2018 No. 942

AGRICULTURE
LIVESTOCK INDUSTRIES
ANIMALS, ENGLAND
ANIMAL HEALTH
ENVIRONMENTAL PROTECTION
FOOD
FORESTRY, ENGLAND AND WALES
FREEDOM OF INFORMATION, ENGLAND AND WALES
FREEDOM OF INFORMATION, NORTHERN IRELAND
HEALTH AND SAFETY, ENGLAND AND WALES
MARINE MANAGEMENT
PESTICIDES
PLANT BREEDERS’ RIGHTS
SEA FISHERIES
CONSERVATION OF SEA FISH
SEA FISH INDUSTRY
WASTE
WATER, ENGLAND AND WALES
WATER INDUSTRY, ENGLAND AND WALES
WATER RESOURCES, ENGLAND
WATER RESOURCES, SCOTLAND
The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018

Made - - - - 20th August 2018
Laid before Parliament 23rd August 2018
Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by—
(a) section 2(2) of the European Communities Act 1972 (“the 1972 Act”)(1);
(b) so far as relating to regulations 14, 19, 20(2)(c), 23(3)(b), 39(a) and 54(2), paragraph 1A of Schedule 2 to the 1972 Act(2);
(c) so far as relating to regulation 35, sections 33A and 219(2)(f) of the Water Resources Act 1991(3).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the 1972 Act in relation to—
(a) batteries and accumulators(4);
(b) the common agricultural policy(5);
(c) the environment(6);
(d) materials providing or intended to provide nutrients for plants(7);
(e) measures in the veterinary and phytosanitary fields for the protection of public health(8);
(f) measures relating to biocides(9);
(g) measures relating to Community plant variety rights(10);

(1) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794. Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales.

(2) Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by the European Union (Amendment) Act 2008, the Schedule, Part 1 and S.I. 2007/1388. It is prospectively repealed by the European Union (Withdrawal) Act 2018, section 1 from exit day (see section 20 of that Act).

(3) 1991 c. 57; section 33A was inserted by the Water Act 2003 (c. 37), section 9. See section 221(1) for the definition of “the Ministers”.

(4) S.I. 2007/3471.
(5) S.I. 1972/1811, to which there are amendments not relevant to these Regulations. The designation in relation to the common agricultural policy extends to the common fisheries policy: under Article 38(1) of the Treaty on the Functioning of the European Union, the EU’s common agricultural policy includes its common fisheries policy (OJ No L 133, 29.5.2015, p 1).

(6) S.I. 2008/301.
(7) S.I. 2001/3919, to which there is an amendment not relevant to these Regulations.
(8) S.I. 1999/2027.
(9) S.I. 1999/2788, to which there are amendments not relevant to these Regulations.
(10) S.I. 1995/751, to which there is an amendment not relevant to these Regulations.
(h) measures relating to food (including drink) including the primary production of food\(^{(11)}\);
(i) measures relating to the description of, and other requirements relating to, spirit
drinks\(^{(12)}\);
(j) measures relating to the prevention, reduction and elimination of pollution caused by
waste\(^{(13)}\);
(k) measures relating to the recovery of payment of amounts, not being customs duties or
refunds of such duties, payable on the import or export of agricultural products or goods
resulting from the processing of agricultural products, including conditions attached to
and relief allowed in respect of such payments\(^{(14)}\);
(l) the prevention and recovery of waste electrical and electronic equipment\(^{(15)}\);
(m) the prevention of waste from vehicles and forms of recovery of end of life vehicles and
their components\(^{(16)}\);
(n) the restriction of the use of hazardous substances in electrical and electronic
equipment\(^{(17)}\).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it
appears to the Secretary of State that it is expedient for references to the following EU instruments
to be construed as references to those instruments as amended from time to time—

classification, labelling and packaging of substances and mixtures\(^{(18)}\);
(b) Regulation (EU) No 251/2014 of the European Parliament and of the Council on
the definition, description, presentation, labelling and the protection of geographical
indications of aromatised wine products\(^{(19)}\);
(c) Commission Delegated Regulation (EU) 2017/670 supplementing Regulation (EU) No
251/2014 of the European Parliament and of the Council as regards the authorised
production processes for obtaining aromatised wine products\(^{(20)}\);
(d) Commission Regulation (EU) No 1190/2012 concerning a Union target for the reduction
of Salmonella Enteritidis and Salmonella Typhimurium in flocks of turkeys, as provided

There has been consultation, as required by Article 9 of Regulation (EC) No 178/2002 of
the European Parliament and of the Council laying down the general principles and requirements of food
law, establishing the European Food Safety Authority and laying down procedures in matters of food
safety\(^{(22)}\), during the preparation and evaluation of these Regulations so far as they relate to food.

