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STATUTORY INSTRUMENTS

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**2018 No. 1338**

**The INSPIRE (Amendment) (EU Exit) Regulations 2018**

**PART 3**

Amendment of retained direct EU legislation

**Amendment of Commission Regulation (EU) No. 1089/2010**

**13.**—(1) Commission Regulation (EU) No. 1089/2010 implementing Directive [2007/2/EC](#) of the European Parliament and of the Council as regards interoperability of spatial data sets and services is amended as follows.

(2) In Article 1, for “Annexes I, II and III to Directive [2007/2/EC](#)” substitute “ Annexes 1, 2 and 3 to Commission Regulation ([EC](#)) No. [1205/2008](#) ”.

(3) In Article 2—

- (a) in paragraph 2, for “, as referred to in Article 8 (2b) of Directive [2007/2/EC](#)” substitute “ between spatial objects ”;
- (b) in paragraph 3, for “of a type, as referred to in Article 8 (2c) of Directive [2007/2/EC](#)” substitute “ which may have an impact on the environment ”;
- (c) in paragraph 20, for “Member States” substitute “ appropriate authority ”;
- (d) after paragraph 38, insert—

“**39.** “appropriate authority” means—

- (a) in relation to England and Wales and Northern Ireland, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers;

**40.** any reference to a protected site designated under, or in relation to, Natura 2000 is to be read as a reference to a site which formed part of the Natura 2000 network immediately before exit day or which forms part of any similar or equivalent network under the legislation of any part of the United Kingdom after exit day.”.

(4) In Article 3, for “Annexes I, II and III to Directive [2007/2/EC](#)” substitute “ Annexes 1, 2 and 3 to Commission Regulation ([EC](#)) No [1205/2008](#) ”.

(5) In Article 4, for “meeting the conditions laid down in Article 4 of Directive [2007/2/EC](#), Member States” substitute “ falling within regulation 4 of the INSPIRE Regulations 2009 or, as the case may be, regulation 5 of the INSPIRE (Scotland) Regulations 2009, public authorities ”.

(6) In Article 8, for “Member States” substitute “ The appropriate authority ”.

(7) In Article 11, for “the Annex” substitute “ Annex 4 ”.

(8) Omit Article 14a.

(9) Omit Article 15.

## (10) In Annex 1—

- (a) in paragraph 7.3.3.1, in the indent relating to the “EU Air Quality Reference Component”, omit “in the context of reporting under Union legislation”;
- (b) in paragraph 8.1.1.1, for “as those listed in the Eurostat” to “of the Council”, substitute “listed in the UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007), which came into effect on 1st January 2008 and was published in December 2009”<sup>MI</sup>;
- (c) in paragraph 8.1.3.1—
  - (i) for the first indent, substitute— “ — the UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007); ”;
  - (ii) in the second indent, before “Section 8” insert “ the table in paragraph 1.1 of ”;
  - (iii) in the third indent, after “Directive 2008/98/EC” insert “ (as in force immediately before exit day) ”;
- (d) in paragraph 8.1.3.2—
  - (i) omit “the following code lists or other”;
  - (ii) omit both indents.

## (11) In Annex 2—

- (a) in the heading, for “Annex I to Directive 2007/2/EC” substitute “ Annex 1 to Commission Regulation (EC) No. 1205/2008 ”;
- (b) in paragraph 1.3.4, omit sub-paragraph 2;
- (c) in paragraph 2.2, omit sub-paragraph (2);
- (d) in paragraph 3.1.1, in the row of the table for “localType”, omit “, given in at least one official language of the European Union”;
- (e) in paragraph 3.3.4, in the row of the table for—
  - (i) “administrativeUnit”, for “Member States have and/or exercise jurisdictional rights, for local, regional and national governance” substitute “ jurisdiction is exercised under local, regional or national government ”;
  - (ii) “protectedSite”, for “, Community and Member States” substitute “ and national ”;
- (f) in paragraph 4.2.1.2, in the words before the table, for “a Member State has and/or exercises jurisdictional rights, for local, regional and national governance” substitute “ jurisdiction is exercised under local, regional or national government ”;
- (g) in paragraph 4.4, in sub-paragraph 1, for “a Member State and co-administered units” substitute “ the appropriate authority ”;
- (h) in paragraph 5.2.4, in the words before the table, for “a Member State has and/or exercises jurisdictional rights, for local, regional and national governance” substitute “ jurisdiction is exercised under local, regional or national government ”;
- (i) in paragraph 5.3.2, in the row of the table for “adminUnit”, for “a Member State has and/or exercises jurisdictional rights, for local, regional and national governance” substitute “ jurisdiction is exercised under local, regional or national government ”;
- (j) in paragraph 6.1, for “Member States”, in both places, substitute “ the appropriate authority ”;
- (k) in paragraph 6.1.4, in the row of the table for “levelName”, omit “, in at least one official language of the European Union”;
- (l) in paragraph 7.6.1.6, in the table, omit “within a Member State”;

