

Proposed Negative Statutory Instruments with Clear Reports

18 February 2019

pN(5)019 – The Local Government Finance (Amendment) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations make minor consequential amendments to the following legislation in the area of local government finance:

1. The Central Rating List (Wales) Regulations 2005; and
2. The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013.

These Regulations correct deficiencies resulting from the UK's withdrawal from the EU, such as removing references to "EEA States", "European Licences" and "EEA firms" in the amended Regulations.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.



pN(5)022 – The Teachers’ Qualifications (Amendment) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations are made in exercise of the powers conferred on the Welsh Ministers by paragraph 1 of Schedule 2 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. They are also made in exercise of the powers in sections 132 and 135 of the Education Act 2002.

These Regulations make amendments to subordinate legislation relevant to the recognition of teachers’ qualifications in Wales.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

pN(5)023 – The Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations amend four pieces of Welsh legislation relating to waste which implement various European Directives related to waste management to ensure that the waste regime can continue to operate effectively after the UK leaves the EU.

The Regulations do not make any changes to or remove any environmental standards. The modifications are necessary to the text of the domestic legislation, removing or amending references to EU Directives and associated



EU terms to ensure that waste legislation continues to operate as intended after EU exit. The changes do not change the effect of any existing definitions but are made in order that definitions contained in Directives, which will not form part of EU retained law after exit day will work effectively.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

pN(5)024 – The Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations amend the following legislation relating to town and country planning —

The Town and Country Planning (Control of Advertisements) Regulations 1992;

The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005;

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012; and

The Planning (Hazardous Substances) (Wales) Regulations 2015.

The amendments are being made in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.



These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

pN(5)025 – The Air Quality Standards (Wales) (Amendment) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations make amendments to the Air Quality Standards (Wales) Regulations 2010 in order to address failures of retained EU law to operate effectively and other deficiencies in retained EU law arising from the withdrawal of the United Kingdom from the European Union.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

pN(5)026 – The Food Standards and Labelling (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations make amendments to subordinate legislation applying in Wales in the field of food composition and labelling.

These Regulations, other than regulation 6, are to be made in exercise of the



powers conferred on the Welsh Ministers by paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Regulation 6 is made under section 16 of the Food Safety Act 1990 to amend the Honey (Wales) Regulations 2015 to set the method of analysis that food authorities must use to verify compliance with those Regulations' requirements.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

pN(5)027 – The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (“instrument”) amends the existing implementation of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of GMOs (“the Deliberate Release Directive”), which specifies a framework of controls on the release of GMOs. Proposed releases require prior authorisation and this is subject to the GMO in question passing a science-based assessment of its potential impact on human health and the environment. Decisions on whether to approve GMO



trial releases are delegated to Member States and regions within Member States. In the UK GMO trial decisions are devolved. Decisions on the release of GMOs for commercial marketing are taken collectively at EU level. In the specific case of GMO seeds for cultivation, the Directive provides discretionary provisions which allow Member States, or devolved Governments with Member States, to block the cultivation of EU-approved seeds in their territory. The Directive is implemented in Wales by The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002

This instrument also amends our domestic implementation of Regulation (EC) No. 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms, as implemented in Wales by the Genetically Modified Organisms (Transboundary Movements) (Wales) Regulations 2005, which regulates the export of GMOs from the EU to third (non-EU) countries. The key requirement is for the planned first export of a GMO intended for environmental release to be notified to the receiving country to obtain its approval before shipment. The regulation implements requirements of the Cartagena Biosafety Protocol to the United Nations Convention on Biological Diversity (to which the EU and UK are each a Party).

The amendments can be broadly categorised as:

- Removing references to provisions being ‘in accordance with EU legislation’ and other references to EU law or obligations, and instead referring to retained EU law or obligations;
- Copying out definitions within the regulations themselves, instead of referring to definitions that sit within EU Directives, or specifying that references should be to specific ‘versions’ of pieces of EU legislation;
- Updating references to other sets of legislation that will be changed following EU exit or where an update was required anyway due to the reference being to an out of date piece of legislation;



- Changing references from ‘Member State level’ to ‘any law of any part of the UK’; and
- Modifying the provision which requires Welsh Ministers to notify ‘other EU Member States’ about transboundary environmental impacts to reflect Wales’ new status outside of the EU.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

pN(5)028 – The Fisheries and Marine Management (Amendment) (EU Exit) (Wales) Regulations 2019

Procedure: Negative

These Regulations make amendments to the following domestic instruments:

- a. The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006,
- b. The Marine Licencing (Exempted Activities) (Wales) Order 2011; and
- c. The European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016.

The amendments are required to ensure that the statute book remains operable following the UK’s exit from the EU by addressing deficiencies in domestic legislation arising from the UK’s exit from the EU.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018



Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

pN(5)029 – The Marketing of Seeds and Plant Propagating Material (Amendment) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations make amendments to the Seed Marketing Regulations (Wales) 2012 and the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017. They address deficiencies in domestic legislation on the marketing of seeds and fruit plant and propagating material arising from the withdrawal of the United Kingdom from the European Union so that such will continue to be operable after EU exit.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Parent Act: European Union (Withdrawal) Act 2018

Sift Requirements Satisfied: Yes

We agree that the appropriate procedure for these Regulations is the negative resolution procedure.

