

**2008 No. 301**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) Order 2008**

*Made* - - - - *12th February 2008*

*Laid before Parliament* *19th February 2008*

*Coming into force* - - *15th March 2008*

At the Court at Buckingham Palace, the 12th day of February 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(a)</sup>, is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the European Communities (Designation) Order 2008 and comes into force on 15th March 2008.

(2) In this Order—

“designate” means designate for the purposes of section 2(2), and similar expressions are to be construed accordingly;

“section 2(2)” means section 2(2) of the European Communities Act 1972; and

“subordinate legislation” means orders, rules, regulations or schemes made under section 2(2).

**Designation in relation to the environment**

2. Each of the following is designated in relation to the environment—

(a) the Secretary of State; and

(b) any Northern Ireland department.

**Designation in relation to cat and dog fur**

3. The Secretary of State is designated in relation to the placing on the market of cat and dog fur and of products containing such fur.

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(a) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51). See also section 2(5) of the European Communities Act 1972 and section 95(5) of, and paragraphs 10 and 11 of Schedule 12 to, the Northern Ireland Act 1998 (c.47).

### **Relationship with other designations**

4.—(1) This Order (except for Article 6) does not restrict the scope of any designation made by any other Order.

(2) Where—

- (a) a Minister or department is designated by this Order, and
- (b) any other Minister or department is designated in relation to the same matter by this or any other Order,

they may make subordinate legislation in relation to that matter jointly.

(3) In paragraph (2), “Minister or department” means—

- (a) a Minister of the Crown or government department, including a Northern Ireland Minister or Northern Ireland department, or
- (b) the Welsh Ministers<sup>(a)</sup>.

### **Restrictions**

5.—(1) Article 2(b) only designates Northern Ireland departments to make subordinate legislation that forms part of the law of Northern Ireland.

(2) Paragraph (1) does not apply where the subordinate legislation is made jointly with a Minister of the Crown or government department other than a Northern Ireland Minister or Northern Ireland department.

### **Revocation of existing designations**

6.—(1) The designations described in the Schedule are revoked.

(2) The following Orders are revoked—

- (a) the European Communities (Designation) Order 1984<sup>(b)</sup>;
- (b) the European Communities (Designation) (No.2) Order 1985<sup>(c)</sup>; and
- (c) the European Communities (Designation) (No.2) Order 1988<sup>(d)</sup>.

*Judith Simpson*  
Clerk of the Privy Council

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(a) See section 45(2) of the Government of Wales Act 2006 (c.32) (“the 2006 Act”). The Welsh Ministers may be designated for the purposes of section 2(2) by virtue of section 59(1) of the 2006 Act. Any functions exercisable by the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) by reason of previous designations were transferred to the Welsh Ministers, by virtue of sections 161(4) and (5) and 162 of, and paragraph 30(1) and (2)(b) of Schedule 11 to, the 2006 Act, on the first appointment of a First Minister under the 2006 Act.

(b) S.I. 1984/353, amended by article 5 of S.I. 2001/3495.

(c) S.I. 1985/956.

(d) S.I. 1988/2240, amended by article 9 of S.I. 1992/1315, article 3(1)(c) of S.I. 1993/2661 and article 4 of S.I. 2002/2840.

## SCHEDULE

Article 6(1)

### Revocations

<i>(1)</i> Order	<i>(2)</i> Minister or Department designated	<i>(3)</i> Subject matter of designation
The European Communities (Designation) (No.2) Order 1982 <b>(a)</b>	The Secretary of State  Any Northern Ireland department	The regulation and control of the quality of water supplied by persons other than statutory water undertakers.
The European Communities (Designation) Order 1988 <b>(b)</b>	The Minister of Agriculture, Fisheries and Food  Any one or more Secretaries of State  Any Northern Ireland department	Measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment.
	The Secretary of State  Any Northern Ireland department	The regulation and control of the use of sewage sludge in agriculture.
	The Secretary of State  Any Northern Ireland department	The control of air pollution.
The European Communities (Designation) (No.2) Order 1992 <b>(c)</b>	The Secretary of State  Any Northern Ireland department	Measures relating to the collection, treatment and discharge of urban waste water, and the treatment and discharge of waste water from certain industrial sectors.
The European Communities (Designation) (No.4) Order 1992 <b>(d)</b>	The Secretary of State  Any Northern Ireland department	Measures relating to the conservation of natural habitats and of wild fauna and flora.
The European Communities (Designation) Order 1993 <b>(e)</b>	The Secretary of State	Measures relating to the limitation of aircraft noise.

