

# 1 Atmospheric Legislation

## 1.1. EU

Original Legislation	Description	Changes associated with Brexit
<b>Fluorinated Gases</b>		
<p><b><u>Commission Implementing Regulation (EU) 2015/2067 of 17 November 2015 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases</u></b></p>	<p>This Regulation details the minimum requirements for the certification of personnel carrying out activities related to:</p> <ul style="list-style-type: none"> <li>• refrigeration;</li> <li>• refrigerated trucks / trailer units;</li> <li>• stationary refrigeration units; and</li> <li>• air conditioning and heat pump equipment containing F-Gases.</li> </ul> <p>It also applies to the certification of companies carrying out activities related to those covered listed above.</p>	<p>Guidance on requirements from 1 January 2021 is available <a href="#">on the Department for Business, Energy, and Industrial Strategy (BEIS)'s website</a>.</p> <p>Relevant post-Brexit legislation includes <a href="#">The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019</a> (as amended by <a href="#">The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020</a> to implement the Northern Ireland Protocol) and <a href="#">The Fluorinated Greenhouse Gases (Amendment) (EU Exit) Regulations 2021</a> correct deficiencies in European Union Implementing Regulations relating to restrictions on ozone depleting substances and the use of fluorinated greenhouse gases ("F-gases"). These corrections ensure that the legislation continues to operate effectively following Brexit.</p>
<p><b><u>Decision (EU) 2019/2079 determining quantitative limits and allocating quotas for substances controlled under Regulation 1005/2009 on substances that deplete the ozone layer for period 1 January to 31 December 2020</u></b></p>	<p>This decision sets the quantitative limits and quotas on substances that deplete the ozone layer, in keeping with Regulation (EC) 1005/2009 for the period 1 January to 31 December 2020.</p>	<p>As above</p>
<p><b><u>Decision 2015/798/EU authorising the European Commission to negotiate amendments to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer</u></b></p>	<p>Decision 2015/2337/EU determines the quantitative limits and allocating quotas for substances controlled under Regulation (EC) 1005/2009 on substances that deplete the ozone layer, for the period between 1st January to 31st December 2016.</p>	<p>As above</p>
<p><b><u>EC Regulation No. 517/2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006</u></b></p>	<p>Regulation 517/2014 on fluorinated greenhouse gases, published on the 20 June 2014, aims to protect the environment by reducing emissions of fluorinated greenhouse gases. The Regulation includes new rules on the containment, use, recovery and destruction of fluorinated greenhouse gases, and on related support measures and sets out conditions for specific use of fluorinated greenhouse gases. The Fluorinated Greenhouse Gases Regulations 2015 provide for the execution and enforcement of Regulation (EC) No 517/2014 in the UK.</p>	<p>As above</p>
<p><b><u>EC Regulation No 744/2010 amending EC Regulation No 1005/2009 with regard to the critical use of halons</u></b></p>	<p>EC Regulation No. 744/2010, of 18 August 2010, sets various cut-off and end dates for all halon critical use applications (located in Annex VI). The cut-off date and end date for halon use in oil, gas and petrochemical facilities is 31 December 2010 and 31 December 2020 respectively.</p>	<p>As above</p>
<p><b><u>EC Regulation No 1005/2009 on substances that deplete the ozone layer</u></b></p>	<p>These Regulations consolidate and replace EC Regulation 2037/2000 as amended as well as introducing tighter controls on the use/reuse of certain controlled substances. The Regulations apply directly to EU Member States. These Regulations came into force on 1 January 2010. The Ozone-Depleting Substances Regulations 2015 provide for the execution and enforcement of Regulation (EC) No 1005/2009 in the UK.</p>	<p>As above</p>
<p><b><u>Regulation (EU) 1191/2014 determining the format and means for submitting the report in Regulation (EU) 517/2014</u></b></p>	<p>The 1191/2014 Regulations detail the format for reporting the production, import and export of certain fluorinated greenhouse gases under EU Regulation 517/2014.</p>	<p>As above.</p>

Original Legislation	Description	Changes associated with Brexit
<b><u>EC Regulation No. 1497/2007 establishing standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases</u></b>	The 1497/2007 Regulations came into force on the 18 December 2007. The Regulation established the standard leakage checking requirements for working and temporarily out of operation stationary systems consisting of one or more interconnected containers including associated parts installed in response to a specific fire risk in a defined space, hereinafter 'fire protection systems'. This only applies to fire protection systems containing 3 kg or more of fluorinated greenhouse gases.	As above
<b><u>EC Regulation No. 1516/2007 establishing standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases</u></b>	The 1516/2007 Regulations came into force on the 19 December 2007. The Regulation established the standard leakage checking requirements for working and temporarily out of operation stationary refrigeration, air conditioning and heat pump equipment containing 3 kg or more of fluorinated greenhouse gases. This Regulation does not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6 kg of fluorinated greenhouse gases.	As above
<b><u>EU Regulation No. 2066/2015 on requirements and conditions for certification of those carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated gases (F-gases) or recovery of F-gases from stationary electrical switchgear</u></b>	This Regulation sets the minimum requirements for the certification of those persons carrying out the above listed activities.	As above
<b>Emissions Trading</b>		