\(^{(11)}\) S.I. 2003/2901, to which there are amendments not relevant to these Regulations.
\(^{(12)}\) S.I. 1989/1327, to which there are amendments not relevant to these Regulations.
\(^{(13)}\) S.I. 1992/2870, to which there are amendments not relevant to these Regulations.
\(^{(14)}\) S.I. 1976/897, to which there are amendments not relevant to these Regulations.
\(^{(15)}\) S.I. 2004/706, to which there are amendments not relevant to these Regulations.
\(^{(16)}\) S.I. 2004/706.
\(^{(17)}\) S.I. 2001/3495, to which there are amendments not relevant to these Regulations.
\(^{(20)}\) OJ No L 97, 8.4.2017, p 5.
PART 1

Introduction

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018.

(2) They come into force on 17th September 2018 except for the following regulations which come into force on 10th November 2018—

(a) regulation 5(b);
(b) regulation 7(2);
(c) regulation 18;
(d) regulation 20(2)(d);
(e) regulations 33(b)(i) and 34(a).

(3) Subject to paragraphs (4) to (6), a provision that amends an enactment has the same extent and application as the enactment, or provision or part of the enactment, that it amends.

(4) Regulation 3 does not extend to Scotland.

(5) Regulation 10 does not apply insofar as the Welsh Ministers may make similar provision by virtue of section 58B of the Government of Wales Act 2006, read with sections 107 and 108A of, and paragraph 171 of Part 2 of Schedule 7A to, that Act (23).

(6) The following regulations do not apply in relation to Wales—

(a) regulation 19;
(b) regulation 30;
(c) regulation 32;
(d) regulation 35;
(e) regulation 44.

(23) 2006 c. 32; section 58B was inserted by the Wales Act 2017 (c. 4), section 20(1). It is prospectively repealed by the European Union (Withdrawal) Act 2018, Schedule 3, paragraphs 27 and 34 from a date to be appointed. Section 107 was amended by the Wales Act 2017, section 2. Section 108A was substituted, for section 108 as originally enacted, by the Wales Act 2017, section 3(1), and is prospectively amended by the European Union (Withdrawal) Act 2018, section 12(3) from a date to be appointed. Schedule 7A was substituted, together with Schedule 7B, for Schedule 7 as originally enacted, by the Wales Act 2017, Schedule 1. Section 58B allows the Welsh Ministers to make secondary legislation using powers in section 2(2) of the European Communities Act 1972 as if they were a Minister of the Crown or government department designated by Order in Council under that provision, provided such legislation would otherwise be within the legislative competence of the National Assembly for Wales. Sections 107 and 108A of the Government of Wales Act 2006, together with paragraph 171 of Part 2 of Schedule 7A to that Act, allow the National Assembly for Wales to make laws in relation to public access to information held by the Assembly, the Assembly Commission, the Welsh Government or any Welsh Public Authority, unless supplied by a Minister of the Crown or government department and held in confidence. “Welsh Public Authority” has the meaning given by section 83 of the Freedom of Information Act 2000 (c. 36), but does not include a reserved authority within the meaning of paragraph 8 of Schedule 7B to the Government of Wales Act 2006.
PART 2
Amendments of legislation concerning the environment
CHAPTER 1
Amendments of primary legislation

The Environmental Protection Act 1990

2. In section 62A(1)(b) of the Environmental Protection Act 1990(24), at the end insert “, as last amended by Council Regulation (EU) 2017/997(25)”.

The Environment Act 1995


The Pollution Prevention and Control Act 1999

4.—(1) The Pollution Prevention and Control Act 1999(27) is amended as follows.

(2) In section 1—

(a) for subsection (1)(a) substitute—


(3) In Schedule 1, in paragraph 20(2)—

(a) omit paragraphs (a) and (b) (together with the final “and”);

(b) in paragraph (c) omit “other”.

The Natural Environment and Rural Communities Act 2006

5. In section 43(3) of the Natural Environment and Rural Communities Act 2006(30)—

(a) in paragraph (c), at the end insert “, as last corrected by a corrigendum (OJ No L 280, 28.10.2017, p 57)”;

(b) in paragraph (d), at the end insert “, as last amended by Commission Regulation (EU) 2018/605(31)”.

(24) 1990 c. 43; section 62A was inserted by S.I. 2005/894 and subsection (1)(b) was amended by S.I. 2015/1360.
(26) 1995 c. 25; section 41(1)(c) was substituted in relation to England by S.I. 2005/894 and in relation to Wales by S.I. 2005/1806 (W. 138), and was amended by S.I. 2011/988, 2013/755 (W. 90).
(27) 1999 c. 24; section 1 was amended by the Regulatory Reform (Scotland) Act 2014 (asp 3), Schedule 3, Part 1, paragraph 7. Schedule 1, paragraph 20 was amended by S.I. 2011/1043.
(30) 2006 c. 16; section 43(3) was amended by S.I. 2013/1506, 2017/304.
The Marine and Coastal Access Act 2009


CHAPTER 2

Amendments of secondary legislation

The Control of Pesticides Regulations 1986

7.—(1) The Control of Pesticides Regulations 1986(33) are amended as follows.


(3) In regulation 8(6), for “the Environmental Information Regulations 1992(34)” substitute “the Environmental Information Regulations 2004(35)”.

The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

8.—(1) The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999(36) are amended as follows.

