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STATUTORY INSTRUMENTS

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**2019 No. 458**

**EXITING THE EUROPEAN UNION  
ENVIRONMENTAL PROTECTION**

**The Environment (Amendment  
etc.) (EU Exit) Regulations 2019**

*Made - - - - 27th February 2019*

*Coming into force in accordance with regulation 1(1)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 1 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

In accordance with paragraphs 1(1) and 12(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with paragraph 3(1) of Schedule 4 to that Act, the Treasury has consented to the making of regulation 3(3)(a)(ii) and (v).

**PART 1**

**Introductory**

**Citation, commencement, extent and application**

**1.—(1)** These Regulations may be cited as the Environment (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

(2) An amendment made by Part 2 has the same extent as the provision amended.

(3) An amendment made by Part 3 extends to England and Wales and applies to England only.

(4) Part 4 extends to Great Britain.

(5) A revocation made by Part 5 in respect of retained direct EU legislation in Part 1 of the Schedule extends to the United Kingdom.

(6) A revocation made by Part 5 in respect of subordinate legislation in Part 2 of the Schedule extends to England and Wales and applies to England only.

(7) A revocation made by Part 5 in respect of subordinate legislation in Part 3 of the Schedule has the same extent as the provision revoked.

## PART 2

### Amendment of primary legislation

#### The Environmental Protection Act 1990

2.—(1) The Environmental Protection Act 1990(2) is amended as follows.

(2) In section 7—

(a) in subsection (2)(b), for “obligations of the United Kingdom under the EU Treaties” substitute “retained EU obligations”;

(b) for subsection (12)(b) substitute—

“(b) retained EU law;”.

(3) In section 19(3), omit “the EU Treaties or”.

(4) In section 113(5), for “the implementation of Council [Directive 90/220/EEC](#)” substitute “retained EU law which implemented [Directive 2001/18/EC](#) of the European Parliament and of the Council(3)”.

(5) In section 116(2)—

(a) after “Secretary of State of” insert “a function under retained EU law or”;

(b) omit “the EU Treaties or”.

(6) Omit section 140(4)(a).

(7) In section 142(2)(a), after “State” insert “or in the United Kingdom”.

(8) In section 156—

(a) in the heading, for “EU and other” substitute “retained EU obligations and”;

(b) in subsection (1)(a), for “EU obligation” substitute “retained EU obligation”.

#### The Environment Act 1995

3.—(1) The Environment Act 1995(4) is amended as follows.

(2) In section 40(5)—

(a) in subsection (2)—

(i) in the opening words, omit “for the implementation of”;

(ii) for paragraph (a) substitute—

“(a) for securing that any retained EU obligation is met, or”;

(iii) in paragraph (b), at the beginning insert “for the implementation of”;

(b) in subsection (4)—

(i) in the opening words, omit “for the implementation of”;

(ii) for paragraph (a) substitute—

(2) [1990 c. 43](#).

(3) OJ No L 106, 17.4.2001, p. 1, as last amended by Commission Directive (EU) 2018/350 (OJ No L 67, 9.3.2018, p. 30).

(4) [1995 c. 25](#).

(5) Section 40(2) and (4) was amended by [S.I. 2011/1043](#).

