, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

17. Commission Implementing Regulation (EU) 2019/148 concerning the non-approval of the active substance propanil, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market.

18. Commission Implementing Regulation (EU) 2019/168 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances abamectin, *Bacillus subtilis* (Cohn 1872) Strain QST 713, *Bacillus thuringiensis* subsp. Aizawai, *Bacillus thuringiensis* subsp. israeliensis, *Bacillus thuringiensis* subsp. kurstaki, *Beauveria bassiana*, benfluralin, clodinafop, clopyralid, *Cydia pomonella* Granulovirus (CpGV), cyprodinil, dichlorprop-P, epoxiconazole, fenpyroximate, fluazinam, flutolanil, fosetyl, *Lecanicillium muscarium*, mepanipyrim, mepiquat, *Metarhizium anisopliae* var. Anisopliae, metconazole, metrafenone, *Phlebiopsis gigantea*, pirimicarb, *Pseudomonas chlororaphis* strain: MA 342, pyrimethanil, *Pythium oligandrum*, rimsulfuron, spinosad, *Streptomyces* K61, thiacloprid, tolclofos-methyl, *Trichoderma asperellum*, *Trichoderma atroviride*, *Trichoderma gamsii*, *Trichoderma harzianum*, triclopyr, trinexapac, triticonazole, *Verticillium albo-atrum* and ziram.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) in order to address failures of EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g) of the 2018 Act) arising from the withdrawal of the United Kingdom from the European Union.

Regulations 2 to 7 make minor amendments to provisions of other Regulations made under section 8(1) of the 2018 Act, relating to wildlife, environmental protection, water resources and pesticides.

Regulation 8 amends retained direct EU legislation relating to wildlife, and regulations 9 to 11 amend retained direct EU legislation relating to pesticides.

Regulation 12(1) and the Schedule revoke various retained direct EU legislation, and regulation 12(2) contains a saving provision in relation to some of the revoked legislation relating to pesticides.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.