<b><u>Commission Delegated Decision 2019/708/EU supplementing Directive 2003/87/EC of the European Parliament and of the Council concerning the determination of sectors and subsectors deemed at risk of carbon leakage for the period 2021 to 2030.</u></b>	<p>This decision provides the list of subsectors and sectors which are to receive free emissions allowances under EU ETS. These sectors are provided with free allowances because they are at high risk of carbon leakage (which occurs when businesses transfer production to countries with less stringent emissions constraints, leading to an overall increase in atmospheric emission).</p> <p>Within the list, relevant sectors and subsectors include those involving extraction of crude petroleum. This list applies from 1 January 2021.</p>	<p>A UK Emissions Trading Scheme (UK ETS) replaced the UK's participation in the EU ETS on 1 January 2021, established through <a href="#">The Greenhouse Gas Emissions Trading Scheme Order 2020 as amended by the Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020</a>.</p> <p>The 4 governments of the UK have established the scheme to increase the climate ambition of the UK's carbon pricing policy, whilst also protecting the competitiveness of UK businesses. Guidance on whom the UK ETS applies and what is required of businesses are covered on the <a href="#">Department for Business, Energy, and Industrial Strategy (BEIS)'s website</a>.</p> <p>Additional relevant EU Exit Legislation includes:</p> <ul style="list-style-type: none"> <li>• <a href="#">The Greenhouse Gas Emissions Trading Scheme (Amendment) (EU Exit) (No. 2) Regulations 2019</a> which amends Retained EU Regulation 2018/2067 to ensure it operates effectively following the withdrawal from the UK;</li> <li>• <a href="#">The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019</a> which amended the Greenhouse Gas Emissions Trading Scheme Regulations 2012 to apply changes relating to the EU Emissions Trading Scheme (EU ETS); and</li> <li>• <a href="#">The Greenhouse Gas Emissions Trading Scheme (Withdrawal Agreement) (EU Exit) Regulations 2020</a> which amends UK Greenhouse gas legislation to reflect that Ireland and Northern Ireland will remain part of the EU ETS other UK operators participating in the UK ETS.</li> </ul>
<b><u>Commission Regulation (EU) No. 1210/2011 concerning the auctioning of EU-ETS allowances</u></b>	This Regulation represents a EU legal base for the operation of the European primary market for emissions allowances and is a dominant feature of the EU Emission Trading Scheme (EU ETS) in its third phase (2013-2020). The Regulation came into force in November 2011.	As above
<b><u>Regulation (EU) 2018/2067 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC.</u></b>	<p><a href="#">Regulation (EU) 2018/2067 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC.</a></p> <p>This regulation was amended by the <a href="#">Regulation (EU) 2020/2084</a> to maintain consistency with other EU regulations and to make other amendments relating to verification documentation and processes.</p>	As above

Original Legislation	Description	Changes associated with Brexit
<b><u>Regulation (EU) 2019/1122 supplementing Directive 2003/97/EC as regards the functioning of the Union registry</u></b>	Under Directive 2003/87/EC all EU ETS allowances issued must be held in a Union Registry. As the trading period is transitioning between the third and fourth phase, all allowances issued from January 2021 onwards will be required to provide additional information such as in which ten-year period the allowances were issued. This regulation provides general, operation and maintenance requirements for these Union registry updates, and sets out how the European Union Transaction Log (EUTL) will now take the form of a standardised electronic database. Regulation 2019/1122 was amended by <u>Regulation (EU) 2019/1124</u> . This amendment ensures that annual emission allocation units comply with the obligations for EU member states set out in <u>Regulation (EU) 2018/842</u> . This will allow an accurate accounting system to assess the progress towards the emission reduction targets set out in Regulation (EU) 2018/842.	As above
<b><u>Regulation (EU) 2018/2066 on the monitoring and reporting of greenhouse gas emissions</u></b>	This Regulation lays down rules for the monitoring and reporting of greenhouse gas emissions and activity data pursuant to <u>Directive 2003/87/EC</u> the trading period of the Union emissions trading system commencing on 1 January 2021 and subsequent trading periods.	As above
<b><u>EC Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (EU Emissions Trading Scheme – EU ETS).</u></b>	The EU Emissions Trading Scheme (EU ETS) Directive was published in October 2003 and came into effect in January 2005. The Directive applies (amongst others) to installations with combustion facilities with a combined rated thermal input of >20 MW (th). This is a statutory scheme for those relevant installations. The aim of the Directive is to achieve reductions in GHG emissions as outlined by the Kyoto Protocol. The EU Emissions Trading Directive covers the six greenhouse gasses that are included in the Kyoto Protocol. However to date only CO2 emissions are covered. The scheme may be expanded in future phases to the other greenhouse gases. Member States were required to comply with this Directive by 31 December 2003. This Directive was amended by EC Directive 2009/29/EC in 2009.	As above.  Additionally, <u>the Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019</u> transfers the legislative functions under EU Environmental Directives to UK public authorities or regulators in the UK for all EU Directives and not just the EU ETS.
<b><u>EU Regulation 176/2014 amending Regulation (EU) 1031/2010 in particular to determine the volumes of greenhouse gas emission allowances to be auctioned in 2013-20.</u></b>	This Regulation, which came into force in February 2014, amends Regulation (EU) 1031/2010, on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances, in particular to determine the volumes of greenhouse gas emission allowances to be auctioned in 2013-20.	This regulation will be revoked in the UK by the Retained EU Law (Revocation and Reform) Act 2023 on 31 December 2023.
<b><u>Regulation (EU) 2019/1868 amending Regulation (EU) No 1031/2010 to align the auctioning of allowances with the EU ETS rules for the period 2021 to 2030 and with the classification of allowances as financial instruments pursuant to Directive 2014/65/EU of the European Parliament and of the Council</u></b>	These regulations amend the EU ETS allocation scheme set out in Directive 2003/87/EC and implemented by <u>Regulation (EU) 1031/2010</u> . It alters the auctioning process of greenhouse gas emissions which is currently set at 57% of the total number of allowances, under Regulation (EU) 1031/2010. It enables a more flexible auctioneering process.	This regulation will be revoked in the UK by the Retained EU Law (Revocation and Reform) Act 2023 on 31 December 2023.

