

SL(5)650 – The Environment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

Background and Purpose

The Environment (Miscellaneous Amendment) (Wales) (EU Exit) Regulations 2020 (“the Regulations”) are made under paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018.

The purpose of the Regulations is to ensure that retained EU law operates effectively once the UK leaves the EU.

The Air Quality Standards (Wales) (Amendment) (EU Exit) Regulations 2019 (“the 2019 Regulations”) made amendments to the Air Quality Standards (Wales) Regulations 2010 (SI 2010/1433) which transposed the requirements of Directives 2008/50/EC and 2004/107/EC on ambient air quality in Europe.

Regulation 2(5)(a) of the 2019 Regulations makes reference to Directive 2008/1/EC concerning integrated pollution prevention and control. This Directive is no longer in force.

Regulation 3 of these Regulations amends the 2019 Regulations by substituting reference to Directive 2008/1/EC with reference to Directive 2010/75/EU concerning industrial emissions (integrated pollution prevention and control).

The Regulations also amend articles 11 and 11A of the Natural Resources Body for Wales (Establishment) Order 2012 in light of the withdrawal of the United Kingdom from the European Union.

These Regulations have previously been laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

The purpose of the Regulations is to ensure that retained EU law operates effectively once the UK leaves the EU. Regulations 1 and 2 come into force on the Implementation Period



completion day, which is at 23:00 on 31 December 2020 ("IP completion day"). Regulation 3 comes into force immediately before IP completion day. This triggers the consultation requirement set out in paragraph 4 of Schedule 2 to the European Union Withdrawal Act 2018 for the Welsh Ministers to consult with the Secretary of State before the regulations are made. The Regulations confirm that the Welsh Ministers have consulted with the Secretary of State.

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 16 November 2020 and reports to the Senedd to highlight issues as a result of the UK exiting the EU.

