



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Marine Environment (Amendment) (EU Exit) Regulations 2018**

DATE **26 November 2018**

BY **Julie James AM, Leader of the House and Chief Whip**

The Marine Environment (Amendment) (EU Exit) Regulations 2018

The law which is being amended

- Commission Decision 2017/848
- The Marine Strategy Framework Directive 2008/56

Domestic legislation

- The Marine and Coastal Access Act 2009
- The Marine Strategy Regulations 2010

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

The National Assembly for Wales and Welsh Ministers have some legislative and executive competence in relation to the marine environment.

Functions within Commission Decision (EU) 2017/848 have been transferred so that they are exercisable by the Secretary of State alone, but with the consent of the Welsh Ministers, First Minister or Counsel General in specified circumstances.

Functions transferred to the Secretary of State constitute functions of a Minister of the Crown for the purposes of Schedule 7B to GoWA 2006. A future Assembly Bill seeking to remove or modify these functions could trigger a requirement to consult the UK Government.

The purpose of the amendments

The Marine Environment (Amendment) (EU Exit) Regulations 2018 ensure that the current legislation continues to operate effectively after we leave the EU. The changes include the replacement of references to "Member States" with references to the UK or to an

appropriate UK body, the replacement of references to “Community legislation” or “EU law” with references to “retained EU law”, and the replacement of requirements to notify or report to the Commission with requirements to report publicly. The changes also ensure that cross references to the Marine Strategy Framework Directive and other EU legislation will continue to work after exit.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-marine-environment-amendment-eu-exit-regulations-2018>

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.

A Statutory Instrument Consent Memorandum has also been laid in the National Assembly in respect of the amendments to The Marine and Coastal Access Act 2009.