- “(a) for securing that any retained EU obligation is met, or”;
  - (iii) in paragraph (b), at the beginning insert “for the implementation of”.
- (3) In section 41(6)—
- (a) in subsection (1)—
    - (i) paragraph (c) is omitted (as it applies in relation to England and as it applies in relation to Wales);
    - (ii) after paragraph (c) insert—
      - “(ca) as a means of recovering costs incurred by it in performing functions conferred by the Hazardous Waste (England and Wales) Regulations 2005, the Agency may require the payment to it of such charges as may from time to time be prescribed;
      - (cb) as a means of recovering costs incurred by it in performing functions conferred by the Hazardous Waste (Wales) Regulations 2005, the Natural Resources Body for Wales may require the payment to it of such charges as may from time to time be prescribed;”;
    - (iii) in paragraph (f) as it applies to England and Wales, for the words from “regulations made for the purposes of” to “(as amended from time to time)” substitute “retained EU law which implemented Council Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuel (as it had effect immediately before exit day)”;
    - (iv) in paragraph (g), for the words from “regulations made for the purpose of” to “as amended from time to time,” substitute “retained EU law which implemented [Directive 2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators (as it had effect immediately before exit day)”;
    - (v) after paragraph (k) insert—
      - “(l) as a means of recovering costs incurred by it in performing functions conferred by Regulation (EC) No 1005/2009 on substances that deplete the ozone layer, the Agency, the Natural Resources Body for Wales or SEPA may require the payment to it of such charges as may from time to time be prescribed;
      - (m) as a means of recovering costs incurred by it in performing functions conferred by Regulation (EU) No 517/2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006, the Agency, the Natural Resources Body for Wales or SEPA may require the payment to it of such charges as may from time to time be prescribed;”;
  - (b) in subsection (2)(g), for “obligations of the United Kingdom under the EU Treaties” substitute “retained EU obligation”.
- (4) In section 41A(1)(7), for paragraph (a) substitute—
- “(a) as a means of recovering costs incurred by it in performing functions conferred under or by virtue of—

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(6) In section 41, subsection (1)(c) was amended for England and Wales by [S.I. 2005/894](#), [2005/1806](#), [2011/988](#), [2013/755](#), [2018/942](#); subsection (1)(f) was amended for England and Wales by [S.I. 2008/3087](#), [2013/755](#); subsection (1)(g) was amended by [S.I. 2009/890](#), [2011/2911](#), [2013/755](#); subsection (1)(k) was inserted by [S.I. 2017/1200](#); subsection (2)(g) was amended for Scotland by [S.S.I. 2003/235](#) and [S.I. 2011/1043](#).

(7) Section 41A(1) was inserted by [S.I. 2005/925](#) and amended by [S.I. 2012/2788](#), [2013/1821](#) and [3135](#).

- (i) the Greenhouse Gas Emissions Trading Scheme Regulations 2005 ([S.I. 2005/925](#))(**8**);
  - (ii) the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010 ([S.I. 2010/1996](#))(**9**);
  - (iii) the Greenhouse Gas Emissions Trading Scheme Regulations 2012 ([S.I. 2012/3038](#))(**10**).”.
- (5) In section 56(1)(**11**)—
- (a) in the definition of “environmental licence” in relation to an appropriate agency—
    - (i) in paragraph (aa)(i), for “regulations made for the purpose of implementing the EU ETS Directive” substitute “the Greenhouse Gas Emissions Trading Scheme Regulations 2005 ([S.I. 2005/925](#)) and the Greenhouse Gas Emissions Trading Scheme Regulations 2012 ([S.I. 2012/3038](#))”;
    - (ii) in paragraph (h), for “any provision which gives effect in England and Wales to” substitute “retained EU law which, in England and Wales, implemented”;
  - (b) in the definition of “environmental licence” in relation to SEPA, in paragraph (ja), for the words from “or accumulators to” to the end, substitute “(including accumulators) as defined in regulation 2 of those Regulations, and where those batteries have been collected in accordance with Article 8 of [Directive 2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators”;
  - (c) omit the definition of “the EU ETS Directive”.
- (6) In section 80(2)—
- (a) in the opening words, omit “implementing”;
  - (b) for paragraph (a) substitute—
    - “(a) securing that any retained EU obligation is met, or”;
  - (c) in paragraph (b), at the beginning insert “the implementation of”.
- (7) In section 85(5)—
- (a) in the opening words, omit “for the implementation of”;
  - (b) for paragraph (a) substitute—
    - “(a) for securing that any retained EU obligation is met, or”;
  - (c) in paragraph (b), at the beginning insert “for the implementation of”.
- (8) In section 86(8)—
- (a) in the opening words, omit “for the implementation of”;
  - (b) for paragraph (a) substitute—
    - “(a) for securing that any retained EU obligation is met, or”;
  - (c) in paragraph (b), at the beginning insert “for the implementation of”.
- (9) In section 87(1)(b)—
- (a) omit “, implementing”;
  - (b) for sub-paragraph (i) substitute—
    - “(i) securing that any retained EU obligation is met, or”;

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(8) [S.I. 2005/925](#), revoked with savings by [S.I. 2012/3038](#).

