
STATUTORY INSTRUMENTS

2018 No. 1399

**The Marine Environment (Amendment)
(EU Exit) Regulations 2018**

PART 4

Amendment of retained direct EU legislation

Amendment of Commission Decision (EU) 2017/848

5.—(1) [Commission Decision \(EU\) 2017/848](#) laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment is amended in accordance with paragraph (2) and regulations 6 to 12.

(2) Except where otherwise indicated in regulations 6 to 12, for references to “Member States” substitute “the Secretary of State, in consultation with the devolved policy authorities”.

Amendment of Article 1

6.—(1) Article 1 is amended as follows.

(2) The first paragraph is renumbered paragraph 1.

(3) In point (b), for “Member States” substitute “the competent authorities”.

(4) In point (c), omit “Union, ”.

(5) After point (d) insert—

“2. Regulation 7(3) of the Marine Strategy Regulations 2010(1) applies for the purposes of any function conferred by this Decision as it applies for the purposes of the adoption or revision of any element of the marine strategy.”.

Amendment of Article 2

7.—(1) Article 2 is amended as follows.

(2) In the heading, at the end insert “and interpretation”.

(3) The first paragraph is renumbered paragraph 1.

(4) In the first paragraph, for “laid down in Article 3 of [Directive 2008/56/EC](#) shall apply” substitute “in regulation 3 (meaning of the “marine strategy area” and “marine waters”) of, and Part 2 of Schedule 1 to, the Marine Strategy Regulations 2010 apply”.

(5) The second paragraph is renumbered paragraph 2.

(6) In the second paragraph, after point (5) insert—

“(6) “regional sea convention” means any of the international conventions or international agreements together with their governing bodies established for the purpose of

protecting the marine environment of the marine regions referred to in Article 4, such as the Convention on the Protection of the Marine Environment of the Baltic Sea, the Convention for the Protection of the Marine Environment of the North-east Atlantic and the Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea.

(7) “regional cooperation” means cooperation and coordination of activities between the United Kingdom and, whenever possible, other countries sharing the same marine region or subregion, for the purpose of developing and implementing marine strategies.

(8) “competent authority” has the meaning given by regulation 2(1) of the Marine Strategy Regulations 2010.

(9) “devolved policy authority” has the meaning given by regulation 2(1) of the Marine Strategy Regulations 2010.”.

(7) After the second paragraph insert—

“3. For the purposes of any reference to [Directive 2008/56/EC](#), or to any Article or Annex of that Directive, that Directive, or the Article or Annex, is to be read subject to the modifications specified in Annex 2 and as if—

- (a) references to “Member State” or “Member States” (except in Articles 20 to 22) included a reference to the United Kingdom; and
- (b) references to “Community legislation” or “existing Community legislation” were, in relation to the United Kingdom, references to retained EU law.”.

Amendment of Article 3

8.—(1) Article 3 is amended as follows.

(2) For “the Annex”, in each place where it occurs, substitute “Annex 1”.

(3) In paragraph 1—

(a) in the first subparagraph—

(i) for “Member States”, in the first place where it occurs, substitute “The competent authorities”;

(ii) for the final sentence substitute—

“In such cases, the Secretary of State shall provide a justification for that opinion in any report provided pursuant to regulation 18(7) of the Marine Strategy Regulations 2010.”;

(b) in the second subparagraph—

(i) for “a Member State” substitute “the Secretary of State”;

(ii) omit “other”.

(4) In paragraph 2, for “each Member State” substitute “the Secretary of State, in consultation with the devolved policy authorities,”.

(5) In paragraph 4—

(a) omit “Union, ”;

(b) for “Member States” substitute “the competent authorities”.

Amendment of Article 4

9.—(1) Article 4 is amended as follows.

(2) In the heading, omit “Union,”.

(3) In paragraph 1—

- (a) in the words before point (a)—
 - (i) for “are” substitute “is”;
 - (ii) omit “Union,”;
- (b) in point (b), for “Union legislation” substitute “retained EU law”.
- (4) In paragraph 2—
 - (a) for “have” substitute “has”;
 - (b) omit “Union,”;
 - (c) for “they” substitute “the Secretary of State, in consultation with the devolved policy authorities,”.
- (5) In paragraph 3—
 - (a) omit “by Member States”;
 - (b) for “that Member State” substitute “the Secretary of State, in consultation with the devolved policy authorities,”;
 - (c) for “Member States”, in the second place where it occurs, substitute “the competent authority”.
- (6) In paragraph 4—
 - (a) omit “by Member States”;
 - (b) for “Article 17(2)(a) of [Directive 2008/56/EC](#)” substitute “regulations 10(2) and 11(4) of the Marine Strategy Regulations 2010”.

Amendment of Article 5

- 10.**—(1) Article 5 is amended as follows.
- (2) In paragraph 1—
 - (a) omit “Union,”;
 - (b) for “Article 17(2)(a) of [Directive 2008/56/EC](#)” substitute “regulations 10(2) and 11(4) of the Marine Strategy Regulations 2010”.
 - (3) In paragraph 2—
 - (a) for “are” substitute “is”;
 - (b) omit “Union,”;
 - (c) omit from “, on the condition that” to the end.

Amendment of Article 6

- 11.**—(1) Article 6 is amended as follows.
- (2) For the words from “Each Member State” to “Article 17(3) of [Directive 2008/56/EC](#)” substitute, “The Secretary of State shall specify, as part of the report made pursuant to regulation 18(7) of the Marine Strategy Regulations 2010”.
 - (3) Omit “Union,”.

Amendment of the Annex and insertion of Annex 2

- 12.**—(1) The Annex is renumbered Annex 1.
- (2) The Annex is amended as follows—

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- (a) in the words before Part 1 of the Annex, for “Member States”, in both places where it occurs, substitute “the Secretary of State”;
 - (b) Part 1 of the Annex is amended as set out in Schedule 2;
 - (c) Part 2 of the Annex is amended as set out in Schedule 3.
- (3) After the Annex insert Annex 2, as set out in Schedule 4.