Original Legislation	Description	Changes associated with Brexit
<b>Atmospheric Emissions (non ETS)</b>		
<u><b>EC Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Industrial Emissions Directive)</b></u>	<p>The Industrial Emissions Directive came into force on 6 January 2011 and merges seven directives into one including the Integrated Pollution Prevention and Control (IPPC) Directive and Large Combustion Plant (LCP) Directive. The main thrust of the directive is to increase the use of “best available techniques” (BATs), an obligation to ensure that industrial operators use the most cost-effective techniques to achieve a high level of environmental protection. Member States of 2 years in which to implement the Directive into national legislation. The following regulations were revoked and replaced by Directive 2010/75/EU on 7 January 2014:</p> <ol style="list-style-type: none"> <li>1. Directive 1999/13/EC on limitation of emissions of volatile organic compounds (VOCs);</li> <li>2. Directive 2008/1/EC on integrated pollution prevention and control;</li> <li>3. Directive 1982/883/EEC on monitoring of environments concerned by waste from the titanium dioxide industry;</li> <li>4. Directive 2000/76/EC on the incineration of waste;</li> <li>5. Directive 1992/112/EEC on programmes for the reduction and eventual elimination of pollution caused from the titanium dioxide industry; and</li> <li>6. Directive 1978/176/EEC on waste from titanium dioxide.</li> </ol>	<p><u>The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018</u></p> <p>These regulations ensure that the provisions made in the EC Regulation No 166/2006 remain effective in the UK once the implementation period is over or that they are not retained. These amendments do not make any substantive changes to the requirements of the legislation. The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018 were amended by <u>The Air Quality (Amendment) (Northern Ireland Protocol) (EU Exit) (No. 2) Regulations 2020</u> to establish that certain EU laws will remain operable in Northern Ireland following the UK withdrawal from the EU.</p>
<u><b>Directive 2015/2193/EU on the limitation of emissions of certain pollutants into the air from medium combustion plants</b></u>	<p>This Regulation regulates pollutant emissions from the combustion of fuels in plants with a rated thermal input ranging from 1 megawatt (MWth) to 50 MWth.</p>	<p><u>The Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019</u></p> <p>These regulations transfer the legislative functions under EU Environmental Directives to UK public authorities or regulators in the UK once the implementation period has ended.</p>
<u><b>Directive 2016/2284/EU on the reduction of national emissions of certain atmospheric pollutants</b></u>	<p>This Directive requires the development and implementation of emissions control programmes to aid emissions reductions anthropogenic atmospheric emissions of sulphur dioxide, nitrogen oxides, non-methane volatile organic compounds, ammonia and fine particulate matter. Directive 2001/81/EC will be revoked on 1<sup>st</sup> July 2018 as a result of this Directive.</p>	<p>N/A after transition period</p>
<u><b>Decision 2016/768/EU on the acceptance of the Amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals</b></u>	<p>This Decision accepts the amendments proposed to be made to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals.</p>	<p>N/A after Brexit</p>
<u><b>Decision 2016/769/EU on the acceptance of the Amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants</b></u>	<p>This Decision accepts the amendments made to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants.</p>	<p>This Decision is implemented in the UK through a number of regulations such as the Air Quality Standards Regulations, the Pollution Prevention and Control, Persistent Organic Pollutants Regulations etc.</p>
<b>Climate</b>		
<u><b>Decision 2016/590/EU on the signing, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change</b></u>	<p>This Decision authorises the signing on behalf of the EU of the Paris Agreement to the UN Framework Convention on Climate Change in New York on 22 April 2016.</p>	<p>N/A UK are signatories</p>
<u><b>Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement</b></u>	<p>This regulation sets out minimum obligations for EU member states for reducing greenhouse gas emissions for the period of 2021 to 2030 in help fulfil the objectives of the Paris Agreement. It provides target emission reductions for each EU member state in relation to 2005 emissions levels.</p>	<p>This legislation was revoked in the UK by <u>The Climate and Energy (Revocation) (EU Exit) Regulations 2021</u>.</p>
<u><b>Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action</b></u>	<p>This Regulation sets out the legislative foundation for the governance of the Energy Union and Climate Action, which aim to ensure the achievement of the objectives and targets of the Energy Union are in line with the Paris Agreement.</p>	<p>This legislation was revoked in the UK by <u>The Climate and Energy (Revocation) (EU Exit) Regulations 2021</u>.</p>
<u><b>EU Regulation 842/2018</b></u>	<p>This Regulation lays down obligations on Member States as regards their minimum contributions for the period from 2021 to 2030 to achieve the objectives of the Paris Agreement. It also lays down rules on determining annual emission allocations and for the evaluation of Member States’ progress towards meeting their minimum contributions.</p>	<p>This legislation was revoked in the UK by <u>The Climate and Energy (Revocation) (EU Exit) Regulations 2021</u>.</p>

Original Legislation	Description	Changes associated with Brexit
<b><u>EC Regulation No 166/2006</u></b>	<p style="text-align: center;"><b>Other</b></p> <p>Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC. These Regulations came into force on 24 February 2006.</p>	<p>This EU regulation has been amended by <a href="#">the Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019</a> in order to transfer some legislative functions to the UK public authorities.</p> <p>This legislation has also been amended by <a href="#">the Air Quality (Legislative Functions) (Amendment) Regulations 2021</a> to enable the Secretary of State to make amendments to annexes of this legislation and to clarify aspects of reporting under this legislation.</p>
