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STATUTORY INSTRUMENTS

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**2010 No. 761**

**EUROPEAN UNION**

**The European Communities (Designation) Order 2010**

*Made - - - - -*

*17th March 2010*

*Laid before Parliament*

*18th March 2010*

*Coming into force in accordance with Article 2*

At the Court at Buckingham Palace, the 17th day of March 2010

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>(1)</sup>, is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the European Communities (Designation) Order 2010.
- (2) In this Order—
  - “designated” means designated 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;
  - “subordinate legislation” means orders, rules, regulations or schemes made under section 2(2).

**Commencement**

- 2.—(1) Articles 1, 2, 3, 8 and 10 of this Order come into force on 18th March 2010.
- (2) Articles 4, 5, 6, 7, 9 and 11 come into force on 8th April 2010.

**Designation in relation to mutual assistance for the recovery of claims**

3. The Treasury is designated in relation to mutual assistance between states for the recovery of—
  - (a) claims relating to levies, duties, taxes, social security contributions and to financing of the Common Agricultural policy, and

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(1) [1972 c.68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) and by the Schedule to the European Union (Amendment) Act [2008 \(c.7\)](#).

- (b) interest, fines, costs and penalties related to such claims.

#### **Designation in relation to changes in terminology or numbering arising out of the Treaty of Lisbon**

**4.** Each Northern Ireland department is designated in relation to changes in terminology or numbering arising out of the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007.

#### **Designation in relation to defence-related products**

**5.** The Secretary of State is designated in relation to defence-related products.

#### **Designations in relation to energy and energy sources**

**6.** The Secretary of State is designated in relation to energy and energy sources.

**7.** Each Northern Ireland department is designated in relation to energy and energy sources, except nuclear energy and nuclear energy sources.

#### **Relationship with other designations**

**8.—(1)** This Order (except for Articles 10 and 11) does not restrict the scope of any designation made by any other Order.

**(2) Where—**

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

any of them may make subordinate legislation in relation to that matter jointly.

#### **Restrictions**

**9.—(1)** Articles 4 and 7 only designate a Northern Ireland department to make subordinate legislation that forms part of the law of Northern Ireland, subject to paragraph (2).

**(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.

#### **Revocations**

**10.** The European Communities (Designation) (No. 3) Order 2008<sup>(2)</sup> is revoked.

**11.** The following designations are revoked—

- (a) the designation of the Secretary of State and any Minister or department of the Government of Northern Ireland in relation to the maintenance of stocks of crude oil and petroleum products and the collection of information concerning such stocks contained in the Schedule to the European Communities (Designation) Order 1973<sup>(3)</sup>;
- (b) the designation of the Secretary of State and any Northern Ireland department in relation to measures relating to the transit of natural gas between high pressure transmission grids

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(2) S.I. 2008/2564.

(3) S.I. 1973/1889.

contained in the Schedule to the European Communities (Designation) (No. 3) Order 1991(4);

- (c) the designation of the Secretary of State and any Northern Ireland department in relation to measures relating to the regulation of the electricity sector contained in the Schedule to the European Communities (Designation) Order 1998(5);
- (d) the designation of the Secretary of State and any Northern Ireland department in relation to measures relating to natural gas and oil contained in the Schedule to the European Communities (Designation) Order 2000(6); and
- (e) the designation of the Secretary of State and any Northern Ireland department in relation to the generation of combined heat and power contained in Schedules 1 and 2 to the European Communities (Designation) (No. 3) Order 2005(7).

*Judith Simpson*  
Clerk of the Privy Council

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(4) S.I. 1991/2289.

(5) S.I. 1998/745.

(6) S.I. 2000/738.

(7) S.I. 2005/2766.

## EXPLANATORY NOTE

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

This Order designates the Secretary of State so that the Secretary of State may exercise the powers conferred by section 2(2) of the [European Communities Act 1972 \(c.68\)](#) in relation to defence-related products and energy and energy sources. It also designates the Treasury so that it may exercise the powers conferred by section 2(2) in relation to mutual assistance for the recovery of claims. Further, it designates Northern Ireland departments so that they may exercise the powers conferred by section 2(2) in relation to energy and energy sources, except nuclear energy and nuclear energy sources, and changes to terminology or numbering arising out of the Treaty of Lisbon. Designations which have been superceded by those in this Order are revoked.