

pN(5)023 – The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019

Background and Purpose

These Regulations amend four pieces of Welsh legislation relating to waste which implement various European Directives related to waste management to ensure that the waste regime can continue to operate effectively after the UK leaves the EU.

The Regulations do not make any changes to or remove any environmental standards. The modifications are necessary to the text of the domestic legislation, removing or amending references to EU Directives and associated EU terms to ensure that waste legislation continues to operate as intended after EU exit. The changes do not change the effect of any existing definitions but are made in order that definitions contained in Directives, which will not form part of EU retained law after exit day will work effectively.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Committee Recommendation as to Appropriate Procedure

We have considered the criteria set out in Standing Order 21.3C.

[We recommend that the appropriate procedure for these Regulations is the negative resolution procedure. Although the Regulations make changes to primary legislation, which would normally be subject to the affirmative scrutiny procedure, the changes made do not change the substance of the environmental standards and only make the necessary changes to the law that are required for it to work effectively after exit day.]

OR

[For the following reason, we recommend that the appropriate procedure for these Regulations is the affirmative resolution procedure:

1. Amendment of primary legislation

Part 3 of these Regulations amend primary legislation – the Waste (Wales) Measure 2010. Whilst these amendments could be viewed as ‘technical and minor’ they nevertheless deal with references to important legal definitions. It is therefore appropriate for these changes to primary legislation be subject to the affirmative scrutiny procedure.

Government Response

[If there is no recommendation to uplift, insert the following text here: No Welsh Government explanation is required in accordance with Standing Order 27.9B.]

[If there is a recommendation to uplift, insert the following text here: If the Welsh Government does not agree with the Committee’s recommendation as to the appropriate procedure for these Regulations, the



Welsh Government must explain why it disagrees with the Committee's recommendation in accordance with Standing Order 27.9B.]

Legal Advisers

Constitutional and Legislative Affairs Committee

12 February 2019