<b><u>EC Decision 93/389/EEC for a monitoring mechanism of Community CO2 and other greenhouse gas emissions – European Pollutant Emissions Register (EPER).</u></b>	<p>Article 15(3) of the IPPC Directive requires the publication of an EC inventory of principal emissions and their sources, previously known as the ‘European Pollutant Emissions Register’ (EPER). This provides information to the public, and helps authorities to assess the effectiveness of IPPC and identify priority areas. Under EPER the UK provides emissions data through the pollution inventories for England, Wales and Scotland and BEIS regulated offshore oil and gas installations. For the reporting year 2007 onwards, the EPER is replaced by the E-PRTR under Council Regulation 166/2006 and with this transition comes a number of new reporting requirements. At the same time as a signatory state to the UNECE PRTR Protocol, the UK is required to establish a national PRTR (UK-PRTR), as opposed to the separate inventories that currently exist. BEIS already collects emissions data for offshore oil and gas activities via EEMS. The reporting requirements of EEMS in terms of substances and thresholds will be extended to meet those of the E-PRTR Regulation. Oil &amp; Gas UK commissioned an analysis to identify emissions of all E-PRTR pollutants that are relevant from an offshore perspective. BEIS and Oil &amp; Gas UK will evaluate the results of this analysis to agree a way forward regarding compliance by the offshore industry with E-PRTR reporting requirements. BEIS will continue to work closely with Oil &amp; Gas UK on the intention to use the provisions of existing offshore regulations (e.g. the Offshore IPPC Regulations) for the purposes of enforcing the E-PRTR reporting requirements and imposing penalties for non-compliance. BEIS will review and adjust accordingly the annual fees charged to operators for the maintenance of the EEMS database, in order to reflect new developments relating to E-PRTR/UK-PRTR reporting.</p>	<p>The UK has its own Pollutant Release and Transfer Register (PPTR) under retained EU Regulation 166/2006, see <a href="#">Guidance on UK PRTR</a> .</p>
<b><u>Decision (EU) 2019/2010 establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU for waste incineration</u></b>	<p>These regulations establish the BAT conclusions for waste incineration, to support the establishment of emissions thresholds associated with BATs, used to set permit conditions under Directive 2010/75/EU. These emissions cover a range of air pollutants and contaminants.</p>	<p><a href="#">The European Union (Withdrawal) Act 2018</a> ensures that the existing ‘Best Available Techniques’ Conclusions continue to have effect in UK law. It provides powers for the Secretary of State to determine ‘Best Available Techniques’ within the UK, which may include Devolved Administrations if consent is given by their Ministers. It also ensures that Devolved Administrations will retain the power to determine ‘Best Available Techniques’ in their countries, including setting their own ‘Best Available Techniques’ where desired.</p> <p><a href="#">The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018</a></p> <p>These regulations ensure that this Decision either remain effective in the UK once the implementation period is over or that they are not retained. These amendments do not make any substantive changes to the requirements of the legislation.</p>
<b><u>EU Commission Decision 2014/738/EU approves the best available techniques (BAT) conclusions for the refining of mineral oil and gas</u></b>	<p>Directive 2010/75/EU on industrial emissions requires the Commission to organise an information exchange on industrial emissions between Member States, the industries concerned and non-governmental organisations promoting environmental protection in order to facilitate the drawing up of BAT reference documents. The Directive came into force on the 6 January 2011. Annex 1 to this Decision 2014/738/EU from 9 October 2014 outlines the BAT conclusions for the refining of mineral oil and gas.</p>	<p><a href="#">The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018</a></p> <p>These regulations ensure that this Decision either remain effective in the UK once the implementation period is over or that they are not retained. These amendments do not make any substantive changes to the requirements of the legislation.</p>

Original Legislation	Description	Changes associated with Brexit
<u><a href="#">Directive 2012/33/EU amending Directive 1999/32/EC as regards the sulphur content of marine fuels</a></u>	The 2012 Directive, which came into force in December 2012, amends Directive 1999/32/EC, as regards reduction in the sulphur content of certain liquid fuels. This Directive amends several of the controls regarding the sulphur content of fuel. Specifically, the amendments require: that heavy fuel oils are not used within territories of Member States if the sulphur content exceeds 1% by mass (subject to exemptions); Member States to make sure that marine fuels are not used in their territory if their sulphur content is more than 3.5% by mass (subject to exemptions); Member States to make sure that gas oils are not used within their territory if their sulphur content exceeds 0.1% by mass; change the requirements with regards to the sulphur content of marine fuels used in Member States' territorial seas, exclusive economic zones and pollution control zones falling within, and outside, SOx Emission Control Areas; require Member States to take necessary measures to make sure that ships at berth in Union ports do not use marine fuels with a sulphur content exceeding 0.1% by mass (subject to exemptions); state that Member States must allow the use of emission abatement methods; and allows Member States to trial new ship emission abatement methods on ships flying their flag, or in sea areas within their jurisdiction.	<u><a href="#">The Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019</a></u>  These regulations transfer the legislative functions under EU Environmental Directives to UK public authorities or regulators in the UK once the implementation period has ended.  <u><a href="#">No amendments to implementing legislation (The Merchant Shipping (Prevention Of Air Pollution From Ships) and Motor Fuel (Composition And Content) (Amendment) Regulation 2014)</a></u> .
<u><a href="#">Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels</a></u>	Entering into force on the 10 <sup>th</sup> June 2016, the main purpose of this Directive is in reducing sulphur dioxide emissions resulting from the combustion of certain types of liquid fuels and in doing so reducing the harmful effects of such emissions on the environment.	<u><a href="#">The Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019</a></u> These regulations transfer the legislative functions under EU Environmental Directives to UK public authorities or regulators in the UK once the implementation period has ended.

## 1.2. UK

Legislation piece	Description	Changes associated with Brexit
<b>F-Gases</b>		
<u><a href="#">The Environmental Permitting (England and Wales) (Amendment) Regulations 2015</a></u>	The 2015 amendment regulation are the latest amendment to the original Environmental Permitting (England and Wales) Regulations 2010, which have been amended a number of times during this period. The regulations were amended to include the requirements of the industrial emissions directive. These regulations came into force on the 21 March 2015 and extend to England and Wales only. An England only amendment came into force on the 6 April 2015, the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2015, giving the Environment Agency the power to accept enforcement undertakings for non-compliance with certain offences under those Regulations. The Environmental Permitting regulations cover onshore air emission activities in England and Wales.	There are currently no amendments as a result of EU Exit.