(9) [S.I. 2010/1996](#), revoked with savings by [S.I. 2012/3038](#).

(10) [S.I. 2012/3038](#), to which there are amendments not relevant to these Regulations.

(11) Section 56(1) was amended by [S.I. 2011/988](#), [2012/2788](#), [2013/755](#), [2016/475](#) and [S.S.I. 2009/247](#); there are other amending instruments but none is relevant.

(c) in sub-paragraph (ii), at the beginning insert “the implementation of any”.

(10) In section 93(3)(a), for “obligations of the United Kingdom under the EU Treaties” substitute “retained EU obligations”.

(11) In section 94(2)(a)(i), for “obligations of the United Kingdom under the EU Treaties” substitute “retained EU obligations”.

(12) In section 108(15)(12)—

(a) in the definition of “pollution control functions” in relation to the Agency, the Natural Resources Body for Wales or SEPA, for paragraph (m) substitute—

“(m) EU-derived domestic legislation (as defined by section 2 of the European Union (Withdrawal) Act 2018) to the extent that it relates to pollution;”;

(b) in the definition of “pollution control functions” in relation to a local enforcing authority, for paragraph (c) substitute—

“(c) by or under EU-derived domestic legislation (as defined by section 2 of the European Union (Withdrawal) Act 2018) to the extent that it relates to pollution;”.

(13) In section 111(5)(13), for the definition of “relevant regulations” substitute—

““relevant regulations” means—

(a) the Greenhouse Gas Emissions Trading Scheme Regulations 2005 ([S.I. 2005/925](#));

(b) the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010 ([S.I. 2010/1966](#));

(c) the Greenhouse Gas Emissions Trading Scheme Regulations 2012 ([S.I. 2012/3038](#)).”.

(14) In section 122—

(a) for subsection (3) substitute—

“(3) Subsections (4) and (5) apply to any direction which is—

(a) given to—

(i) the Agency or SEPA under any provision of this Act or any other enactment, or

(ii) any other body or person under any provision of this Act, and

(b) to any extent given—

(i) before exit day, for the implementation of any obligation of the United Kingdom under the EU Treaties, or

(ii) for securing that any retained EU obligation is met.”;

(b) in subsection (4), for the words from “the obligations mentioned” to “continue to be implemented” substitute “any relevant retained EU obligation continues to be met”.

## **The Pollution Prevention and Control Act 1999**

4.—(1) Schedule 1 to the Pollution Prevention and Control Act 1999(14) is amended as follows.

(2) For paragraph 3(b) substitute—

“(b) directions given for the purposes of the implementation of—

(i) any retained EU obligations, or

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(12) Section 108(15) was amended by [S.I. 2013/755](#); there are other amending instruments but none is relevant.

(13) Section 111(5) was amended by [S.I. 2012/2788](#); there are other amending instruments but none is relevant.

(14) [1999 c. 24](#).

