
STATUTORY INSTRUMENTS

2019 No. 584

**The Environment (Miscellaneous Amendments)
(Northern Ireland) (EU Exit) Regulations 2019**

PART 2

Amendment of primary legislation

25. In Schedule 1—

(a) for paragraph 3(b) substitute—

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

(i) any retained EU obligations;

(ii) any obligations of the United Kingdom under any international agreement to which the United Kingdom is a party;”;

(b) in paragraph 9B(1), for “the EU ETS Directive” substitute “retained EU obligations”;

(c) in paragraph 9C, for “Regulation EU 2017/852 of the Council on mercury, and repealing Regulation (EC) No 1102/2008” substitute “retained EU obligations”;

(d) in paragraph 20—

(i) in sub-paragraph (1)(b) substitute—

“(b) any provision (not being a provision within any of paragraphs 1 to 19) 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 regulations 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;

(iv) creating any new criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine.”;

(ii) in sub-paragraph (2)—

(aa) omit paragraph (c);

(bb) for paragraph (d) substitute—

“(d) Council Directive [87/217/EEC](#) on the prevention and reduction of environmental pollution by asbestos^{M1}.”;

(cc) after paragraph (d) add—

- “(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 ^{M2};
- (f) Council Directive [1999/31/EC](#) on the landfill of waste ^{M3} as last amended by Directive 2011/97/EU ^{M4};
- (g) Directive [2000/53/EC](#) of the European Parliament and of the Council on end-of life vehicles ^{M5} as last amended by Directive (EU) 2017/2096 ^{M6};
- (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 ^{M7};
- (i) Directive [2001/81/EC](#) of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants ^{M8};
- (j) Directive [2003/35/EC](#) of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage ^{M9};
- (k) Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries ^{M10};
- (l) Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators ^{M11}, as last amended by Directive 2013/56/EU ^{M12};
- (m) Directive [2006/118/EC](#) of the European Parliament and of the Council (on the protection of groundwater against pollution and deterioration) ^{M13};
- (n) Directive [2008/98/EC](#) of the European Parliament and of the Council of waste ^{M14}, as last amended by Regulation (EU) 2017/997 ^{M15};
- (o) Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide ^{M16};
- (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 ^{M17};
- (q) Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) ^{M18};
- (r) Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) ^{M19}, 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 ^{M20};
- (t) Directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation ^{M21};

- (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^{M22};
 - (v) any other directive of the Council of the European Community designated by order for the purposes of this paragraph as in force on exit day.”;
- (iii) after sub-paragraph (2), insert—
- “(2A) In sub-paragraph (1)(b)(iii), “power to legislate” does not include any power to—
- (a) amend or extend a power to legislate conferred other than under this paragraph;
 - (b) give directions as to matters of administration.”.
- (e) In paragraph 26 omit the definition of “the EU ETS Directive”.

Commencement Information

- II** Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

- M1** 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)
- M2** 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)
- M3** OJ No L 182, 16.7.1999, p. 1
- M4** OJ No L 328, 10.12.2011, p. 49
- M5** OJ No L 269, 21.10.2000, p. 34
- M6** OJ No L 299, 16.11.2017, p. 24
- M7** 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)
- M8** 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)
- M9** 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)
- M10** OJ No L 102, 11.4.2006, p. 15, as last amended by Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p. 14)
- M11** OJ No L 266, 26.9.2006, p. 1
- M12** OJ No L 329, 10.12.2013, p. 5
- M13** OJ No L 372, 27.12.2006, p. 19, as last amended by Directive 2014/80/EU (OJ No L 182, 21.6.2014, p. 52)
- M14** OJ No L 312, 22.11.2008, p. 3
- M15** OJ No L 150, 14.6.2017, p. 1
- M16** 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)
- M17** OJ No L 285, 31.10.2009, p. 36
- M18** OJ No L 334, 17.12.2010, p. 17, as corrected by Corrigendum to Council Directive 2010/75/EU (OJ No L 158, 19.6.2012, p. 25)
- M19** OJ No L 197, 24.7.2012, p. 38
- M20** 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)

Changes to legislation: *There are currently no known outstanding effects for the The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019, Section 25. (See end of Document for details)*

M21 OJ No L 13, 17.1.2014, p. 1, as corrected by Corrigendum to Council Directive 2013/59/Euratom (OJ No L 72, 17.3.2016, p. 69)

M22 OJ No L 313, 28.11.2015, p. 1

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019, Section 25.