- (m) in paragraph 7.7.1.15, in the row of the table for “startLane”, for “. For countries” to “left-hand traffic,” substitute “ , where ”;
  - (n) in paragraph 7.9.1, omit “within Member States”;
  - (o) in paragraph 8.7.1—
    - (i) omit “within Member States”;
    - (ii) for “used for reporting obligations under Directive 2000/60/EC” substitute “ , if any, that was used for reporting under Directive 2000/60/EC immediately before exit day ”;
  - (p) in paragraph, 8.7.2, for “used for reporting obligations under Directive 2000/60/EC” substitute “ , if any, that was used for reporting under Directive 2000/60/EC immediately before exit day ”;
  - (q) in paragraph, 8.7.4, for “used for reporting obligations under Directive 2000/60/EC” substitute “ , if any, that was used for reporting under Directive 2000/60/EC immediately before exit day ”;
  - (r) in paragraph 9.1.1, in the words before the table, for “ , Union and Member States” substitute “ and national ”;
  - (s) in paragraph 9.4.1—
    - (i) in the words before the table, for “This code list may be extended by the Member States” substitute “ Data publishers may use additional codes to those set out in the list below ”;
    - (ii) in the table, omit the row for “natura2000”;
  - (t) in paragraph 9.4.5, in the words before the table, omit “ , in accordance with Council Directive 92/43/EEC (Habitats Directive)”.
- (12) In Annex 3—
- (a) in the heading, for “Annex II to Directive 2007/2/EC” substitute “ Annex 2 to Commission Regulation (EC) No. 1205/2008 ”;
  - (b) in paragraph 1.7.5, in point (3), for “Member State” substitute “ appropriate authority ”.
- (13) In Annex 4—
- (a) in the heading, for “Annex III to Directive 2007/2/EC” substitute “ Annex 3 to Commission Regulation (EC) No. 1205/2008 ”;
  - (b) in paragraph 1.5, omit point (2);
  - (c) in paragraph 4.7.1.1, in the words before the table—
    - (i) for “In some Member States the actual” substitute “ The ”;
    - (ii) for “ , in other Member States” substitute “ or ”;
  - (d) in paragraph 4.7.1.2—
    - (i) in the words before the table, omit “ , or spatial planning at the Union level”;
    - (ii) in the table, in the row for “planTypeName”, omit “that the Member State has given to the plan”;
  - (e) in paragraph 4.7.3.1, in the table—
    - (i) in the row for “local”, in the corresponding entry in the column headed “Definition”, for “lower level of administration” to the end substitute “ ward concerned ”;
    - (ii) in the row for “regional”, for “equivalent to NUTS2” to “established in”, substitute “ for the area described in the column for “NUTS2” in the table for the United Kingdom within Annex I of”;

- (iii) in the row for “national”, for “Member State” substitute “ national ”;
- (f) in paragraph 4.7.3.4, omit “Types of plans as defined in the Member States.”;
- (g) in paragraph 4.8—
  - (i) in point (4), for “Member State” substitute “ appropriate authority ”;
  - (ii) in point (5), for “the Annex” substitute “ Annex 4 ”;
- (h) in paragraph 5.1.5, in the words before the table, after “municipality” insert “, where “ NUTS 1 ” and “NUTS 2” mean the regions or areas of the United Kingdom within the columns headed “NUTS 1” and “NUTS 2” in the table for the United Kingdom in Annex I to Regulation (EC) No. 1059/2003”;
- (i) in paragraph 6.9.1.1, for “scope of Directive 2007/2/EC” substitute “ INSPIRE Regulations 2009 or, as the case may be, the INSPIRE (Scotland) Regulations 2009 ”;
- (j) in paragraph 9.1—
  - (i) in point (1), for “. According to Council Regulation (EC) No. 73/2009” substitute “, and ”;
  - (ii) in point (2), for “NACE Codes A.1.4. and A.1.5.” substitute “ codes A.01.4 (animal production) and A.01.5 (mixed farming) of the UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007) ”;
- (k) in paragraph 10.3.2, after the table, in the second indent, after “as specified in” insert “ Annex I (NACE Rev. 2) to ”;
- (l) in paragraph 11.3.1., in the table—
  - (i) in the row for “airQualityManagementZone”, for “Part of” to “that Member State” substitute “ Zone delimited ”;
  - (ii) in the row for “noiseRestrictionZone”, for “the Directive 2002/49/EC of the European Parliament and of the Council” substitute “ the Environmental Noise (England) Regulations 2006 <sup>M2</sup>, the Environmental Noise Regulations (Northern Ireland) 2006 <sup>M3</sup>, the Environmental Noise (Scotland) Regulations 2006 <sup>M4</sup> or, as the case may be, the Environmental Noise (Wales) Regulations 2006 <sup>M5</sup> ”;
- (iii) in the row for “areaForDisposalOfWaste”—
  - (aa) for “as defined in” substitute “, where “disposal” has the meaning given in ”;
  - (bb) after “Directive 2008/98/EC” insert “ (as in force immediately before exit day) ”;
- (iv) in the row for “marineRegion”, omit “international, Union, national or sub-national”;
- (v) in the row for “riverBasinDistrict”, omit “under Article 3(1) of Directive 2000/60/EC”;
- (vi) in the row for “floodUnitOfManagement”, omit “under Directive 2007/60/EC of the European Parliament and Council”;
- (vii) in the row for “waterBodyForWFD”—
  - (aa) in the column headed “Name”, after “the Water Framework Directive (2000/60/EC)” insert “ implementing regulations, immediately before exit day ”;
  - (bb) in the column headed “Definition”, omit “to which the environmental objectives of the Directive 2000/60/EC must apply”;

