

*This Statutory Instrument has been made in consequence of a defect in S.I. 2018/129 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2020 No. 000**

**EXITING THE EUROPEAN UNION**

**ENVIRONMENTAL PROTECTION**

**CONSUMER PROTECTION**

**HEALTH AND SAFETY**

**WILDLIFE**

**The Environment (Miscellaneous Amendments) (EU Exit)  
Regulations 2020**

<i>Sift requirements satisfied</i>	***
<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(b) and section 41(1) of the European Union (Withdrawal Agreement) Act 2020(c).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the environment(d) and wild animals(e).

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- (a) 1972 c. 68. The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) with effect from exit day. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Section 2(2) of the 1972 Act was previously amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (b) 2018 c. 16.
- (c) 2020 c. 1.
- (d) S.I. 2008/301, which is prospectively revoked by S.I. 2018/1011 from IP completion day (see section 20 of the European Union (Withdrawal) Act 2018).
- (e) S.I. 2014/1890, which is prospectively revoked by S.I. 2018/1011 from IP completion day (see section 20 of the European Union (Withdrawal) Act 2018).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

## PART 1

### Introductory

#### Citation and commencement

1.—(1) These Regulations may be cited as the Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020.

(2) This regulation and regulations 2 and 3 come into force 21 days after the day on which the Regulations are laid.

(3) Regulations 4, 5 and 6 come into force immediately before IP completion day.

## Part 2

### Amendment of secondary legislation under the European Communities Act 1972

#### Amendment of the Air Quality Standards Regulations 2010

2. In Schedule 2 to the Air Quality Standards Regulations 2010(a), for the entry in the table for “PM<sub>2.5</sub>” substitute—

<b>“PM<sub>2.5</sub>”</b>		
<i>Averaging Period</i>	<i>Limit Value</i>	<i>Date by which limit value is to be met</i>
Calendar year	20 µg/m <sup>3</sup>	1st January 2020”.

#### Amendment of the National Emission Ceilings Regulations 2018

3. In Schedule 3 to the National Emission Ceilings Regulations 2018(b), in Table 3, in the second row, under the column headed “PM<sub>2.5</sub>”, for “49%” substitute “46%”.

#### Amendment of the Control of Trade in Endangered Species (Miscellaneous Amendments) Regulations 2019

4.—(1) The Control of Trade in Endangered Species (Miscellaneous Amendments) Regulations 2019(c) are amended as follows.

(2) In regulation 1(2), for “Regulations 2 and 4 extend” substitute “Regulation 2 extends”.

(3) Omit regulation 4.

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(a) S.I. 2010/1001, to which there are amendments not relevant to these Regulations.

(b) S.I. 2018/129, to which there is a prospective amendment not relevant to these Regulations.

(c) S.I. 2019/1354.

## PART 3

### Amendment of secondary legislation under the European Union (Withdrawal) Act 2018 and the European Union (Withdrawal Agreement) Act 2020

#### **Amendment of the Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018**

**5.**—(1) The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018(a) are amended as follows.

(2) In regulation 2—

(a) for paragraph (6)(b) substitute—

“(b) in paragraph 1—

(i) in point (c), after the words “Annex II in” insert “urban”;

(ii) in the first subparagraph—

(aa) for “shall communicate, by electronic means,” substitute “must send”;

(bb) for “Article 7(2)” substitute “Decision (EU) 2019/1741(b)”;

(b) for paragraph (8)(b) and (c) substitute—

“(b) for paragraph 2 substitute—

“**2.** Appropriate authorities outside England and the competent authority in England must provide, each year, to the Secretary of State a report containing all the data referred to in Article 5(1) and (2) in the format and by the dates set out in Decision (EU) 2019/1741. The reporting date shall be, in any case, no later than 11 months after the end of the reporting year.”;

(c) for paragraph 3 substitute—

“**3.** The Secretary of State must incorporate the data reported by the appropriate authorities outside England and the data provided by the competent authority in England into the United Kingdom PRTR within one month of receiving complete reports provided in accordance with paragraph 2.”;

(c) for paragraph (12)(b) and (c) substitute—

“(b) after the words “of the Council,” insert “in so far as that provision has been transposed into domestic law.”;

(d) in paragraph (16), for “16, 17,” substitute “18a,”;

(e) omit paragraph (18).

