



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2018**

DATE **29 July 2019**

BY **Rebecca Evans AM, Minister for Finance and Trefnydd**

The Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2018

The retained EU Law which is being amended

- EU Directive 2009/31

The 2018 Regulations contain a number of provisions which fall entirely within devolved competence; these provisions amend the following legislation.

Domestic Legislation

- The Storage of Carbon Dioxide (Licensing etc) Regulations 2010
- The Storage of Carbon Dioxide (Termination of Licences) Regulations 2011
- Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011

The SIs impact in relation to Wales:

In terms of the SIs impact in Wales, it makes minor technical amendments to the following regulations in so far that they relate to environmental protection. They will address deficiencies and redundant references relating to the storage of carbon dioxide arising from the UK's exit from the European Union.

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

The SIs (where relevant) to Wales are within devolved competence, however, in these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principal is that it appropriate that we ask the UK Government to legislate on our behalf in a large number of statutory instruments.

The 2018 Regulations transfer a function solely to the Secretary of State, where necessary to replicate a power exercised by the European Commission, which would allow technical

annexes to be modified on a UK basis to reflect scientific and technical developments post EU Exit.

The purpose of the amendments

The European Union Withdrawal Act 2018 ('EUWA') will allow EU-derived legislation to be fixed to ensure it operates properly and effectively once the UK has left the EU.

These amendments address deficiencies arising from the exit of the UK from the EU. This instrument amends provisions which will for example, become inappropriate or redundant.

After exit, without amendment the relevant EU law would not operate properly to such an extent that powers to continue carrying out statutory functions could be put in doubt.

This instrument amends the relevant legislation to ensure that existing protections and regulatory frameworks are maintained and continue to work in the same way once the UK has left the EU.

The SI and accompanying Explanatory Memorandums, setting out the effect of each amendment is available here: <https://beta.parliament.uk/statutory-instruments/MamodFeY>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May 2018.