

**2019 No. (W.)**

**EXITING THE EUROPEAN  
UNION, WALES**

**ENVIRONMENTAL  
PROTECTION, WALES**

The Environmental Damage  
(Prevention and Remediation)  
(Wales) (Amendment) (EU Exit)  
Regulations 2019

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018 (c. 16), in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Environmental Damage  
(Prevention and Remediation)  
(Wales) (Amendment) (EU Exit)  
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*Sift requirements satisfied* 7 January 2019

*Made* 11 February 2019

*Laid before the National Assembly for Wales*  
13 February 2019

*Coming into force in accordance with  
regulation 1*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

**Title and commencement**

1. The title of these Regulations is the Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

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(1) 2018 c. 16.

## **Amendment of the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009**

2.—(1) The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009<sup>(1)</sup> are amended as follows.

(2) In regulation 2, in paragraph (3)(a), at the end insert “, or under retained EU law<sup>(2)</sup> which transposed Directive 2001/18/EC in relation to Wales.”.

(3) For regulation 3 substitute—

“**3.**—(1) References in these Regulations to EU instruments are to those instruments as they had effect immediately before exit day.

(2) References to—

(a) the European Union, or otherwise to the area to which that instrument applies;

(b) a Member State,

in any EU instrument referred to in these Regulations includes the United Kingdom.”.

(4) In Schedule 1, in paragraph 1(1)(e), for “or European Union-wide” substitute “, national or in their natural range”.

(5) In Schedule 2—

(a) after paragraph 1 insert—

“**1A.** A reference in this Schedule to an activity being authorised, prohibited, operated or managed pursuant to, or subject to, a permit or registration under an EU Directive includes, after exit day, any activity authorised, prohibited, operated or managed pursuant to, or subject to, a permit or registration under any retained EU law which transposed that Directive.”; and

(b) in paragraph 10, for the words from “European Union” to the end, substitute “European Union, or after exit day into or out of the United Kingdom, requiring an authorisation or prohibited under Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste.”.

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(1) S.I. 2009/995 (W. 81), amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

(2) Retained EU law has the same meaning as in section 6 of the European Union (Withdrawal) Act 2018.

*Lesley Griffiths*  
Minister for Environment, Energy and Rural Affairs,  
one of the Welsh Ministers  
11 February 2019