(2) In regulation 2(1) omit the definition of “EEA State”.

(3) In regulation 3(3), in the words before sub-paragraph (a)—

(a) omit “paragraphs (4) and (5) (in relation to England) and”;

(b) for “likely to have, or not to have,” substitute “not likely to have”.

(4) In regulation 3B—

(a) after paragraph (6) insert—

“(6A) Where a proposer applies for a grant from the appropriate forestry body or from the National Forest Company for the purposes of a proposed project of the kind described in paragraph (1)—

(a) the proposer is not required to send prior full notification to the appropriate forestry body in respect of the project to which the grant relates, and

(b) where the appropriate forestry body or the National Forest Company offers a grant to the proposer, the proposer may conclude that the project to which the grant relates is to be treated as being unlikely to have significant effects on the environment.”;

(b) in paragraph (7)(g), for “and repealing Council Regulation (EC) No 1698/2005” substitute “, as last amended by Commission Delegated Regulation (EU) 2018/162(37)”.

(5) In regulation 6, after paragraph (1A) insert—

“(1B) Where a proposer applies for a grant from the appropriate forestry body or the National Forest Company for the purposes of the project and the application is accompanied by the information referred to in regulation 5(2), the appropriate forestry body may treat that

(32) 2009 c. 23; section 75(5) was inserted by S.I. 2011/405 and amended by S.I. 2016/738.
(33) S.I. 1986/1510; relevant amending instruments are S.I. 1997/188, 2011/2131.
(35) S.I. 2004/3391, to which there are amendments not relevant to these Regulations.
grant application as an application for an opinion under regulation 5 and as an exceptional case for the purposes of paragraph (1A).”.

(6) Schedule 2 is amended in accordance with paragraphs (7) to (10).

(7) In the heading, for “likely” substitute “not likely”.

(8) In paragraph 1A—

(a) in the heading, for “likely” substitute “not likely”;

(b) in sub-paragraph (1)—

(i) after “regulation 3(3),” insert “and subject to regulations 6(3) and 7(6),”;

(ii) for “likely to have, or not to have,” substitute “not likely to have”;

(c) in the table after sub-paragraph (2), omit rows 2, 3, 7, 8, 10, 11, 13, 14, 16, 17 and 19.

(9) In the heading of paragraph 2, for “likely” substitute “not likely”.

(10) For paragraph 2(1) substitute—

“(1) For the purposes of regulation 3(3), and subject to regulations 6(3) and 7(6), a project in Wales of a type specified in an entry in Column 1 in the Table that is below the threshold (if any) specified in Column 2 or 3 of the Table, whichever is appropriate to the land covered, or proposed to be covered, by that project is to be treated as being not likely to have a significant effect on the environment.”.

The End-of-Life Vehicles Regulations 2003

9.—(1) The End-of-Life Vehicles Regulations 2003(38) are amended as follows.

(2) In regulation 2—

(a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Directive (EU) 2017/2096(39)”;

(b) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.


The Environmental Information Regulations 2004

10. In regulation 18(6) of the Environmental Information Regulations 2004, for the words from “applies to a decision notice” to the end substitute “does not apply”.

The End-of-Life Vehicles (Producer Responsibility) Regulations 2005

11.—(1) The End-of-Life Vehicles (Producer Responsibility) Regulations 2005(42) are amended as follows.

(2) In regulation 2—

(38) S.I. 2003/2635; relevant amending instruments are S.I. 2005/263, 2016/738.
(42) S.I. 2005/263, amended by S.I. 2016/738; there are other amending instruments but none is relevant.
(a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Directive (EU) 2017/2096”;
(b) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.


The Marine Works (Environmental Impact Assessment) Regulations 2007


The Batteries and Accumulators (Placing on the Market) Regulations 2008


The Waste Batteries and Accumulators Regulations 2009


The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009


The Marine Strategy Regulations 2010


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(44) S.I. 2008/2164, amended by S.I. 2012/1139; there are other amending instruments but none is relevant.
(47) S.I. 2009/896, to which there are amendments not relevant to these Regulations.
(49) S.I. 2009/1927, to which there are amendments not relevant to these Regulations.
(52) S.I. 2010/1627, to which there are amendments not relevant to these Regulations.
The Marine Licensing (Exempted Activities) Order 2011


The Plant Protection Products Regulations 2011


The Controlled Waste (England and Wales) Regulations 2012


The Plant Protection Products (Sustainable Use) Regulations 2012

20.—(1) The Plant Protection Products (Sustainable Use) Regulations 2012(57) are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of “Directive 1999/45/EC”;

(b) in the definition of “the Directive”, after “pesticides” insert “, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council(58)”; 

(c) after the definition of “professional user” insert—


(3) In regulation 10—

(a) in paragraph (2)(c)—

(i) after “water policy” insert “, as last amended by Commission Directive 2014/101/EU”;


(54) S.I. 2011/409, amended by S.I. 2016/738; there are other amending instruments but none is relevant.

(55) S.I. 2011/2131, to which there are amendments not relevant to these Regulations.