<u><a href="#">The Fluorinated Greenhouse Gases Regulations 2015</a></u>	These regulations, which came into force on the 19 March 2015, implement the requirements of Regulation (EU) No 517/2014 of the European Parliament, revoking the Fluorinated Greenhouse Gas Regulations 2009. The regulations cover certification of equipment such as refrigeration and fire protection and fluorinated gas (f-gas) based solvents. Creates offences and penalties for not complying with recovery of f-gases legislation, labelling, qualifications and certificates required to work with products or equipment containing them. The Regulations ban the manufacture and use of certain F-Gases and provide a time period for these to be phased out.	These regulations were amended by <u><a href="#">the Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019</a></u> as amended, to ensure the 2015 regulations remained operational following the UK's withdrawal from the EU.  The regulations were also amended by <u><a href="#">the Fluorinated Greenhouse Gases (Amendment) Regulations 2018</a></u> which implement the provisions in EU legislation that was produced to support Regulation (EU) 517/2014.
<b>Emissions Trading</b>		
<u><a href="#">The Community Emissions Trading Scheme (Allocation of Allowances for Payment) Regulations 2012</a></u>	Regulations SI 2012/2661 came into force on 14 November 2012. They make provision in relation to the auction process for allocating Community tradable emissions allowances in the UK under the European Union Emissions Trading Scheme (EU ETS).	There are currently no amendments as a result of EU Exit.
<u><a href="#">The Greenhouse Gas Emissions Trading Scheme Order 2020</a></u>	These regulations establish the UK Greenhouse Gas ETS that will be effective from 1 January 2021.	This scheme replaces the EU ETS.
<u><a href="#">The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory (Amendment) Regulations 2014</a></u>	The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory (Amendment) Regulations 2014 come into force on 1 February 2015.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Greenhouse Gas Emissions Trading Scheme Regulations 2012</u></b>	These regulations came into force on 13 Nov 2005 and apply to England, Scotland, Wales and Northern Ireland. They originally provided the Secretary of State power to carry out obligations under <a href="#">Decision 2004/280/EC</a> which was repealed and revoked by <a href="#">Regulation (EU) 525/2013</a> . These powers have been transferred to the Environment Agency and Natural Resource Wales. These regulations also implement provisions regarding the UK emissions trading registry. These regulations have been most recently amended by <a href="#">Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory (Amendment) Regulations SI 2013/3135</a> and <a href="#">Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory (Amendment) Regulations SI 2014/3075</a> .	<ul style="list-style-type: none"> <li>• <a href="#">The Greenhouse Gas Emissions Trading Scheme (Amendment) (EU Exit) (No. 2) Regulations 2019</a> and <a href="#">the Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019</a>.</li> </ul> <p>These regulations ensure that the monitoring, reporting and verification requirements under the EU emissions trading scheme remains effective once the transition period is over. This pertains to monitoring, reporting and verification of greenhouse gas emissions which will support the implementation of a Carbon Emissions Tax by HM Treasury, which will act in a similar way to EU ETS in the UK (although the implementation of this tax will be decided at a later date).</p> <p>The Statutory Instruments now apply to the UK exit legislation and not the EU legislation.</p> <p>In addition, under <a href="#">the Greenhouse Gas Emissions Trading Scheme (Withdrawal Agreement) (EU Exit) Regulations 2020</a>, which establishes that Northern Ireland will remain members of the EU ETS, the Greenhouse Gas Emissions Trading Scheme Regulations 2012 are now only applicable to Northern Ireland. UK operators will participate in the UK ETS under <a href="#">the Greenhouse Gas Emissions Trading Scheme 2020</a>.</p>
<b><u>The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005</u></b>	These regulations apply to England, Scotland, Wales and Northern Ireland and implement Directive 2003/87/EC. In addition to this, following on from Directive 2009/29/EC being established, these regulations consolidate all previous sets of implementing regulations and require all operators under the EU ETS to monitor and report their emissions each year. These regulations have been amended several times. The most recent amendment was <a href="#">The Greenhouse Gas Emissions Trading Scheme (Amendment No.3) Regulations 2019</a> . These regulations came into force on 21 November 2019 and implement changes in the EU Emission Trading Scheme for phase for of the Emissions Cycle which will run from 2021 – 2030. In addition to this, <a href="#">the Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2020</a> amended this 2019 amendment by correcting errors and making additional amendments as a consequence of those errors.	These regulations were amended by <a href="#">the Greenhouse Gas Emissions (Kyoto Protocol Registry) Regulations 2021</a> , which establishes UK's Kyoto protocol registry. Following this, the Environment Agency and Natural Resource Wales no longer have to account for EU law when considering Kyoto Protocol projects.
<b>Atmospheric Emissions (non-ETS)</b>		
<b><u>The Clean Air (Northern Ireland) Order 1981</u></b>	The Clean Air (Northern Ireland) Order 1981 sets out controls on smoke, dust and fumes, including the introduction of smoke control areas. The order came into affect on 10 February 1981 and gives affect to Northern Ireland only.	There are currently no amendments as a result of EU Exit.
<b><u>Clean Air Act 1993</u></b>	The Clean Air Act 1993 has its origins in Acts of 1956 and 1968. The Act came into force on 27 May 1993 and gives affect to England, Wales and Scotland only.	There are currently no amendments as a result of EU Exit.
<b><u>The Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016</u></b>	These Regulations came into force on the 15 <sup>th</sup> March 2016 and apply only to Northern Ireland. They apply the monitoring and enforcement arrangements for emission performance for Northern Ireland.	There are currently no amendments as a result of EU Exit.