- (ii) any obligations under an international agreement to which the United Kingdom is a party;”.
- (3) In paragraph 20—
- (a) for sub-paragraph (1)(b) substitute—
- “(b) any provision (not being provision within any of paragraphs 1 to 19 or paragraph (a) above) that might be made by an Act of Parliament in connection with the relevant directives, other than provision—
- (i) imposing or increasing taxation;
- (ii) taking effect from a date earlier than that of the making of the instrument containing the provision;
- (iii) conferring any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for any court or tribunal.”.
- (b) in sub-paragraph (2)—
- (i) omit paragraph (c);
- (ii) after paragraph (c) insert—
- “(d) Council [Directive 87/217/EEC](#) on the prevention and reduction of environmental pollution by asbestos<sup>(15)</sup>;
- (e) European Parliament and Council [Directive 94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations<sup>(16)</sup>;
- (f) Council [Directive 1999/31/EC](#) on the landfill of waste<sup>(17)</sup>, as last amended by [Directive 2011/97/EU](#)<sup>(18)</sup>;
- (g) [Directive 2000/53/EC](#) of the European Parliament and of the Council on end-of life vehicles<sup>(19)</sup>, as last amended by [Directive \(EU\) 2017/2096](#)<sup>(20)</sup>;
- (h) [Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy<sup>(21)</sup>;
- (i) [Directive 2001/81/EC](#) of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants<sup>(22)</sup>;
- (j) [Directive 2003/35/EC](#) of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment<sup>(23)</sup>;
- (k) [Directive 2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries<sup>(24)</sup>;

(15) OJ No L 85, 28.3.1987, p. 40, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155).

(16) OJ No L 365, 31.12.1994, p. 24, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155).

(17) OJ No L 182, 16.7.1999, p. 1.

(18) OJ No L 328, 10.12.2011, p. 49.

(19) OJ No L 269, 21.10.2000, p. 34.

(20) OJ No L 299, 16.11.2017, p. 24.

(21) OJ No L 327, 22.12.2000, p. 1, as last amended by [Directive 2014/101/EU](#) (OJ No L 311, 31.10.2014, p. 32).

(22) OJ No L 309, 27.11.2001, p. 22, as last amended by [Directive \(EU\) 2016/2284](#) (OJ No L 344, 17.12.2016, p. 1).

(23) OJ No L 156, 25.6.2003, p. 17, as last amended by [Directive \(EU\) 2016/2284](#) (OJ No L 344, 17.12.2016, p. 1).

(24) OJ No L 102, 11.4.2006, p. 15, as amended by [Regulation \(EC\) No 596/2009](#) (OJ No L 188, 18.7.2009, p. 14).

- (l) [Directive 2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators(25), as last amended by [Directive 2013/56/EU](#)(26);
  - (m) [Directive 2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration(27);
  - (n) [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste(28), as last amended by Regulation (EU) 2017/997(29);
  - (o) [Directive 2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide(30);
  - (p) [Directive 2009/126/EC](#) of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations(31);
  - (q) [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)(32);
  - (r) [Directive 2012/19/EU](#) of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(33), as it had effect immediately before 4th July 2018;
  - (s) [Directive 2012/27/EU](#) of the European Parliament and of the Council on energy efficiency(34);
  - (t) Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation(35);
  - (u) [Directive 2015/2193/EU](#) of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants(36).”
- (c) after sub-paragraph (2) insert—
- “(2A) In sub-paragraph (1)(b)(iii), the reference to provision conferring any power to legislate does not include provision—
- (a) amending or extending a power to legislate conferred other than under this paragraph;
  - (b) giving directions as to matters of administration.”.

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(25) OJ No L 266, 26.9.2006, p. 1.

(26) OJ No L 329, 10.12.2013, p. 5.

(27) OJ No L 372, 27.12.2006, p. 19, as amended by [Directive 2014/80/EU](#) (OJ No L 182, 21.6.2014, p. 52).

(28) OJ No L 312, 22.11.2008, p. 3.

(29) OJ No L 150, 14.6.2017, p. 1.

(30) OJ No L 140, 5.6.2009, p. 114, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155).

(31) OJ No L 285, 31.10.2009, p. 36, as amended by [Directive 2014/99/EU](#) (OJ No L 304, 23.10.2014, p. 89).

(32) OJ No L 334, 17.12.2010, p. 17, as corrected by Corrigendum to [Directive 2010/75/EU](#) (OJ No L 158, 19.6.2012, p. 25).

(33) OJ No L 197, 24.7.2012, p. 38.

(34) OJ No L 315, 14.11.2012, p. 1, as last amended by Directive (EU) 2018/844 (OJ No L 156, 19.6.2018, p. 75).

