



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Environment (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020**

DATE **29 September 2020**

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

The Environment (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (“2020 Regulations”)

The 2020 Regulations amend legislation which apply in Wales. The 2020 Regulations also amends other legislation on an England-only basis:

EU Regulations

- Directive 2008/50/EC establishing the requirements on ambient air quality and cleaner air for Europe;
- National Emissions Directive 2016/2284/EU that sets national emission reductions targets for Member States and the EU.
- Decision 2019/2010 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for waste incineration;
- Decision 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; and
- Decision (EU) 2020/4053 establishing best available techniques (BAT) conclusions for surface treatment using organic solvents including preservation of wood and wood products with chemicals, under Directive 2010/75/EU of the European Parliament and of the Council.

Secondary legislation

- The Air Quality Standards Regulations 2010 (England only);
- The National Emission Ceilings Regulations 2018;
- The Control of Trade in Endangered Species (Miscellaneous Amendments) Regulations 2019; and
- The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019

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

The 2020 Regulations relates to areas within devolved competence. The amendments ensure existing functions of the Welsh Ministers are retained as far as possible in relation to retained EU law. Existing powers of the Welsh Ministers, in order to address deficiencies, have been amended to ensure certain environmental laws continue to operate effectively after the implementation period ends.

The purpose of the amendments

The 2020 Regulations are subject to the proposed-negative procedure and makes corrections and technical amendments to The Air Quality Standards Regulations 2010, The National Emission Ceilings Regulations 2018, The Control of Trade in Endangered Species (Miscellaneous Amendments) Regulations 2019 and The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) 2018. In addition, the 2020 Regulation amends several dates in the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019. It substitutes references to “exit day” with references to “Implementation Period completion day”.

The 2020 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-environment-miscellaneous-amendments-eu-exit-regulations-2020>

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 and expediency and to ensure consistency and coherence of the statute book. 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.