- (viii) in the row for “sensitiveArea”, for “Annex II to Directive [91/271/EEC](#)” substitute “ the Urban Waste Water Treatment (England and Wales) Regulations 1994 <sup>M6</sup>, the Urban Waste Water Treatment Regulations (Northern Ireland) 2007 <sup>M7</sup> or, as the case may be, the Urban Waste Water Treatment (Scotland) Regulations 1994 <sup>M8</sup> ”;
- (ix) in the row for “designatedWaters”, omit “by Member States”;
- (m) in paragraph 11.4.1, in point (3)(b), omit “For Union legislation, the CELEX number shall be used.”;
- (n) in paragraph 13.2.1.1, omit “in the context of reporting under Union legislation”;
- (o) in paragraph 13.3, in point (3), omit “the EU Air Quality Reference Component”;
- (p) in paragraph 16.2.3—
  - (i) in the first indent, before “Union” insert “ European ”;
  - (ii) omit the second indent;
- (q) in paragraph 17.4.2—
  - (i) in the second indent—
    - (aa) after “according to” insert “ the code list set out in ”;
    - (bb) after “Directive [92/43/EEC](#)” insert “ (as in force immediately before exit day) ”;
  - (ii) in the third indent, after “Directive [2008/56/EC](#)” insert “ (as in force immediately before exit day) ”;
- (r) in paragraph 17.4.3, in the table—
  - (i) in the columns headed “Value” and “Name”, in each place where it occurs, including where it is merged with another word, omit “Directive” and “directive”;
  - (ii) in the column headed “Definition”—
    - (aa) for “Annex I to Directive [92/43/EEC](#)” substitute “ the code list set out in Annex I to Directive [92/43/EEC](#) (as in force immediately before exit day) ”;
    - (bb) after “Directive [2008/56/EC](#)” insert “ (as in force immediately before exit day) ”;
- (s) in paragraph 18.4.2, in the second indent—
  - (i) for “The Unit used for” substitute “ Any unit (“the pre-exit reporting unit”) that was used immediately before exit day for the purpose of ”;
  - (ii) after “Directive [92/43/EEC](#)” insert “ (as in force immediately before exit day), or any unit that is similar to, and which conveys the same information as, the pre-exit reporting unit ”;
- (t) in paragraph 18.4.7, omit the third indent;
- (u) in paragraph 18.4.8, in the final row of the table—
  - (i) in the column headed “Value”, for “natureDirectives” substitute “ nature ”;
  - (ii) in the column headed “Name”, omit “directives”;
  - (iii) in the column headed “Definition”, for “in Directives [2009/147/EC](#)” to the end substitute “ set out in Annexes I, II and III to Directive [2009/147/EC](#) (Birds Directive) and Annexes I, II, IV and V to Directive [92/43/EEC](#) (Habitats Directive), as each was in force immediately before exit day ”;
- (v) in paragraph 19.1, omit “, in accordance with Article 2 of Directive [2009/28/EC](#) of the European Parliament and of the Council”.

(14) In Annex 7, in paragraph 2, for “Directive [2007/2/EC](#)” substitute “INSPIRE Regulations 2009 or, as the case may be, the INSPIRE (Scotland) Regulations 2009”.

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#### Commencement Information

- I1** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)
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#### Marginal Citations

- M1** Published by the Office of National Statistics. For information on how to obtain a hard copy, contact the Office for National Statistics, Classifications and Harmonisation Unit, Government Buildings, Cardiff Road, Newport, South Wales NP10 8XG (tel: +44 (0)1329 444970; email: [Classifications.Helpdesk@ons.gsi.gov.uk](mailto:Classifications.Helpdesk@ons.gsi.gov.uk)). For an electronic copy, see: <https://www.ons.gov.uk/methodology/classificationsandstandards/ukstandardindustrialclassificationofeconomicactivities/uksic2007>.
- M2** [S.I. 2006/2238](#), relevant amending instrument [S.I. 2009/1610](#).
- M3** [S.R. 2006 No. 387](#).
- M4** [S.S.I. 2006/465](#).
- M5** [S.I. 2006/2629 \(W.225\)](#), relevant amending instrument [S.I. 2009/47 \(W.15\)](#).
- M6** [S.I. 1994/2841](#), relevant amending instruments [S.I. 2003/1788](#) and [2013/755](#).
- M7** [S.R. 2007 No. 187](#).
- M8** [S.S.I. 1994/2842](#), relevant amending instruments [S.S.I. 1996/973](#) and [2003/273](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The INSPIRE (Amendment) (EU Exit) Regulations 2018, Section 13.