

2020 No. 0000

**EXITING THE EUROPEAN UNION, ENGLAND AND
WALES**

**ENVIRONMENTAL PROTECTION, ENGLAND AND
WALES**

**The Environment (Amendment etc.) (EU Exit) (Amendment)
(England and Wales) Regulations 2020**

Sift requirements satisfied ***

Made - - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 1

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

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

Citation and commencement

1.—(1) These Regulations may be cited as the Environment (Amendment etc.) (EU Exit) (Amendment) (England and Wales) Regulations 2020 and come into force immediately before IP completion day.

(2) These regulations extend to England and Wales.

Amendment to the Environment (Amendment etc.) (EU Exit) Regulations 2019

2.—(1) The Environment (Amendment etc.) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In regulation 1—

(a) in sub-paragraph (2), at the beginning, insert “Subject to sub-paragraph (2A),”;

(b) after sub-paragraph (2), insert—

“(2A) Regulation 4(3)(b)(iii) extends to England and Wales only”.

(a) 2018 c16; paragraph 21 of Schedule 7 was amended by paragraph 53(2) of Schedule 5(2) to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(b) S.I. 2019/458

(3) In regulation 4(3)(b)—

- (a) paragraph (ii) is revoked;
- (b) after that revoked paragraph, insert—
 - “(iii) after paragraph (c) insert—

- “(d) Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos**(a)**;
- (e) Council Directive 91/271/EEC concerning urban waste water treatment**(b)**;
- (f) Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources**(c)**;
- (g) European Parliament and Council Directive 94/62/EC on packaging and packaging waste**(d)**;
- (h) European Parliament and Council Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations**(e)**;
- (i) Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)**(f)**;
- (j) Council Directive 1999/31/EC on the landfill of waste**(g)**;
- (k) Directive 2000/14/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors**(h)**;
- (l) Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles**(i)**;
- (m) Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy**(j)**;
- (n) Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise**(k)**;
- (o) Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment**(l)**;

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- (a) OJ No L 85, 28.3.1987, p. 40, as last amended by Decision (EU) 2018/853 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 155).
 - (b) OJ No L 135, 30.5.1991, p. 40, as last amended by Council Directive 2013/64/EU (OJ No L 353, 28.12.2013, p. 8).
 - (c) OJ No L 375, 31.12.1991, p. 1, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p. 1).
 - (d) OJ No L 365, 31.12.1994, p. 10, as last amended by Directive (EU) 2018/852 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 141).
 - (e) OJ No L 365, 31.12.1994, p. 24, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).
 - (f) OJ No L 243, 24.9.1996, p. 31, as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p. 14).
 - (g) OJ No L 182, 16.7.1999, p. 1, as last amended by Directive (EU) 2018/850 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 100).
 - (h) OJ No L 162, 3.7.2000, p. 1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).
 - (i) OJ No L 269, 21.10.2000, p. 34, as amended by Directive (EU) 2018/849 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 93).
 - (j) 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).
 - (k) OJ No L 189, 18.7.2002, p. 12, as amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).
 - (l) OJ No L 156, 25.6.2003, p. 17, as last amended by Directive (EU) 2016/2284 of the European Parliament and of the Council (OJ No L 344, 17.12.2016, p. 1).

- (p) Directive 2004/35/CE of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage**(a)**;
- (q) Directive 2005/64/EC of the European Parliament and of the Council on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability**(b)**;
- (r) Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality**(c)**;
- (s) Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries**(d)**;
- (t) Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators**(e)**;
- (u) Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration**(f)**;
- (v) Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe**(g)**;
- (w) Directive 2008/98/EC of the European Parliament and of the Council on waste**(h)**;
- (x) Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy**(i)**;
- (y) Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide**(j)**;
- (z) Commission Directive 2009/90/EC laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status**(k)**;
- (aa) Directive 2009/126/EC of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations**(l)**;
- (bb) Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)**(m)**;
- (cc) Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast)**(n)**;

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- (a) OJ No L 143, 30.4.2004, p. 56, as last amended by Regulation (EU) 2019/1010 of the European Parliament and of the Council (OJ No L 170, 25.6.2019, p. 115).
 - (b) OJ No L 310, 25.11.2005, p. 10, as amended by Commission Directive 2009/1/EC (OJ No L 9, 14.1.2009, p. 31).
 - (c) OJ No L 64, 4.3.2006, p. 37, as last amended by Council Directive 2013/64/EU (OJ No L 353, 28.12.2013, p. 8).
 - (d) OJ No L 102, 11.4.2006, p. 15, as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p. 14).
 - (e) OJ No L 266, 26.9.2006, p. 1, as last amended by Directive (EU) 2018/849 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 93).
 - (f) OJ No L 372, 27.12.2006, p. 19, as amended by Commission Directive 2014/80/EU (OJ No L 182, 21.6.2014, p. 52).
 - (g) OJ No L 152, 11.6.2008, p. 1, as amended by Commission Directive (EU) 2015/1480 (OJ No L 226, 29.8.2015, p. 4).
 - (h) OJ No L 312, 22.11.2008, p. 3, as last amended by Directive (EU) 2018/851 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 109).
 - (i) OJ No L 348, 24.12.2008, p. 84, as amended by Directive 2013/39/EU of the European Parliament and of the Council (OJ No L 226, 24.8.2013, p. 1).
 - (j) OJ No L 140, 5.6.2009, p. 114.
 - (k) OJ No L 201, 1.8.2008, p. 36.
 - (l) OJ No L 285, 31.10.2009, p. 36, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).
 - (m) OJ No L 334, 17.12.2010, p. 17.
 - (n) OJ No L 197, 24.7.2012, p. 38, as amended by Directive (EU) 2018/849 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p.93).

- (dd) Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency(a);
- (ee) Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation(b);
- (ff) Commission Directive (EU) 2015/996 establishing common noise assessment methods according to Directive 2002/49/EC of the European Parliament and of the Council(c);
- (gg) Directive 2015/2193/EU of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants(d);
- (hh) Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants(e); and
- (ii) Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment(f).””.

(4) In the Schedule, in Part 2, after paragraph 64, insert—

“**64A.** The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2019(g).”.

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

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) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(1) and (2)(a) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends the Environment (Amendment etc.) (EU Exit) Regulations 2019, which, in regulation 4, amends the Pollution Prevention and Control Act 1999 (c. 24).

Regulation 2(2) amends the extent provisions in regulation 1(2) of the Environment (Amendment etc.) (EU Exit) Regulations 2019 to make clear that the provision made by regulation 2(3) of these Regulations extends to England and Wales only.

Regulation 2(3) revokes regulation 4(3)(b)(ii) of the Environment (Amendment etc.) (EU Exit) Regulations 2019 and inserts a new paragraph (iii) after that revoked paragraph in England and Wales.

Regulation 2(4) further amends those Regulations to revoke subordinate legislation in consequence of the amendments made by regulation 2(3) of these Regulations.

(a) OJ No L 315, 14.11.2012, p. 1, as last amended by Council Directive 2013/12/EU (OJ No L 141, 28.5.2013, p. 28).
 (b) OJ No L 13, 17.01.2014, p. 1.
 (c) OJ No L 168, 1.7.2015, p. 1.
 (d) OJ No L 313, 28.11.2015, p. 1.
 (e) OJ No L 344, 17.12.2016, p. 1.
 (f) OJ No L 155, 12.6.2019, p. 1.
 (g) S.I. 2019/1417.

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