<b><u>The Air Quality (Scotland) Amendment Regulations 2016</u></b>	These Regulations came into force on 1 April 2016 and apply to Scotland only. They amend the Air Quality (Scotland) Regulations 2000 by: <ul style="list-style-type: none"> <li>• Introducing a definition of PM<sub>2.5</sub>;</li> <li>• Setting PM<sub>2.5</sub> substance air quality objectives; and</li> <li>• Detailing the period by which local authorities are to review the air quality within their areas.</li> </ul>	There are currently no amendments as a result of EU Exit.
<b><u>The Air Quality Standards (Amendment) Regulations 2016</u></b>	These Regulations apply to England only. They came into force on 31 December 2016. They amend the Air Quality Standards Regulations 2010 in relation to current technical standards which improve the accuracy and reliability of how air quality is monitored.	There are currently no amendments as a result of EU Exit.
<b><u>The Air Quality Standards (Amendment) Regulations (Northern Ireland) 2017</u></b>	These regulations update the Air Quality Standards (Northern Ireland) 2010.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<p><u><a href="#">The Air Quality Standards Regulations 2010</a></u>  <u><a href="#">The Air Quality Regulations (Scotland) Regulations 2010</a></u>  <u><a href="#">The Air Quality Regulations (Wales) Regulations 2010</a></u>  <u><a href="#">The Air Quality Standards Regulations (Northern Ireland) 2010</a></u></p>	<p>The National Air Quality Strategy is implemented in the UK through the following Regulations:</p> <ul style="list-style-type: none"> <li>• The Air Quality Standards Regulations 2010</li> <li>• The Air Quality Regulations (Wales) Regulations</li> <li>• The Air Quality Regulations (Scotland) Regulations 2010</li> <li>• The Air Quality Standards Regulations (Northern Ireland) 2010</li> </ul> <p>These regulations prescribe air quality objectives for a range of common air pollutants and set out the requirements for Local Authorities to follow in order to achieve these objectives.</p>	<ul style="list-style-type: none"> <li>• The Air Quality Standards Regulations 2010 were amended by the <u><a href="#">Air Quality (Amendment of Domestic Regulations (EU Exit) Regulations 2019</a></u> as amended and the <u><a href="#">Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020</a></u> which together implement EU Directive 2008/50 and ensure that retained EU law operates effectively in the UK.</li> <li>• The Air Quality Regulations (Wales) Regulations 2010 have been amended by <u><a href="#">The Air Quality Standards (Wales) (Amendment) (EU Exit) Regulations 2019</a></u></li> <li>• The Air Quality Standards Regulations (Northern Ireland) 2010 have been amended by <u><a href="#">The Environment Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019</a></u>.</li> </ul>
<b>Climate</b>		
<p><u><a href="#">Climate Change Act 2008</a></u></p>	<p>The Act sets up a framework for the UK to achieve its long-term goals of reducing greenhouse gas emissions by 2050 and to ensure steps are taken towards adapting to the impact of climate change. The Climate Change Act 2008 received Royal Assent on 26 November 2008. This was further updated by the Climate Change (Scotland) Act 2009 which received Royal Assent on August 4, 2009. The Climate Change Act 2008 (Credit Limit) Order 2016 sets a limit on the net amount of carbon units that may be credited to the net UK carbon account for the 2018-2022 budgetary period of 55,000,000 carbon units.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<p><u><a href="#">Climate Change Act 2008 (2050 Target Amendment) Order 2019</a></u></p>	<p>This order came into force on 27 June 2019 and sets new emissions targets for the UK. It amends the previous emissions target in Climate Change Act 2008 to set a new emissions target for the UK which is to reach 100% lower emissions than the 1990 baseline by 2050.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<p><u><a href="#">Climate Change (Scotland) Act 2009 asp 12</a></u></p>	<p>This act outlines greenhouse gas (GHG) emission reduction targets for Scotland. These targets include 42% reduction in GHGs by 2020, and 80% reduction by 2050. This act also includes provisions for Scottish ministers to set annual GHG emission reduction targets, report on the progress towards these targets, and the strategies to be employed to help achieve GHG reduction targets.</p> <p>The greenhouse gas emissions targets were amended by the <u><a href="#">Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 asp 15</a></u>. This act sets a new target for Scotland to reach new-zero emissions by 2045. Interim targets now include reaching greenhouse gas emissions which are 56%, 75% and 90% lower than the 1990 baseline in 2020, 2030 and 2040, respectively. These regulations came into force through this regulation itself and through the <u><a href="#">Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Commencement) Regulations 2020</a></u>. This brought the entire legislation into force on 23 March 2020.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<p><u><a href="#">The Climate Change Agreements (Administration) (Amendment) Regulations 2014</a></u></p>	<p>These regulations set up a scheme for carbon accounting to monitor compliance with the targets for reducing greenhouse gas emissions which were initiated by the Climate Change (Annual Targets) (Scotland) Order 2010. These Regulations have been amended by:</p> <ul style="list-style-type: none"> <li>• <u><a href="#">The Carbon Accounting Scheme (Scotland) Amendment Regulations SSI 2015/189</a></u></li> <li>• <u><a href="#">The Carbon Accounting Scheme (Scotland) Amendment Regulations SSI 2016/46</a></u></li> <li>• <u><a href="#">The Carbon Accounting Scheme (Scotland) Amendment Regulations SSI 2018/40</a></u></li> <li>• <u><a href="#">The Carbon Accounting Scheme (Scotland) Amendment Regulations SSI 2019/121</a></u></li> </ul>	<p>The Climate Change Agreements (Administration) (Amendment) Regulations 2014 were amended by the <u><a href="#">Climate Change Agreements (Amendment of Agreements) (EU Exit) Regulations 2018</a></u> to ensure that they will remain effective following the end of the implementation period by amending references to the European Union Emissions Trading Scheme and European guidance.</p>
<b>Other</b>		
<p><u><a href="#">Energy Act 1976</a></u></p>	<p>Under this Act of November 1976, consent is required for natural gas to be disposed of by flaring or venting and this applies to all onshore hydrocarbon fields as well as offshore fields.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<p><u><a href="#">Environment Act (1995)</a></u></p>	<p>The Environment Act (1995), published in July 1995, set the framework for the National Air Quality Strategy first published in 1997 and most recently updated in 2007.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<p><u><a href="#">The Building Regulations &amp;c. (Amendment) Regulations 2016</a></u></p>	<p>These Regulations amend the Building Regulations 2010 and the Approved Documents apply in relation to building work carried out in England and also apply to building work on excepted energy buildings in Wales. In addition, the amendments to the Energy Performance of Buildings (England and Wales) Regulations 2012 and the Party Wall etc. Act 1996 apply in England and Wales. These Regulations come into force on 6th April 2016, except regulation 2(19)(b) which comes into force on 1st May 2016.</p>	<p>There are currently no amendments as a result of EU Exit.</p>



Legislation piece	Description	Changes associated with Brexit
<b><u>The Building (Energy Performance of Buildings) (Scotland) Amendment Regulations 2016</u></b>	These Regulations amend the Building Regulations 2010 and the Approved Documents apply in relation to building work carried out in England and also apply to building work on excepted energy buildings in Wales. In addition, the amendments to the Energy Performance of Buildings (England and Wales) Regulations 2012 and the Party Wall etc. Act 1996 apply in England and Wales. These Regulations come into force on 6th April 2016, except regulation 2(19)(b) which comes into force on 1st May 2016.	There are currently no amendments as a result of EU Exit.