(a) S.I. 1982/847.

(b) S.I. 1988/785, to which there are amendments not relevant to this Order. The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2 of S.I. 2002/794.

(c) S.I. 1992/1711, to which there are amendments not relevant to this Order.

(d) S.I. 1992/2870, to which there are amendments not relevant to this Order.

(e) S.I. 1993/595, to which there are amendments not relevant to this Order.

The European Communities (Designation) (No.3) Order 1993(a)	The Secretary of State Any Northern Ireland department	Measures relating to the regulation and control of the transit, import and export of waste (including recyclable materials).
The European Communities (Designation) Order 1994(b)	The Minister of Agriculture, Fisheries and Food	Measures relating to the conservation of natural habitats and of wild fauna and flora.
The European Communities (Designation) Order 1995(c)	The Secretary of State Any Northern Ireland department	Measures relating to the protection of the ozone layer and measures relating to substances that deplete the ozone layer.
The European Communities (Designation) Order 1998(d)	The Secretary of State	Measures relating to the reduction of emissions of pollutants from internal combustion engines.
The European Communities (Designation) (No.3) Order 1998(e)	The Secretary of State Any Northern Ireland department	Measures relating to the quality of water intended for domestic purposes or for use in a food production undertaking.
The European Communities (Designation) (No.3) Order 2003(f)	Any Northern Ireland department	Waste electrical and electronic equipment.
The European Communities (Designation) (No.4) Order 2003(g)	The Secretary of State	Measures relating to water resources.
	Any Northern Ireland department	Measures relating to water resources in Northern Ireland. "Northern Ireland" has the meaning given by section 98 of the Northern Ireland Act 1998(h).
	The Secretary of State	Measures in relation to freedom of access to, and dissemination of, information on the environment held by or for public authorities or other bodies.
The European Communities (Designation) Order 2004(i)	The Secretary of State Any Northern Ireland department	The assessment of the effects of plans and programmes on the environment.

(a) S.I. 1993/2661, to which there are amendments not relevant to this Order.

(b) S.I. 1994/757. The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2 of S.I. 2002/794.

(c) S.I. 1995/262.

(d) S.I. 1998/745.

(e) S.I. 1998/2793.

(f) S.I. 2003/1888.

(g) S.I. 2003/2901, to which there are amendments not relevant to this Order.

(h) 1998 c.47.

(i) S.I. 2004/706, to which there are amendments not relevant to this Order.

The European Communities (Designation) (No.4) Order 2004 <b>(a)</b>	The Secretary of State Any Northern Ireland department	Greenhouse gas emission allowance trading.
The European Communities (Designation) (No.7) Order 2004 <b>(b)</b>	The Secretary of State Any Northern Ireland department	The energy performance of buildings.
The European Communities (Designation) Order 2007 <b>(c)</b>	The Secretary of State Any Northern Ireland department	The prevention and remedying of land contamination.

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**(a)** S.I. 2004/1984.

**(b)** S.I. 2004/3328, to which there are amendments not relevant to this Order.

**(c)** S.I. 2007/193.

## **EXPLANATORY NOTE**

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

This Order, which comes into force on 15th March 2008, designates the Secretary of State and any Northern Ireland department so that they may each exercise the powers conferred by section 2(2) of the European Communities Act 1972 in relation to the environment. Several existing designations which designate the Secretary of State and any Northern Ireland department in relation to environmental matters are revoked as they are now superseded.

This Order also designates the Secretary of State in relation to the placing on the market of cat and dog fur and of products containing such fur.

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STATUTORY INSTRUMENTS

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