(35) OJ No L 13, 17.1.2014, p. 1, as corrected by Corrigendum to Directive 2013/59/Euratom (OJ No L 72, 17.3.2016, p. 69).

(36) OJ No L 313, 28.11.2015, p. 1.

## PART 3

### Amendment of subordinate legislation

#### **The Contaminated Land (England) Regulations 2006**

5.—(1) Regulation 3 of the Contaminated Land (England) Regulations 2006<sup>(37)</sup> is amended as follows.

- (2) The existing paragraph is renumbered as paragraph (1).
- (3) In paragraph (1) as renumbered, for sub-paragraph (b)(ii) (but not the final “or”) substitute—
  - “(ii) for controlled waters that are designated as shellfish water protected areas or bathing waters, those waters do not meet the environmental objectives that apply to them;”.
- (4) After paragraph (1) as renumbered insert—
  - “(2) In this regulation—
    - “the Northumbria WFD Regulations” means the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003<sup>(38)</sup>;
    - “the Solway Tweed WFD Regulations” means the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004<sup>(39)</sup>;
    - “the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017<sup>(40)</sup>;
    - “a bathing water” has the same meaning as in the Bathing Water Regulations 2013<sup>(41)</sup>;
    - “environmental objectives”—
      - (a) in relation to the Solway Tweed River Basin District, means the objectives as defined in regulation 2 of the Solway Tweed WFD Regulations;
      - (b) in relation to the Northumbria River Basin District, means the objectives referred to in the WFD Regulations as applied and modified by regulation 5 of the Northumbria WFD Regulations;
      - (c) in relation to any other river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations;
    - “shellfish water protected area”—
      - (a) in relation to the Solway Tweed River Basin District, has the meaning given by regulation 2(1) of the Solway Tweed WFD Regulations;
      - (b) in relation to the Northumbria River Basin District, means a body of water designated under regulation 9 of the WFD Regulations, as applied by regulation 5 of the Northumbria WFD Regulations;
      - (c) in relation to any other river basin district within the meaning of the WFD Regulations, means a body of water designated under regulation 9 of those Regulations.”.

#### **The Environmental Noise (England) Regulations 2006**

6.—(1) The Environmental Noise (England) Regulations 2006<sup>(42)</sup> are amended as follows.

<sup>(37)</sup> S.I. 2006/1380, amended by S.I. 2012/263 and 2018/575; there are other amending instruments but none is relevant.

<sup>(38)</sup> S.I. 2003/3245, amended by S.I. 2016/139, 2017/407.

<sup>(39)</sup> S.I. 2004/99, amended by S.I. 2016/139; there are other amending instruments but none is relevant.

<sup>(40)</sup> S.I. 2017/407, to which there are amendments not relevant to these regulations.

<sup>(41)</sup> S.I. 2013/1675, amended by S.I. 2018/575; there are other amending instruments but none is relevant.

<sup>(42)</sup> S.I. 2006/2238, amended by S.I. 2010/340, 2018/1089; there are other amending instruments but none is relevant.



- (2) In regulation 2—
- (a) in paragraph (3), for “as amended from time to time” substitute “as it had effect immediately before exit day”;
  - (b) at the end insert—

“(4) For the purposes of these Regulations, the Directive is to be read as if a reference to one or more member States were a reference to the Secretary of State.”.
- (3) In regulation 4, after paragraph (2) insert—
- “(2A) For the purposes of paragraph (2)(a), a reference to Annex 1 of the Directive is to be read as if, in paragraph 1, in the fourth indent that begins “the day is 12 hours”, the words from “The Member” to the end were omitted.”.
- (4) For regulation 15(1)(a) substitute—
- “(a) aim to prevent and reduce environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health;
  - (aa) aim to preserve environmental noise quality where it is good;”.
- (5) In regulation 22—
- (a) in paragraph (2)(b), for the words “the Directive” substitute “relevant retained EU law<sup>(43)</sup>”;
  - (b) in paragraph (3), for “Article 4 of the Directive” substitute “the relevant retained EU law”.
- (6) In regulation 26(4)(b)—
- (a) in paragraph (i) omit “; or”;
  - (b) omit paragraph (ii).
- (7) In Schedule 1—
- (a) in paragraph 1—
    - (i) the existing text is renumbered as sub-paragraph (1);
    - (ii) at the end insert—