(56) S.I. 2012/811, to which there are amendments not relevant to these Regulations.

(57) S.I. 2012/1657, to which there are amendments not relevant to these Regulations.


(60) OJ No L 206, 22.7.1992, p 7.
(b) in paragraph (3)—
   (i) for “Directive 1999/45/EC” substitute “ Regulation 1272/2008”;
   (ii) for “as referred to in Article 16(3) of” substitute “listed in Annex 10 to”;
   (c) in paragraph (4)(b), for “Directive 1999/45/EC” substitute “ Regulation 1272/2008”.

(4) In Schedule 1, in paragraph 1(c), for “Directive 1999/45/EC” substitute “ Regulation 1272/2008”.

The Climate Change Agreements (Eligible Facilities) Regulations 2012


The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012

22. In regulation 2 of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(62)—
   (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Delegated Directive (EU) 2017/1011(63)”;
   (b) in the definition of “harmonised standard”—
      (i) for the words from “Annex I” to “services” substitute “Annex 1 to Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation(64)”;
      (ii) for “Article 6 of that Directive” substitute “Article 10 of that Regulation”.

The Waste Electrical and Electronic Equipment Regulations 2013

23.—(1) The Waste Electrical and Electronic Equipment Regulations 2013(65) are amended as follows.

   (2) In regulation 2—
      (a) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”;
      (b) omit the definition of “dangerous substance or mixture”;

   (3) In regulation 24—
      (a) in paragraph (2)(b), for “substances and mixtures” substitute “substance or mixture”;
      (b) after paragraph (3) insert—

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(61) S.I. 2012/2999, amended by S.I. 2016/738; there are other amending instruments but none is relevant.
(62) S.I. 2012/3032, to which there are amendments not relevant to these Regulations.
(65) S.I. 2013/3113; relevant amending instruments are S.I. 2014/1771, 2016/738.
“(4) In paragraph (2)(b), “dangerous substance or mixture” means any substance or mixture which fulfils the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, as amended from time to time—

(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(c) hazard class 4.1;

(d) hazard class 5.1.”.

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


The Landfill Tax (Qualifying Fines) (No. 2) Order 2015


The Packaging (Essential Requirements) Regulations 2015


The Renewables Obligation Order 2015

27. In article 2(1) of the Renewables Obligation Order 2015(71), in paragraph (b) of the definition of “Solid Recovered Fuel”, after “Council on waste” insert “, as last amended by Council Regulation (EU) 2017/997”.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

28. In Schedule 1 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(72), in paragraph 9, for “of 19 November 2008 on waste” substitute “on waste, as last amended by Council Regulation (EU) 2017/997,”.

(68) S.I. 2015/810, amended by S.I. 2018/575; there are other amending instruments but none is relevant.
(69) S.I. 2015/1385.
(70) S.I. 2015/1640.
(71) S.I. 2015/1947, to which there are amendments not relevant to these Regulations.
(72) S.I. 2017/572, to which there are amendments not relevant to these Regulations.
PART 3
Amendments of legislation concerning water

CHAPTER 1
Amendment of primary legislation

The Water Resources Act 1991


CHAPTER 2
Amendments of secondary legislation

The Urban Waste Water Treatment (England and Wales) Regulations 1994

30.—(1) The Urban Waste Water Treatment (England and Wales) Regulations 1994(74) are amended as follows.

(2) In regulation 2(1)—


(b) in the words after the definition of “Wales”, after “used” insert “in these Regulations and”.

(3) In Schedule 1, in Part 1, in sub-paragraph (b), for the words from “the concentration” to “Member States” substitute “50 mg/l of nitrates in 95% of the samples”.

The Water Supply (Water Fittings) Regulations 1999


The Drinking Water (Undertakings) (England and Wales) Regulations 2000


(73) 1991 c. 57; subsections (5) to (7) were substituted, for subsection (5) as originally enacted, by S.I. 2009/3104.
(74) S.I. 1994/2841, amended by S.I. 2013/755 (W. 90); there are other amendments but none is relevant.
(76) S.I. 1999/1148, amended by S.I. 2013/1387; there are other amending instruments but none is relevant.
(78) OJ No L 159, 28.5.2014, p 41.
(79) S.I. 2000/1297, amended by S.I. 2010/996; there are other amending instruments but none is relevant.

33. In Schedule 1 to the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004(81)—

(b) in paragraph 14A(1)—

(i) after “on the market”, in the first place it occurs, insert “, as last amended by Commission Regulation (EU) 2018/605,”;
(ii) at the end, insert “, as last corrected by a corrigendum”.


34. In regulation 23(1) of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(84)—

(a) after “on the market”, in the first place it occurs, insert “, as last amended by Commission Regulation (EU) 2018/605,”;
(b) at the end, insert “, as last corrected by a corrigendum”.