<b><u>The Carbon Accounting (2013–2017 Budgetary Period) Regulations 2015</u></b>	These Regulations entered into force on 13 March 2016 and amend the Building (Scotland) Regulations SSI 2004/406. Updating text relating to the inspection requirements of air-conditioning systems in buildings and nearly zero-energy buildings, necessary in implementing Directive 2010/31/EU, on the energy performance of buildings.	There are currently no amendments as a result of EU Exit.
<b><u>The Carbon Accounting Scheme (Scotland) Regulations 2010</u></b>	These regulations introduce a carbon accounting system which will be used to monitor compliance with the targets for reducing greenhouse gas emissions introduced by the Climate Change Act 2008, covering the period between 2013 to 2017. The system is compatible with the existing EU ETS trading system. These came into force on 24th March 2015.	There are currently no amendments as a result of EU Exit.
<b><u>The Carbon Accounting Regulations 2009</u></b>	These Regulations came into force on 31 May 2009 and apply to England, Scotland, Wales and Northern Ireland. They introduced the carbon accounting system that will be used to monitor compliance with the targets for reducing greenhouse gas emissions introduced by Part 1 of the Climate Change Act 2008. These regulations were amended by the <u>Carbon Accounting (Provision for 2018) Regulations 2020</u> which came into force on 28 February 2020. This amendment includes implementing a provision to account for credits and debits to the new UK carbon account.	There are currently no amendments as a result of EU Exit.
<b>Energy</b>		
<b><u>The Energy Performance of Buildings (Scotland) Amendment Regulations 2015</u></b>	The CRC Energy Efficiency Scheme (CRC) (formerly the Carbon Reduction Commitment) is a mandatory scheme designed to promote energy efficiency and reduce carbon emissions in the UK initially made in March 2010 (CRC Energy Efficiency Scheme Order 2010), with the 2013 order entered into force on 20 May 2013.	There are currently no amendments as a result of EU Exit.
<b><u>The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (as amended)</u></b>	This Regulation implements Directive 2009/91/EC in Northern Ireland only. The Regulations require the production of energy performance certificates when buildings are sold or rented, and sets out the requirements for the certificate. The 2008 regulations came into force on 30 June 2008, and have since been amended in 2009, 2013 and 2014. The amendments require the addition of technically feasible, cost effective recommendation in the Energy Performance Certificate. the latest amendment came into force on 25 February 2014.	There are currently no amendments as a result of EU Exit.
<b><u>The Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended)</u></b>	These Regulations consolidate the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 with subsequent amendments since the 2007 Regulations came into force. The Regulations require the production of energy performance certificates when buildings are sold or rented, and sets out the requirements for the certificate. The 2012 regulations came into force on 9 January 2013, and have since been amended in 2013 and 2015. The latest amendment came into force on 6 April 2015 and apply to England and Wales only.	There are currently no amendments as a result of EU Exit.
<b><u>The Energy Performance of Buildings (Scotland) Regulations 2008 (as amended)</u></b>	This Regulation implements Directive 2009/91/EC in Scotland only. The Regulations require the production of energy performance certificates when buildings are sold or rented, and sets out the requirements for the certificate. The 2008 regulations came into force on 4 January 2009, and have since been amended twice in 2012, and again in 2013. The amendments make it mandatory for buyers and tenants to be shown Energy Performance Certificates, as well as requiring further information to be included on the certificates. The latest amendment came into force on 27 January 2013.	There are currently no amendments as a result of EU Exit.
<b><u>The Energy Saving Opportunity Scheme Regulations 2014</u></b>	Cited as the Energy Performance of Buildings (Scotland) Amendment Regulations 2015, these Regulations came into force on 19 December 2015 and amend the Energy Performance of Buildings (Scotland) Regulations SSI 2008/309.	This regulation was amended by the <u>Energy Savings Opportunity Scheme (Amendment) (EU Exit) Regulations 2018</u> as amended to ensure that the legislation is effective following the UK's withdrawal from the EU.