“(2) For the purposes of sub-paragraph (1), the reference to paragraphs 1.5, 1.6 and 2.6 of Annex 6 of the Directive is to be read with the following modifications—

      - (a) in paragraphs 1.5 and 1.6, as if the reference in those paragraphs to “major roads”, “major railways” and “major airports” as defined in Article 3 of the Directive were to “major road”, “major railway” and “major airport” as defined in regulation 2(2) of these Regulations;
      - (b) in paragraphs 1.6 and 2.6, as if the words from “These data” to “Article 11(1).” were omitted.”;
  - (b) in paragraph 2, at the end insert—

“(3) Further, in applying paragraph (1)(a) the following provisions of Annex 4 of the Directive are to be ignored—

    - (a) in paragraph 4, the first indent;
    - (b) in paragraph 5, the words from “concerning” to “Commission”;
    - (c) paragraph 9.”.

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<sup>(43)</sup> Relevant retained EU law includes the Environmental Noise (Wales) Regulations 2006 (S.I. 2006/2629 (W. 225)), the Environmental Noise (Scotland) Regulations 2006 (S.S.I. 2006/465) and the Environmental Noise Regulations (Northern Ireland) 2006 (S.R. 2006 No. 387).

**The Environmental Damage (Prevention and Remediation) (England) Regulations 2015**

7.—(1) The Environmental Damage (Prevention and Remediation) (England) Regulations 2015<sup>(44)</sup> are amended as follows.

(2) For regulation 3 substitute—

“3.—(1) For the purposes of these Regulations, a reference in any EU instrument referred to in these Regulations—

(a) to the “European Union” or otherwise to the area to which that instrument applies is to be taken to include the United Kingdom;

(b) to a “Member State” is to be taken to include the United Kingdom.”.

(3) In Schedule 1, in paragraph 1(e), for “or in the European Union as a whole” substitute “, national or in their natural range”.

(4) In Schedule 2—

(a) after paragraph 1 insert—

**“Interpretation**

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

(b) in paragraph 10, after “the Community” insert “or into or out of the United Kingdom”.

**PART 4****Savings****Savings**

8.—(1) The amendments made by regulation 3(2), (7) and (8) to sections 40(2)(a), 85(5)(a) and 86(8)(a) of the Environment Act 1995 do not affect the validity, after exit day, of any direction given under those sections which has effect immediately before exit day, and such a direction may be—

(a) varied so as to make any provision that could be made in a direction given under the relevant section after exit day, or

(b) revoked.

(2) The power to vary or revoke such a direction is subject to section 122(4) and (5) of the Environment Act 1995.

(3) The amendment made by regulation 3(9) to section 87(1)(b)(i) of the Environment Act 1995 does not affect the validity, after exit day, of any regulations made under that section which have effect immediately before exit day.

<sup>(44)</sup> S.I. 2015/810, as amended by S.I. 2017/1177.

## PART 5

### Revocations

#### **Revocations**

9. The following instruments are revoked—
- (a) the retained direct EU legislation referred to in Part 1 of the Schedule;
  - (b) the subordinate legislation referred to in Parts 2 and 3 of the Schedule.

27th February 2019

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

We consent

26th February 2019

*Paul Maynard*  
*Rebecca Harris*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## SCHEDULE

Regulation 9

## Revocations

## PART 1

## Retained direct EU legislation

**Regulations**

1. Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).
2. Regulation (EC) No 66/2010 of the European Parliament and of the Council on the EU Ecolabel.
3. Commission Regulation (EU) No 782/2013 amending Annex III to Regulation (EU) No 66/2010 of the European Parliament and of the Council on the EU Ecolabel.
4. Commission Regulation (EU) 2017/1505 amending Annexes I, II and III to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).
5. Commission Regulation (EU) 2017/1941 amending Annex II to Regulation (EC) No 66/2010 of the European Parliament and of the Council on the EU Ecolabel.