The Water Abstraction and Impounding (Exemptions) Regulations 2017

35.—(1) The Water Abstraction and Impounding (Exemptions) Regulations 2017(85) are amended as follows.  
(2) In regulation 2(1)—

(a) for the definition of “the 2010 Regulations” substitute—

“the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017(86);”;  
(b) in the definition of “conservation site”—

(i) in paragraph (a), for “regulation 10(5) of the 2010 Regulations” substitute “regulation 12(5) of the 2017 Regulations”;
(ii) in paragraph (b), for “regulation 11 of the 2010 Regulations” substitute “regulation 13 of the 2017 Regulations”;
(iii) in paragraph (c), for “regulations 12A and 12B, respectively, of the 2010 Regulations” substitute “regulations 15 and 16, respectively, of the 2017 Regulations”;

(c) in the definition of “protected species”, in paragraph (a), for “regulation 40(1) of, and Schedule 2 to, the 2010 Regulations” substitute “regulation 42(1) of, and Schedule 2 to, the 2017 Regulations”.

(3) In regulation 14(1)(b), for “regulation 99(2) of the 2010 Regulations” substitute “regulation 102(2) of the 2017 Regulations”.

(81) S.I. 2004/99, amended by S.I. 2016/139; there are other amending instruments but none are relevant.  
(84) S.I. 2017/407.  
(85) S.I. 2017/1044.  
(86) S.I. 2017/1012.
PART 4

Amendments of legislation concerning food etc.

The Preserved Sardines (Marketing Standards) Regulations 1990

36.—(1) The Preserved Sardines (Marketing Standards) Regulations 1990(87) are amended as follows.

(2) In regulation 2(1), in the definition of “the Council Regulation”, at the end insert “and trade descriptions for preserved sardines and sardine-type products, as last amended by Commission Regulation (EC) No 1345/2008(88)”.

(3) In the Schedule, after item 7 in the table insert—

“8. Article 7a Requirements relating to the marketing of preserved sardine-type products”

The Scotch Whisky Regulations 2009

37. In regulation 3(2) of the Scotch Whisky Regulations 2009(89), in the definition of “Blended Malt Scotch Whisky”, for the words from “that have been distilled” to the end substitute “distilled at more than one distillery, or a blend of single malt whisky distillates produced in accordance with the requirements of paragraph (1)(a) and (b) and to which paragraph (1)(c) to (i) will subsequently apply”.

The Beef and Veal Labelling Regulations 2010

38.—(1) The Beef and Veal Labelling Regulations 2010(90) are amended as follows.

(2) In regulation 2(1)—

(a) in sub-paragraph (a), at the end insert “, as last amended by Regulation (EU) No 653/2014 of the European Parliament and of the Council(91)”;

(b) in sub-paragraph (c), for the words from “Part I” to “1234/2007” substitute “Part 1 of Annex 7 to, Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products(92)”;

(c) in sub-paragraph (d), at the end insert “, as last amended by Commission Implementing Regulation (EU) 565/2013(93)”.

(3) In regulation 4—

(a) in paragraph (1)—

(i) omit sub-paragraphs (a)(vii) and (viii);

(ii) in sub-paragraph (c), in the words before paragraph (i), for the words from “the Regulation” to “1234/2007” substitute “Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products”;

(87) S.I. 1990/1084, to which there are amendments not relevant to these Regulations.
(89) S.I. 2009/2890.
(90) S.I. 2010/983, amended by S.I. 2013/3235; there is another amending instrument but it is not relevant.
(b) in paragraph (2), for the words from “point IV(2)” to “1234/2007” substitute “point 4(2) of Part 1 of Annex 7 to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products”.

The Wine Regulations 2011

39. In regulation 2(2) of the Wine Regulations 2011(94), in the definition of “the European Regulations”—

(a) for paragraph (a) substitute—


(b) in paragraph (b), for the words from “the Regulation” to “time,” substitute “Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products”.

PART 5

Amendments and revocations of legislation concerning agriculture

The Hops Certification Regulations 1979

40.—(1) The Hops Certification Regulations 1979(95) are amended as follows.

(2) In regulation 1—

(a) for the definition of “the EU provisions” substitute—

“the EU provisions” means—


(c) Commission Regulation (EC) No 1295/2008 on the importation of hops from third countries (“Regulation (EC) 1295/2008”)(97);

(b) in the definition of “hop products”, for “Article 1 of Council Regulation (EEC) No. 1696/71(98)” substitute “Articles 1 and 3(1) of Regulation (EU) No 1308/2013”.

(3) In regulation 3—

(a) in paragraph (1)—

(94) S.I. 2011/2936, amended by S.I. 2013/3235; there are other amending instruments but none is relevant.
(i) in sub-paragraph (c), for the words from “either” to the end substitute “the attestation of equivalence provided for in Article 190 of Regulation (EU) No 1308/2013”;
(ii) in sub-paragraphs (d) and (e), for “Article 5(2) of Council Regulation (EEC) No. 1696/71” substitute “Article 190 of Regulation (EU) No 1308/2013”;
(b) after paragraph (1) insert—
“(1A) Paragraph (1)(c) does not apply insofar as Article 10 of Regulation (EC) 1295/2008 provides otherwise.”.

(4) Omit regulation 4.

