
STATUTORY INSTRUMENTS

2019 No. 473

The Environment and Wildlife (Legislative
Functions) (EU Exit) Regulations 2019

PART 2

Amendments to retained direct EU legislation on the environment

Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register

4.—(1) Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register is amended as follows.

(2) In Article 8(3)—

(a) in the first subparagraph—

(i) for “Commission” substitute “appropriate authority”;

(ii) for “measures to initiate” substitute “the appropriate authority may, by regulations, make provision for the purpose of this Regulation regarding”;

(iii) omit “shall be taken”;

(b) omit the second subparagraph.

(3) In Article 9(4)—

(a) in the first sentence—

(i) for “Commission may adopt guidelines for” substitute “appropriate authority may, by regulations, make provision in respect of”;

(ii) for the words “in accordance” to the end substitute “for the purpose of this Regulation”;

(b) in the second sentence—

(i) for “guidelines shall” substitute “regulations must”;

(ii) omit “, and shall be consistent with other Community legislation”.

(4) In Article 18—

(a) in the first paragraph, in the words before point (a), for “Commission shall” substitute “Secretary of State may, by regulations,”;

(b) omit the second paragraph.

(5) For Article 19 substitute—

“Article 19

Regulations

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.
3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
8. Such regulations may—
 - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));
 - (b) make different provision for different purposes.
9. For the purposes of regulations made under Article 8(3) or 9(4), the Secretary of State is the appropriate authority if consent is given by—
 - (a) for regulations applying in relation to Wales, the Welsh Ministers;
 - (b) for regulations applying in relation to Scotland, the Scottish Ministers;
 - (c) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
10. The Secretary of State may only make regulations for the purposes of Article 18 in relation to the whole of the United Kingdom.
11. The Secretary of State may not make regulations in accordance with paragraph 10 without the consent of—
 - (a) in relation to Wales, the Welsh Ministers;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
12. Where any of the parties mentioned in paragraph 11(a) to (c) requests that the Secretary of State make regulations under this Regulation, the Secretary of State must have regard to that request.”