**Decisions**

6. Decision No 2179/98/EC of the European Parliament and of the Council on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability'.
7. Commission Decision 2010/709/EU establishing the European Union Ecolabelling Board.
8. Commission Decision 2011/330/EU on establishing the ecological criteria for the award of the EU Ecolabel for notebook computers.
9. Commission Decision 2011/333/EU on establishing the ecological criteria for the award of the EU Ecolabel for copying and graphic paper.
10. Commission Decision 2011/337/EU on establishing the ecological criteria for the award of the EU Ecolabel for personal computers.
11. Commission Decision 2011/381/EU on establishing the ecological criteria for the award of the EU Ecolabel to lubricants.
12. Commission Decision 2011/740/EU amending Decisions 2006/799/EC, 2007/64/EC, 2007/506/EC, 2007/742/EC, 2009/543/EC and 2009/544/EC in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products.
13. Commission Decision 2011/832/EU concerning a guide on EU corporate registration, third country and global registration under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).
14. Commission Decision 2012/448/EU establishing the ecological criteria for the award of the EU Ecolabel for newsprint paper.

15. Commission [Decision 2012/481/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for printed paper.

16. Commission [Decision 2013/131/EU](#) establishing the user's guide setting out the steps needed to participate in EMAS, under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

17. Commission [Decision 2013/135/EU](#) amending Decisions [2007/506/EC](#) and [2007/742/EC](#) in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products.

18. Commission [Decision 2013/250/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for sanitary tapware.

19. Commission [Decision 2013/295/EU](#) amending Decisions [2006/799/EC](#), [2007/64/EC](#), [2009/300/EC](#), [2009/543/EC](#), [2009/544/EC](#), [2009/563/EC](#), [2009/564/EC](#), [2009/567/EC](#), [2009/568/EC](#), [2009/578/EC](#), [2009/598/EC](#), [2009/607/EC](#), [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.

20. Commission [Decision 2013/641/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for flushing toilets and urinals.

21. Commission [Decision 2013/806/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for imaging equipment.

22. Decision No 1386/2013/EU of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet'.

23. Commission [Decision 2014/256/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for converted paper products.

24. Commission [Decision 2014/312/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes.

25. Commission [Decision 2014/314/EU](#) establishing the criteria for the award of the EU Ecolabel for water-based heaters.

26. Commission [Decision 2014/336/EU](#) amending Decisions [2006/799/EC](#), [2007/64/EC](#), [2009/300/EC](#), [2009/894/EC](#), [2011/330/EU](#), [2011/331/EU](#) and [2011/337/EU](#) in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products.

27. Commission [Decision 2014/345/EU](#) amending [Decision 2012/481/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for printed paper.

28. Commission [Decision 2014/350/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for textile products.

29. Commission [Decision 2014/391/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for bed mattresses.

30. Commission [Decision 2014/763/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for absorbent hygiene products.

31. Commission [Decision 2014/893/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for rinse-off cosmetic products.

32. Commission Decision (EU) 2015/801 on reference document on best environmental management practice, sector environmental performance indicators and benchmarks of excellence for the retail trade sector under Regulation (EC) No 1221/2009 of the European Parliament and of

the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

**33.** Commission Decision (EU) 2015/877 amending Decisions [2009/568/EC](#), [2011/333/EU](#), [2011/381/EU](#), [2012/448/EU](#) and [2012/481/EU](#) in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products.

**34.** Commission Decision (EU) 2015/886 amending [Decision 2014/312/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes.

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

**36.** Commission Decision (EU) 2016/397 amending [Decision 2014/312/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes.