(3) After regulation 24A insert—

#### **“Decision (EU) 2019/2031 establishing best available techniques (BAT) conclusions for the food, drink and milk industries, under Directive 2010/75/EU of the European Parliament and of the Council**

**24B.**—(1) Decision (EU) 2019/2031 establishing best available techniques (BAT) conclusions for the food, drink and milk industries, under Directive 2010/75/EU of the European Parliament and of the Council(c) is amended as follows.

(2) For Article 2 substitute—

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(a) S.I. 2018/1407.  
(b) EUDN 2019/1741.  
(c) EUDN 2019/2031.

## “Article 2

### Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of Decision 2012/134/EU<sup>(a)</sup> (“Decision 2012/134/EU”) establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of Decision 2012/134/EU.

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

### **Decision (EU) 2019/1713 establishing the format of information to be made available by the Member States for the purposes of reporting on the implementation of Directive (EU) 2015/2193 of the European Parliament and of the Council**

**24C.**—(1) Decision (EU) 2019/1713 establishing the format of information to be made available by the Member States for the purposes of reporting on the implementation of Directive (EU) 2015/2193 of the European Parliament and of the Council<sup>(b)</sup> is amended as follows.

(2) In Article 1—

(a) in the first paragraph—

(i) for “Commission” substitute “appropriate authority”;

(ii) for the words from “in accordance with” to “Member States shall” substitute “from medium combustion plants coming within Directive (EU) 2015/2193, the competent authorities must”;

(b) for the second paragraph substitute—

“Where a competent authority holds information covered by this Decision, that authority must provide such information to the relevant appropriate authority so that the appropriate authority can meet its obligations to prepare a report in accordance with Article 3.”.

(3) In Article 2, omit the first paragraph.

(4) After Article 2—

(a) insert—

## “Article 3

1. An appropriate authority must publish a summary of the information it receives in accordance with this Decision in such a manner as the appropriate authority considers appropriate, which can include indicating where that information is already publicly available.

2. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.

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(a) EUDN 2012/134.

(b) EUDN 2019/1713.

**3. In this Decision—**

“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;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“competent authority” means the national authority or authorities, or any other competent body or bodies, designated by the appropriate authority.”;

- (b) omit “This Decision is addressed to the Member States.”.

(5) In the Annex, in the Note before Part 1, for “Member States” substitute “competent authorities”.

**Decision (EU) 2019/1741 establishing the format and frequency of data to be made available by the Member States for the purposes of reporting under Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant and Release Transfer Register**

**24D.**—(1) Decision (EU) 2019/1741 establishing the format and frequency of data to be made available by the Member States for the purposes of reporting under Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant and Release Transfer Register<sup>(a)</sup> is amended as follows.

(2) In Article 1—

(i) in the first paragraph—

- (aa) for “Member States shall” substitute “Appropriate authorities outside England and the competent authority in England must”;
- (bb) from the words “, using the specific” to the end substitute “to the Secretary of the State in accordance with this Decision”.

(ii) in the second paragraph, for “2019” substitute “2020”;

(iii) in the third and fourth paragraphs, for “Commission” substitute “Secretary of State”.

(3) In Article 2—

(i) in the first paragraph—

- (aa) for “E-PRTR” substitute “United Kingdom-PRTR”;
- (bb) from the words “Member States, the” to “European Environment Agency” substitute “appropriate authorities”.

(4) After Article 2, insert—

“Article 3

**1.** For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.

**2. In this Decision—**

“appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;

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(a) EUDN 2019/1741.