(5) In regulation 6A(a), for “Article 8a(3) of Commission Regulation (EEC) No. 890/78(100)” substitute “Article 12(1) of Commission Regulation (EC) No 1850/2006”.

(6) In regulation 7—
(a) in paragraph (1)—
(i) for the words from “article 10(a) of” to “1784/77” substitute “Article 20(1) of Commission Regulation (EC) No 1850/2006 to send to the competent certification authority referred to in Article 21 of that Regulation”;
(ii) for “the said Article 10(a)” substitute “Article 20(1)”;
(b) in paragraph (2), for the words from “by article 10(b)” to “Council Regulation” substitute “to send to the competent certification authority referred to in Article 21 of Commission Regulation (EC) No 1850/2006”.

(7) In regulation 9(2), for the words from “Article 5(2)” to the end substitute “Article 190 of Regulation (EU) No 1308/2013”.

The Bovine Embryo (Collection, Production and Transfer) Regulations 1995

41.—(1) The Bovine Embryo (Collection, Production and Transfer) Regulations 1995(101) are amended as follows.

(2) In regulation 1(a), after “species” insert “, as last amended by Council Directive 2008/73/EC(102)”.

(3) Omit regulation 2(3).

(4) In regulation 10(e)—
(a) omit “deep-frozen”;
(b) at the end insert “, as last amended by Commission Implementing Decision 2011/629/EU(103)”.

(5) In regulation 12(c), after “88/407/EEC” insert “, as last amended by Commission Implementing Decision 2011/629/EU,”.

(6) In regulation 21(5)—
(a) omit sub-paragraph (b);
(b) for sub-paragraph (c) substitute—

“(c) imported into—
   (i) England in accordance with the provisions of the Trade in Animals and Related Products Regulations 2011(104) or any Regulations which they supersede;
   (ii) Wales in accordance with the provisions of the Trade in Animals and Related Products (Wales) Regulations 2011(105) or any Regulations which they supersede;
   (iii) Scotland in accordance with the provisions of the Trade in Animals and Related Products (Scotland) Regulations 2012(106) or any Regulations which they supersede;”.

The Seeds (National Lists of Varieties) Regulations 2001

42.—(1) The Seeds (National Lists of Varieties) Regulations 2001(107) are amended as follows.
(2) In regulation 2(1)—
   (b) in the definition of “the Equivalence Decision”, for “and amending Decision 2003/17/EC” substitute “, as last amended by Council Regulation (EU) 517/2013(109)”;
   (c) in the definition of “the Food and Feed Regulation”, at the end insert “, as last amended by Regulation (EC) No 298/2008 of the European Parliament and of the Council(110)”;
   (d) for the definition of “the Novel Foods Regulation” substitute—
   (e) for the definition of “the Seeds Marketing Directives” substitute—
       “the Seeds Marketing Directives” means—
       (a) the Vegetable Seed Marketing Directive;
       (b) Council Directive 66/401/EEC on the marketing of fodder plant seed(112);
       (c) Council Directive 66/402/EEC on the marketing of cereal seed(113);
       (d) Council Directive 2002/54/EC on the marketing of beet seed(114);
       (e) Council Directive 2002/56/EC on the marketing of seed potatoes(115); and

(104)S.I. 2011/1197, to which there are amendments not relevant to these Regulations.
(105)S.I. 2011/2379 (W. 252), to which there are amendments not relevant to these Regulations.
(106)S.S.I. 2012/177, to which there are amendments not relevant to these Regulations.
(107)S.I. 2001/3510, amended by S.I. 2004/2949, 2011/464; there are other amending instruments but none is relevant.
(108)OJ No L 68, 13.3.2015, p 1.
(110)OJ No L 97, 9.4.2008, p 64.
(f) in the definition of “the Seeds Marketing Regulations”—
   (i) in paragraph (a)(ii), for “the Seed Potatoes (England) Regulations 2006(117)” substitute “the Seed Potatoes (England) Regulations 2015(118)”;
   (ii) for paragraphs (b)(i) to (v) substitute—
      “(i) in relation to beet seed, cereal seed, fodder plant seed, oil and fibre plant seed and vegetable seed, the Seed Marketing (Wales) Regulations 2012(119);”;
   (iii) for paragraphs (d)(i) to (v) substitute—
      “(i) in relation to beet seed, cereal seed, fodder plant seed, oil and fibre plant seed and vegetable seed, the Seed Marketing Regulations (Northern Ireland) 2016(120);”;
   (iv) in paragraph (d)(vi), for “the Seed Potatoes Regulations (Northern Ireland) 2010(121)” substitute “the Seed Potatoes Regulations (Northern Ireland) 2016(122)”;

(g) in the definition of “standard seed”—
   (i) in paragraph (b), for “the Vegetable Seed (Wales) Regulations 2005(123)” substitute “Part 5 of Schedule 2 to the Seed Marketing (Wales) Regulations 2012”;
   (ii) in paragraph (d), for “the Vegetable Seeds Regulations (Northern Ireland) 2009(124)” substitute “Part 5 of Schedule 2 to the Seed Marketing Regulations (Northern Ireland) 2016”;

(h) in the definition of “the Vegetable Seed Marketing Directive”, for “the Food and Feed Regulation” substitute “Commission Implementing Directive (EU) 2016/317(125)”.

