

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref LF/CS/4221/14

Alun Ffred Jones AM
Chair of the Environment and Sustainability
Committee
National Assembly for Wales

 November 2014

Dear Alun,

Thank you for your letter of 13 October regarding the recent decision by the European Commission to send a reasoned opinion to the UK Government over failure to fully transpose Directive 2011/97/EU on the storage of metallic mercury considered as waste.

The Directive sets out the criteria for the safe storage of metallic mercury wastes. It amends the Landfill Directive to provide a derogation which allows the safe storage of metallic mercury waste for periods greater than 12 months. It was transposed in England and Wales through the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2013 (SI 2013/766). The Commission was notified of the transposition on 3 June 2013.

A Reasoned Opinion was received by the Department for Environment Food and Rural Affairs (Defra) on 25 September 2014 in which the Commission takes the view that the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under Article 2 of this Directive i.e. the Commission consider that transposition has not been effected in England and Wales or, in any event, that notification has not taken place.

My officials have been in regular contact with Defra officials about this issue. We take this matter seriously and are confident that our legislation meets the Directive's requirements. The Reasoned Opinion challenges the method of legal drafting that the UK has used to give effect to this Directive. The UK's position is that from 26 April 2013 this Directive has been effectively transposed in England and Wales. We will be working with Defra to agree a response strongly contesting the Reasoned Opinion and providing a detailed explanation of the drafting methods employed.

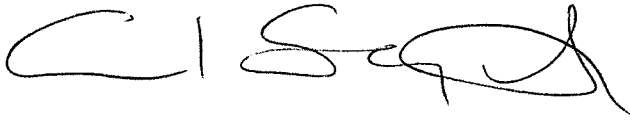
I am copying this letter to David Melding AM, Chair of the Constitutional and Legislative Affairs Committee.

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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Sargeant', with a stylized flourish at the end.

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