**37.** Commission Decision (EU) 2016/611 on the reference document on best environmental management practice, sector environmental performance indicators and benchmarks of excellence for the tourism sector under Regulation (EC) No [1221/2009](#) on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

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

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

**40.** Commission Decision (EU) 2017/175 on establishing EU Ecolabel criteria for tourist accommodation.

**41.** Commission Decision (EU) 2017/176 on establishing EU Ecolabel criteria for wood-, cork- and bamboo-based floor coverings.

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

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

**44.** Commission Decision (EU) 2017/1216 establishing the EU Ecolabel criteria for dishwasher detergents.

**45.** Commission Decision (EU) 2017/1217 establishing the EU Ecolabel criteria for hard surface cleaning products.

**46.** Commission Decision (EU) 2017/1218 establishing the EU Ecolabel criteria for laundry detergents.

**47.** Commission Decision (EU) 2017/1219 establishing the EU Ecolabel criteria for industrial and institutional laundry detergents.

**48.** Commission Decision (EU) 2017/1392 amending [Decision 2014/350/EU](#) establishing the ecological criteria for the award of the EU Ecolabel for textile products.

**49.** 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 Regulation (EC) No [1221/2009](#) of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

**50.** 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.

**51.** 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.

**52.** Commission Decision (EU) 2017/2285 of 6 December 2017 amending the user's guide setting out the steps needed to participate in EMAS, under Regulation [\(EC\) No 1221/2009](#) of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

**53.** Commission Implementing Decision (EU) 2017/2286 on the recognition of the requirements of the Eco-Lighthouse environmental management system as complying with the corresponding requirements of the eco-management and audit scheme (EMAS) in accordance with Article 45 of Regulation [\(EC\) No 1221/2009](#) of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

**54.** 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 Eco-label to televisions.

**55.** 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.

**56.** Commission Decision (EU) 2018/680 establishing EU Ecolabel criteria for indoor cleaning services.

**57.** Commission Decision (EU) 2018/813 on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the agriculture sector under Regulation [\(EC\) No 1221/2009](#) of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

**58.** Commission Decision (EU) 2018/993 amending Decisions (EU) 2017/1214, (EU) 2017/1215, (EU) 2017/1216, (EU) 2017/1218 and (EU) 2017/1219 as regards the duration of the transitional period.

## PART 2

### Subordinate legislation (England)

**59.** The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2013**(45)**.

**60.** The Pollution Prevention and Control (Designation of Energy Efficiency Directive) (England and Wales) Order 2015**(46)**.

**61.** The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2015**(47)**.

**62.** The Pollution Prevention and Control (Designation) (England and Wales) Order 2016**(48)**.

**63.** The Pollution Prevention and Control (Designation of Waste Directive) (England and Wales) Order 2016**(49)**.

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**(45)** [S.I. 2013/123](#).

**(46)** [S.I. 2015/816](#).

**(47)** [S.I. 2015/1352](#).

**(48)** [S.I. 2016/150](#).

**(49)** [S.I. 2016/398](#).

**64.** The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2017(**50**).

## PART 3

### Subordinate legislation (offshore)

**65.** The Pollution Prevention and Control (Designation of the Industrial Emissions Directive) (Offshore) Order 2013(**51**).

**66.** The Pollution Prevention and Control (Designation of the Medium Combustion Plant Directive) (Offshore) Order 2018(**52**).

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## EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 makes amendments to primary legislation concerning the environment.

Part 3 makes amendments to subordinate legislation concerning the environment.

Part 4 makes saving provisions in respect of amendments made to the Environment Act 1995 (c. 25) in Part 2.

Part 5 and the Schedule contain revocations. Part 1 of the Schedule revokes certain retained direct EU legislation concerning the environment. Parts 2 and 3 of the Schedule revoke subordinate legislation in consequence of amendments made to the Pollution Prevention and Control Act 1999 (c. 24) in Part 2 of the Regulations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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(50) S.I. 2017/1248.

(51) S.I. 2013/669.

(52) S.I. 2018/487.