WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE Environment (Amendment Etc.) (EU Exit) Regulations 2018
DATE 10 December 2018
BY Julie James AM, Leader of the House and Chief Whip

Environment (Amendment Etc.) (EU Exit) Regulations 2018

The 2018 Regulations amend legislation which apply in Wales. The Regulations also amends other legislation on an England-only basis. The legislation that is being amended in relation to Wales is as follows:

Domestic Primary Legislation - Amended

1. Environmental Protection Act 1990 (EPA 1990);
2. Environment Act 1995 (EA 1995) ; and
3. Pollution Prevention and Control Act 1999 (PPCA 1999);

European Directly Applicable - Revoked

EU Regulations


EU Decisions


12. Commission Decision 2011/333/EU on establishing the ecological criteria for the award of the EU Ecolabel for copying and graphic paper.

13. Commission Decision 2011/337/EU on establishing the ecological criteria for the award of the EU Ecolabel for personal computers.

14. Commission Decision 2011/381/EU on establishing the ecological criteria for the award of the EU Ecolabel to lubricants.


17. Commission Decision 2012/448/EU establishing the ecological criteria for the award of the EU Ecolabel for newsprint paper.

18. Commission Decision 2012/481/EU establishing the ecological criteria for the award of the EU Ecolabel for printed paper.


2009/894/EC, 2009/967/EC, 2010/18/EC and 2011/331/EU in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products.

23. Commission Decision 2013/641/EU establishing the ecological criteria for the award of the EU Ecolabel for flushing toilets and urinals.

24. Commission Decision 2013/806/EU establishing the ecological criteria for the award of the EU Ecolabel for imaging equipment.


27. Commission Decision 2014/312/EU establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes.


32. Commission Decision 2014/391/EU establishing the ecological criteria for the award of the EU Ecolabel for bed mattresses.

33. Commission Decision 2014/763/EU establishing the ecological criteria for the award of the EU Ecolabel for absorbent hygiene products.

34. Commission Decision 2014/893/EU establishing the ecological criteria for the award of the EU Ecolabel for rinse-off cosmetic products.


38. Commission Decision (EU) 2015/2099 establishing the ecological criteria for the award of the EU Ecolabel for growing media, soil improvers and mulch.


41. Commission Decision (EU) 2016/1332 establishing the ecological criteria for the award of the EU Ecolabel for furniture.

42. Commission Decision (EU) 2016/1371 establishing the ecological criteria for the award of the EU Ecolabel for personal, notebook and tablet computers.


45. Commission Decision (EU) 2017/1214 establishing the EU Ecolabel criteria for hand dishwashing detergents.

46. Commission Decision (EU) 2017/1215 establishing the EU Ecolabel criteria for industrial and institutional dishwasher detergents.


52. Commission Decision (EU) 2017/1508 on the reference document on best environmental management practice, sector environmental performance indicators and benchmarks of excellence for the food and beverage manufacturing sector under...

53. Commission Decision (EU) 2017/1525 amending Decision 2014/256/EU in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to converted paper products.

54. Commission Decision (EU) 2017/2076 amending Decision 2009/607/EC as regards the period of validity of the ecological criteria for the award of the EU Ecolabel to hard coverings.


57. Commission Decision (EU) 2018/59 amending Decision 2009/300/EC as regards the content, and period of validity, of the ecological criteria for the award of the EU Ecolabel to televisions.

58. Commission Decision (EU) 2018/666 amending Decision 2014/312/EU as regards the period of validity of the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes.


Domestic Subordinate Legislation - Revoked

62. Pollution Prevention and Control (Designation of the Industrial Emissions Directive) (Offshore) Order 2013; and
Any impact the SI may have on the Assembly’s legislative competence and/or the Welsh Ministers’ executive competence

The SI 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 post exit day they will be able to continue introducing legislation for example in relation to pollution and emissions control.

The purpose of the amendments

This affirmative procedure SI addresses the failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU.

The SI makes technical, legal amendments to ensure the law continues to function in the UK after EU exit. For example, the EPA 1990, the EA 1995 and the PPCA 1999 all refer to obligations as an EU Member State, and to EU legislation, these references are either inappropriate after exit, or will no longer work legally without amendment.

In the EA 1995, there are amendments to the power for appropriate agencies to impose charges in relation to retained EU law. For Wales, the appropriate agency is Natural Resources Wales, who will now be able to charge fees in relation to performing functions conferred by Regulation (EC) No 1005/2009 (Ozone Depleting substances) and Regulation (EU) No 517/2014 (Fluorinated Greenhouse Gases), which are provided in the EU Exit SI on Fluorinated Greenhouse Gases and Ozone-Depleting Substances (EU Exit) Regulations to be laid before the Houses of Parliament in December.

In the EPA 1990, the amendment retains the Welsh Minister’s power to introduce subordinate legislation previously in relation to ‘EU Obligations’ but post exit day in relation to “Retained EU Obligations” as inserted into the Interpretation Act 1978 by the EU (Withdrawal) Act 2018 Schedule 8.

The amendments in the PPCA 1999 are to enable regulations currently made under section 2 of the PPCA to continue to be made in relation to pollution/emissions control within the scope of the retained EU law listed within the Schedule of the Act.

The revocations contained within this SI are necessary as in the case of Eco-Management and Audit and Ecolabel schemes, which will be out-of-date or have no further function once the UK has left the EU, these will be revoked and will cease on exit day. As a result of exiting the EU, neither of these schemes can apply in the UK. National bodies will no longer have the authority to register businesses under EMAS or grant Ecolabels, and existing UK registrations and Ecolabels will no longer be valid.
The SI and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments

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.