
STATUTORY INSTRUMENTS

2019 No. 559

**The Environment (Miscellaneous Amendments
and Revocations) (EU Exit) Regulations 2019**

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019.

(2) Regulations 2 to 7 and this regulation come into force immediately before exit day.

(3) Regulations 8 to 12 and the Schedule come into force on exit day.

(4) An amendment made by regulations 2 to 7 has the same extent as the provision being amended.

PART 2

Amendment of secondary legislation

The Trade in Endangered Species of Wild Fauna and Flora (Amendment) (EU Exit) Regulations 2018

2. In the Trade in Endangered Species of Wild Fauna and Flora (Amendment) (EU Exit) Regulations 2018(1), in regulation 6, for paragraph (9)(a)(vi) substitute—

“(vi) in box number 19, in each form, in tick-box e), for “Union” substitute “United Kingdom”.”.

The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019

3.—(1) The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019(2) are amended as follows.

(2) In regulation 2—

(a) omit paragraph (11)(b)(i);

(b) in paragraph (17)(b)(i)—

(i) in the words before sub-paragraph (aa), for “for” substitute “in”;

(ii) omit sub-paragraph (aa);

(1) [S.I. 2018/1408](#).

(2) [S.I. 2019/39](#).

- (c) omit paragraph (18)(b)(i).
- (3) In the Schedule, in the text of new Schedule 1A, after paragraph 6(5) insert—
- “(5A) Article 9 is to be read as if—
- (a) in paragraph 2, for “Member States” there were substituted “the competent authority”;
 - (b) in paragraph 4, for the words from “to 3 shall not” to the end, substitute “and 2 and the references to Annex 1 to [Directive 2003/87/EC](#) in both are to be read as if for “in a storage site permitted under [Directive 2009/31/EC](#)(3)” in each place in which those words occur in that Annex, there were substituted “in a storage site permitted under Chapter 3 of Part 1 of the Energy Act 2008(4) or other domestic legislation which immediately before exit day implemented [Directive 2009/31/EC](#)””.

The Control of Mercury (Amendment) (EU Exit) Regulations 2019

4. In the Control of Mercury (Amendment) (EU Exit) Regulations 2019(5), in regulation 12(5), omit sub-paragraph (a).

The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019

5. In the Floods and Water (Amendment etc.) (EU Exit) Regulations 2019(6), in regulation 21—
- (a) for paragraph (a) substitute—
 - “(a) for paragraph (a) substitute—
 - “(a) a European site within the meaning of regulation 8(1)(e) of the 2017 Regulations;”;
 - (b) in paragraph (b), for the words from “, for the words from” to the end substitute “for “regulation 13” substitute “regulation 12””.

The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019

6. In the Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019(7), in Schedule 1, omit paragraph 4(2)(h)(i) and (3)(a)(iv).

The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019

- 7.—(1) The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019(8) are amended as follows.
- (2) Omit regulation 5(24).
 - (3) In regulation 13(2), in the text of Article 80—
 - (a) in paragraph 2D(b), for “point (b)(i)” substitute “point (c)(i)”;
 - (b) in paragraph 2E(b), for “point (b)(ii)” substitute “point (c)(ii)”.
 - (4) In regulation 15(3)(c), in the text of point (h), for “Article 15(1)” substitute “Article 15(1A)”.

(3) [Directive 2009/31/EC](#) of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council [Directive 85/337/EEC](#), European Parliament and Council Directives [2000/60/EC](#), [2001/80/EC](#), [2004/35/EC](#), [2006/12/EC](#), [2008/1/EC](#) and Regulation (EC) No 1013/2006.

(4) 2008 c. 32.

(5) S.I. 2019/96.

(6) S.I. 2019/558.

(7) S.I. 2019/557.

(8) S.I. 2019/556.

(5) In regulation 16(2), in the text of Article A1(1)(c), in the words before point (i), for “to” in the second place it occurs substitute “as regards”.

(6) Omit regulations 18(8)(c)(xvii) and 20(14).

(7) In Schedule 1, in paragraph 7—

(a) in sub-paragraph (5), at the end insert “with the agreement of that competent authority”;

(b) in sub-paragraph (8), in the definition of “assessing competent authority”, for “Article 15(1)” substitute “Article 15(1A)”.

PART 3

Amendment of retained direct EU legislation

Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

8. In [Commission Regulation \(EC\) No 865/2006](#) laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, in Article 44j—

(a) in the second paragraph of the text in quotation marks, for “the State in which the certificate was issued” substitute “the United Kingdom”;

(b) in the third paragraph of the text in quotation marks, for “the State which issued the certificate” substitute “the United Kingdom”.

Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

9. In Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, in Article 46, in the first paragraph, for “Member State” substitute “competent authority”.

Commission Regulation (EU) No 546/2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products

10. In the Annex to [Commission Regulation \(EU\) No 546/2011](#) implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products, in Part 1, in Part C, in point 2.6.2(v), in the table heading, for “or EU” substitute “MRL or”.

Commission Implementing Regulation (EU) No 844/2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

11.—(1) Commission Implementing Regulation (EU) No 844/2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market is amended as follows.