- (c) in relation to Scotland, the Scottish Ministers;
  - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- “competent authority” means the national authority or authorities, or any other competent body or bodies, designated by the appropriate authority.”.
- (4) Omit “This Decision is addressed to the Member States”.
  - (5) In the Annex—
    - (a) in the heading, for “Member States” substitute “appropriate authorities outside England or the competent authority in England”;
    - (b) in the Note before the table—
      - (i) for “Member States” substitute “The appropriate authorities outside England or the competent authority in England”;
      - (ii) for “Commission” substitute “Secretary of State”;
    - (c) at each place that it occurs (including in footnote (h)), for “E-PRTR” substitute “UK-PRTR”;
    - (d) in the table—
      - (i) in footnote (g) —
        - (aa) omit the first sentence;
        - (bb) for “Commission” substitute “Secretary of State”;
      - (ii) in footnote (h) omit “EU”.

**Decision (EU) 2020/4050 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU on industrial emissions, for surface treatment using organic solvents including preservation of wood and wood products with chemicals**

**24E.**—(1) Decision (EU) 2020/4050 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU on industrial emissions, for surface treatment using organic solvents including preservation of wood and wood products with chemicals(a) is amended as follows.

- (2) For Article 2 substitute—

“Article 2

Application and Interpretation

**1.** The BAT conclusions referred to in Article 1 apply in the United Kingdom.

**2.** In this Decision—

“BAT conclusions” has the meaning given in Article 2 of Decision 2012/134/EU(b) (“Decision 2012/134/EU”) establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of Decision 2012/134/EU.

**3.** For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.”.

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(a) EUDN 2020/4050.

(b) EUDN 2012/134.

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

6.—(1) The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In the Schedules, for “exit day”, in each place it occurs, substitute “IP completion day”.

(3) In Schedule 2—

- (a) for “post-exit”, in each place it occurs, except in the title of inserted Article 127P, substitute “post-IP completion”;
- (b) for “pre-exit”, in each place it occurs, substitute “pre-IP completion”;
- (c) in inserted Article 127P—
  - (i) in the title, for “Periods before exit and post-exit” substitute “Post-IP completion periods”;
  - (ii) omit paragraph (5).

Date

*Name*  
Parliamentary Under Secretary of State  
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 under section 2(2) of the European Communities Act 1972 (c. 68) and powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and to correct other deficiencies (in particular under section 8(2)(a), (d), and (g)), arising from the withdrawal of the United Kingdom from the European Union as well as section 41(1) of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

These Regulations make amendments to legislation in the fields of air quality, environmental protection, international trade in endangered species of wild fauna and flora, public health and chemicals.

Regulations 2 and 3 make amendments to secondary legislation in the field of air quality, namely the Air Quality Standards Regulations 2010 to update a limit value applicable from 2020 and the National Emission Ceilings Regulations 2018 to amend a national emission ceiling obligation (to ensure in both cases that these aligns with the applicable EU Directive obligation).

Regulation 4 amends the Control of Trade in Endangered Species (Miscellaneous Amendments) Regulations 2019 to omit an unnecessary amendment to regulation 43 of the Conservation (Natural Habitats, &c.) Regulations 1994.

Regulation 5 amends the Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018 to incorporate further necessary amendments to retained direct EU legislation that has been adopted at the EU level after those Regulations were made. In particular, it makes amendments to two Decisions that establish best available techniques (BAT) conclusions for the purposes of Directive 2010/75/EU of the European Parliament and the Council on industrial emissions and two reporting Decisions in respect of air quality.

Regulation 6 amends the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, which amend retained EU law in the field of chemicals. It substitutes references to “exit day” with references to “IP completion day”, and makes related amendments to defined terms.

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

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(a) S.I. 2019/758, amended by S.I. 2019/858 and 2019/1144.