(3) In regulation 3(2), in the words after sub-paragraph (b)—
   (a) for “the Vegetable Seed (Wales) Regulations 2005” substitute “Part 5 of Schedule 2 to the Seed Marketing (Wales) Regulations 2012”;
   (b) for “the Vegetable Seeds Regulations (Northern Ireland) 2009” substitute “Part 5 of Schedule 2 to the Seed Marketing Regulations (Northern Ireland) 2016”.

(4) In regulation 5(3)(e), for the words from “or a food ingredient” to “or food ingredient” substitute “within the definition of “novel food” in Article 3(2)(a) of the Novel Foods Regulation, the food”.

(5) In regulations 14(4)(c) and 15(2)(e), for “article 2(1)” substitute “Article 2(2)(b)”.

The Plant Breeders’ Rights (Naming and Fees) Regulations 2006

43. In regulation 3(2) of the Plant Breeders’ Rights (Naming and Fees) Regulations 2006(126)—
   (a) in sub-paragraph (a)—
      (i) omit “of 27 July 1994”;

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(118)S.I. 2015/1953, to which there are amendments not relevant to these Regulations.
(119)S.I. 2012/245 (W. 39), to which there are amendments not relevant to these Regulations.
(120)S.R. 2016 No. 244.
(122)S.R. 2016 No. 190, to which there are amendments not relevant to these Regulations.
(125)OJ No L 60, 5.3.2016, p 72.
(126)S.I. 2006/648, to which there are amendments not relevant to these Regulations.
(ii) for the words from “as last amended” to “29 April 2004;” substitute “, as last amended by Council Regulation (EC) No 15/2008(127),”;

(b) in sub-paragraph (b), for the words from “Commission Regulation (EC) No 930/2000(128)” to the end substitute “Commission Regulation (EC) No 637/2009 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species(129)”.

The EC Fertilisers (England and Wales) Regulations 2006

44. In regulation 2(1) of the EC Fertilisers (England and Wales) Regulations 2006(130), in the definition of “the Community Regulation”, after “fertilisers” insert “, as last amended by Commission Regulation (EU) 2016/1618(131)”.

The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015

45.—(1) The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015(132) are amended as follows.

(2) In regulation 2(1), in the definition of “the Direct Payments Regulation”, at the end insert “, as last amended by Commission Delegated Regulation (EU) 2018/162(133)”.

(3) In regulation 8—

(a) in paragraph (a), at the end insert “, as last amended by Regulation (EU) 2017/2393 of the European Parliament and of the Council(134)”;

(b) in paragraph (b), at the end insert “, as last amended by Commission Delegated Regulation (EU) 2018/162”.

Revocations

46. The following provisions are revoked—

(a) the Butter Subsidy (Protection of Community Arrangements) Regulations 1984(135);

(b) the Agricultural Levies (Export Control) Regulations 1988(136);

(c) the Agricultural Levies (Terms of Payment) Regulations 1990(137);

(d) regulation 3(3) and (6) of the Abolition of the Intervention Board for Agricultural Produce (Consequential Provisions) (Scotland) Regulations 2001(138);

(e) regulation 7(5) and (8) of the Intervention Board for Agricultural Produce (Abolition) Regulations 2001(139).


(135)S.I. 1984/1739, amended by the Criminal Justice Act 1988 (c. 33), sections 51 and 52.


(138)S.I. 2001/390, to which there are amendments not relevant to these Regulations.

(139)S.I. 2001/3686, to which there are amendments not relevant to these Regulations.
PART 6
Amendments of legislation concerning fisheries

The Sea Fish (Specified Manx Waters) Licensing Order 1990

47. In article 2 of the Sea Fish (Specified Manx Waters) Licensing Order 1990(140), in the definition of “length”, for the words from “Article 2(1)” to the end substitute “Article 2(1) of Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels(141)”.

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 1991

48. In article 5 of the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 1991(142)—

(a) in paragraph (1)—
   (i) omit “Subject to paragraph (2) below;”;
   (ii) for the words from “Commission Regulation” to the end substitute “Commission Regulation (EC) No 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets(143)”;

(b) omit paragraph (2).

The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001

49.—(1) The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001(144) is amended as follows.

(2) In article 2(1)—

(a) in the definition of “the Council Regulation” as it extends to England and Wales, for “as last amended by Council Regulation (EC) No 973/2001(145)” substitute “as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council(146)”;

(b) in the definition of “the Council Regulation” as it extends to Northern Ireland, for “of 30th March 1998” to the end substitute “for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council”;

(c) for the definition of “Regulation 2108/84” substitute—

“Regulation 517/2008” means Commission Regulation (EC) No 517/2008 laying down detailed rules for the implementation of the Council Regulation;”.

