

SL(5)228 – The Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2018

Background and Purpose

This Order amends the Marine Licensing (Exempted Activities) (Wales) Order 2011 (“the 2011 Order”), which refers to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (“the Waste Framework Directive”).

The Waste Framework Directive was amended by Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 ‘Ecotoxic’.

Article 2 of this Order amends the definition of the Waste Framework Directive in article 3 of the 2011 Order to refer to that Directive as last amended by Council Regulation (EU) 2017/997.

Article 3 revokes the Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2016.

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

These Regulations update references to the Waste Framework Directive, to reflect changes made to the Waste Framework Directive. These Regulations implement EU law and will therefore form part of retained EU law after exit day.

The Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks states that various elements of “environmental quality” and “fisheries management” are policy areas likely to be subject to clause 15 regulations under the EU (Withdrawal) Bill. Therefore, the law covered by these Regulations is likely, in part or in whole, to be an area of EU law that is frozen while common frameworks are put in place.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

15 June 2018