(2) In Article 11a, for “rapporteur Member State” in both places it occurs substitute “assessing competent authority”.

(3) In Article 13(3a)—

(a) in the first subparagraph—

(i) in the first sentence—

(aa) for “Authority” in the first, second and third places it occurs substitute “assessing competent authority”;

(bb) for “Member States” in the first place it occurs substitute “other competent authorities”;

(cc) for the words from “rapporteur Member State” to “Authority” in the fourth place it occurs substitute “assessing competent authority and the other competent authorities”;

(ii) in the second sentence—

(aa) for “Authority” substitute “assessing competent authority”;

(bb) omit “the rapporteur Member State and”;

(b) in the second subparagraph, for “Authority” substitute “assessing competent authority”;

(c) in the third subparagraph—

(i) in the first sentence, for “Authority, in consultation with the Member States,” substitute “assessing competent authority”;

(ii) in the second sentence—

(aa) for “Authority” in the first place it occurs substitute “assessing competent authority”;

(bb) for the words from “rapporteur” to “Authority” in the second place it occurs substitute “assessing competent authority and the other competent authorities”;

(d) in the fifth subparagraph—

(i) for “Authority” substitute “assessing competent authority”;

(ii) for the words from “, the rapporteur” to “Member States” substitute “and the other competent authorities”;

(e) in the sixth subparagraph—

(i) in the first sentence—

(aa) for “rapporteur Member State” substitute “assessing competent authority”;

(bb) for the words from “send its” to “form of” substitute “circulate to the other competent authorities and the applicant”;

(ii) in the second sentence—

(aa) for “Authority” substitute “assessing competent authority”;

(bb) for “all the Member States” substitute “the other competent authorities”;

(iii) in the third sentence—

(aa) for “Authority” substitute “assessing competent authority”;

(bb) for “receipt” substitute “circulation”.

(4) In Article 14—

(a) in the heading, for “report and renewal Regulation” substitute “decision”;

- (b) for paragraph 1 substitute—
 - “1. Article 20 of Regulation (EC) No 1107/2009 applies.
 - 1za.** Paragraph 1a applies in relation to an application where—
 - (a) paragraph 7 of Schedule 1 to the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 applies in relation to that application, and
 - (b) the European Food Safety Authority adopted a conclusion in relation to that application before 10th November 2018 in accordance with Article 13.”;
- (c) in paragraph 1a—
 - (i) omit the first subparagraph;
 - (ii) in the second subparagraph—
 - (aa) for the words from the beginning to “Member State,” in the first place it occurs substitute “For the purposes of assessment of the approval criteria set out in points 3.6.5 and 3.8.2 of Annex 2 to Regulation (EC) No 1107/2009, the assessing competent authority may”;
 - (bb) for the words from “rapporteur” in the second place it occurs to “Authority” in the second place it occurs substitute “assessing competent authority and the other competent authorities”;
 - (cc) for “Authority” in the third place it occurs substitute “assessing competent authority”;
 - (dd) omit “ the rapporteur Member State and”;
 - (iii) in the third subparagraph, for “Authority” substitute “assessing competent authority”;
 - (iv) in the fourth subparagraph—
 - (aa) for “Authority, in consultation with the Member States,” substitute “assessing competent authority”;
 - (bb) for “Authority” in the second place it occurs substitute “assessing competent authority”;
 - (cc) for the words from “rapporteur” to “Authority,” in the third places it occurs, substitute “assessing competent authority and the other competent authorities”;
 - (v) in the fifth subparagraph—
 - (aa) for “rapporteur Member State” substitute “assessing competent authority”;
 - (bb) for the words from “send its” to “form of” substitute “circulate to the other competent authorities and the applicant”;
 - (cc) for “Authority” in the second place it occurs substitute “assessing competent authority”;
 - (dd) for “all the Member States” substitute “the other competent authorities”;
 - (vi) in the sixth subparagraph—
 - (aa) for “Authority” substitute “assessing competent authority”;
 - (bb) for “receipt” substitute “circulation”;
 - (vii) in the seventh subparagraph—
 - (aa) for “Authority” substitute “assessing competent authority”;

- (bb) for the words from “, the rapporteur” to “States” substitute “and the other competent authorities”;
- (d) omit paragraph 2.

PART 4

Revocations and saving

Revocations and saving

12.—(1) The retained direct EU legislation listed in the Schedule is revoked.

(2) Despite paragraph (1), a grace period contained within a Regulation listed in paragraph 3 or 6 of the Schedule which expires after exit day continues to have effect, and is treated as if it had been set by each competent authority in relation to its constituent territory in accordance with Article 21(6)(b) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market⁽⁹⁾.

(3) In paragraph (2), “competent authority” and “constituent territory” have the meanings given in Article 3A of Regulation (EC) No 1107/2009⁽¹⁰⁾.

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20th March 2019

⁽⁹⁾ Article 21 of Regulation (EC) No 1107/2009 is substituted by S.I. 2019/556.

⁽¹⁰⁾ Article 3A of Regulation (EC) No 1107/2009 is inserted by S.I. 2019/556.