(3) In article 5—

(a) in the words before paragraph (a), for “Regulation 2108/84” substitute “Regulation 517/2008”;

(b) in paragraph (a), for the words from “Articles 2(1)” to the end substitute “Article 10 of Regulation 517/2008 shall not be used”;

(140)S.I. 1990/2051.
(142)S.I. 1991/1380, amended by S.S.I 2000/227; there are other amending instruments but none is relevant.
(146)OJ No L 133, 29.5.2015, p 1, as corrected by a corrigendum (OJ No L 319, 4.12.2015, p 21).
(c) omit paragraph (b).

The Shrimp Fishing Nets Order 2002
50.—(1) The Shrimp Fishing Nets Order 2002(147) is amended as follows.

(2) In article 2(2), for “Commission Regulation (EEC) No. 2108/84(148)” to the end substitute “Commission Regulation (EC) No 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets”.

(3) In article 3(1)(d)—

(a) omit “of 30 March 1998”;

(b) for the words from “as last amended” to the end substitute “, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council”.

The Prohibition of Fishing with Multiple Trawls Order 2003
51. In article 2(1) of the Prohibition of Fishing with Multiple Trawls Order 2003(149), in the definition of “net”, for the words from “as last amended” to the end substitute “, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council”.

The Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) Scheme 2012
52. In paragraph 2 of the Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) Scheme 2012(150)—

(a) in the definition of “the Control Regulation”, at the end insert “, as last corrected by a corrigendum(151)”;

(b) in the definition of “the Implementing Regulation”, at the end insert “, as last amended by Commission Implementing Regulation (EU) 2015/1962(152)”.

PART 7
Amendment of legislation concerning animal health

The Zoonoses (Monitoring) (England) Regulations 2007

(147) S.I. 2002/2870.
(149) S.I. 2003/1559.
(150) S.I. 2012/1375, to which there are amendments not relevant to these Regulations.
(151) OJ No L 149, 16.6.2015, p 23.
(153) S.I. 2007/2399, to which there is an amendment not relevant to these Regulations.
(155) S.I. 2007/3574, to which there are amendments not relevant to these Regulations.
The Control of Salmonella in Turkey Flocks Order 2009

54.—(1) The Control of Salmonella in Turkey Flocks Order 2009(156) is amended as follows.

(2) For article 2(2)(a) substitute—


(3) In article 3(a), for “Regulation (EC) No 584/2008” substitute “Regulation (EU) No 1190/2012”.

(4) In article 4(1)—

(a) for “Regulation (EC) No 584/2008” substitute “Regulation (EU) No 1190/2012”;

(b) for “point 3.1” substitute “point 2.2.4”.

(5) In article 7, for “Regulation (EC) No 584/2008” substitute “Regulation (EU) No 1190/2012”.

The Transmissible Spongiform Encephalopathies (England) Regulations 2018

55. In Schedule 2 to the Transmissible Spongiform Encephalopathies (England) Regulations 2018(157), in paragraph 9(1), in the words before paragraph (a), after “under” insert “these Regulations”.

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

20th August 2018

(156) S.I. 2009/3271, to which there are amendments not relevant to these Regulations.
(157) S.I. 2018/731.
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to a number of pieces of legislation within the remit of the Department for Environment, Food and Rural Affairs.


Regulation 8 makes a number of amendments to the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (S.I. 1999/2228). Regulation 3 and Schedule 2 are amended to remove ambiguity as to when a forestry project of a certain size and type is to be treated as not likely to have a significant effect on the environment. Regulations 3B and 6 are amended to provide for projects that are grant funded by either the Forestry Commission or the National Forest Company to be treated as exceptional cases for the purposes of regulation 5.

Regulation 10 amends regulation 18(6) of the Environmental Information Regulations 2004 (S.I. 2004/3391) to end the application of section 53 of the Freedom of Information Act 2000 (c. 32) (exception from duty to comply with decision notice or enforcement notice) to those Regulations. This follows the ruling of the Supreme Court in R (on the application of Evans) and another v Attorney General [2015] UKSC 21 that the issuing of any certificate under regulation 18(6) in respect of environmental information is incompatible with Article 6 of Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information (OJ No L 41, 14.2.2003, p 26).


Regulation 37 amends the definition of “Blended Malt Scotch Whisky” in the Scotch Whisky Regulations 2009 (S.I. 2009/2890). The amendments to the Scotch Whisky technical file, which sets out the amended definition, have been notified in draft to the European Commission in accordance with Regulation (EC) 110/2008 of the European Parliament and of the Council on public access to environmental information (OJ No L 39, 13.2.2008, p 16). The amendments to the technical file are made at the time of submission to the Commission. The Commission has a 12 month period following submission to carry out scrutiny of the amendments and confirm that the amended technical file continues to comply with Regulation (EC) 110/2008.


Finally, the Regulations make other miscellaneous minor amendments to legislation in the fields of agriculture, animal health, environmental protection, fertilisers, food, forestry, marine management, pesticides, plant breeders’ rights, sea fisheries, waste and water, in particular amending out of date references to domestic legislation and to EU instruments.

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