<b><u>The Merchant Shipping (Prevention of Air Pollution from Ships) and Motor Fuel (Composition and Content) (Amendment) Regulations 2014</u></b>	These regulations apply in England, Wales, Scotland and Northern Ireland and create a system for monitoring and reporting carbon dioxide emissions from ships and reporting other information at national and EU level. This is in accordance with Regulation (EU) 2015/757.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008</u></b>	Amendment of the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 which came into force on 16 December 2014.	Amended by: <ul style="list-style-type: none"> <li><u>The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019</u></li> </ul> <p>These regulations amend the following pieces of legislation:</p> <ul style="list-style-type: none"> <li>Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008; and</li> <li>Merchant Shipping (Anti-fouling Systems) Regulations 2009.</li> </ul> <p>They amend these pieces of legislation to ensure that EU controls and obligations relating to air pollution and anti-fouling systems of ships are transferred into UK regulations and remain effective after the transition period is complete.</p>
<b><u>The National Emission Ceilings Regulations 2018</u></b>	These regulations set national ceilings and a requirement for the development of a reduction programme for sulphur dioxide, nitrogen oxides, volatile organic compounds, ammonia and fine particulate matter in the UK.	These regulations were amended by <u>the Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019</u> and the <u>Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020</u> . These regulations implement EU Directive 2008/50 and ensure that retained EU law operates effectively in the UK.
<b><u>The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013</u></b>	These Regulations, which came into force in January 2003, set national ceilings and a requirement for the development of a reduction programme for sulphur dioxide, nitrogen oxides and volatile organic compounds in the UK. These Regulations apply to emissions from land, territorial sea and the UKCS. At present, the UK government believes that it can meet targets through existing targets onshore. However, this does not preclude future targets for offshore operations. The UK Government is in the process of preparing a national programme for reduction of these emissions through the: Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters 1998; and EC Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (Public Participation Directive). The Public Participation Directive implements the second part of the Aarhus Convention. Directive requires an increase in the already high level of public participation in the process by which regulators consider environmental implications for offshore activities.	These regulations were amended by the <u>Pipelines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018</u> which ensures that legislation relating to hydrocarbon licensing, oil stocking and the assessment of environmental impacts for electricity works, pipelines and oil and gas projects is effective after the UK withdraws from the EU.
<b><u>The Ozone-Depleting Substances Regulations 2015</u></b>	The Offshore Pollution Prevention and Control (PPC) Regulations 2013 transpose the relevant provisions of the Industrial Emissions Directive 2010/75/EU in respect to specific atmospheric pollutants from combustion installations with a thermal capacity rating in excess of 50 MW on offshore platforms undertaking oil and gas production and gas and CO2 unloading and storage. In this context, the obligations of the Offshore PPC Regulations 2013 on the offshore oil and gas industry basically mirror those of the Offshore Combustion Installations PPC Regulations 2001 (as amended), which ceased to apply after 07 January 2014. This Instrument came into effect on 19 May 2013.	These regulations were amended by <u>the Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019</u> as amended which ensures that legislation relating to ozone depleting substances and fluorinated gases remains effective following the UK's withdrawal from the EU.
<b><u>The Petroleum (Current Model Clauses) Order 1999</u></b>	These Regulations provide for the enforcement of EC Regulation 1005/2009 on substances that deplete the ozone layer (as amended). The Regulations may be cited as the Ozone-Depleting Substances Regulations 2015 and came into force on 7 March 2015. These Regulations replace and consolidate the Ozone-Depleting Substances (Qualifications) Regulations 2009 and the Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011.	There are currently no amendments as a result of EU Exit.
<b><u>The Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004</u></b>	An objective of the Petroleum Act 1998 is to conserve gas, a finite energy resource, by avoiding unnecessary wastage during the production of hydrocarbons from the UKCS. The actual Model Clause may vary depending on when the Block Licence was granted, but in recent licences flaring is covered by Paragraph 3 of Model Clause 21, and this states that the Licensee that not flare any gas from the licensed area or use gas for gas lift except with written consent. This Order came into effect on 15 February 1999.	There are currently no amendments as a result of EU Exit.
<b><u>The Petroleum Licensing (Production) (Seaward Areas) Regulations 2008</u></b>	These Regulations consolidate with amendments the provisions of the Petroleum (Production) Regulations 1982 (as amended) in relation to (a) applications to the Secretary of State for petroleum production licences in respect of seaward areas and (b) applications to the Secretary of State for petroleum exploration licences in respect of seaward areas and landward areas below the low water line. Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 entered into force on 5 March 2004. Petroleum Licensing (Production) (Seaward Areas) Regulation 2008 entered into force on 6 April 2008.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Pollution Prevention and Control (Designation of the Industrial Emissions Directive) (Offshore) Order 2013</u></b>	These Regulations consolidate with amendments the provisions of the Petroleum (Production) Regulations 1982 (as amended) in relation to (a) applications to the Secretary of State for petroleum production licences in respect of seaward areas and (b) applications to the Secretary of State for petroleum exploration licences in respect of seaward areas and landward areas below the low water line. Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 entered into force on 5 March 2004. Petroleum Licensing (Production) (Seaward Areas) Regulation 2008 entered into force on 6 April 2008.	This regulation was revoked by the <a href="#">Environment (Amendment etc.) (EU Exit) Regulations 2019</a> .
<b><u>The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2014</u></b>	This Order applies to the sea within the area of the continental shelf of the UK and to the territorial sea adjacent to Northern Ireland. It designates Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the purposes of paragraph 20 of Schedule 1 to the Pollution Prevention and Control Act 1999. An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. These Regulations came into force on 15 March 2013.	There are currently no amendments as a result of EU Exit.
<b><u>The Pollution Prevention and Control (Scotland) Regulations 2012</u></b>	Amends the Pollution Prevention and Control (PPC) (Industrial Emissions) Regulations (Northern Ireland) 2013. The 2013 regulations came into force on the 20 June 2013. With the 2014 amendment coming into force on the 10 December 2014, these regulations extend to Northern Ireland only. The PPC regulations cover onshore air emission activities in Northern Ireland.	These regulations were amended by the <a href="#">Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018</a> and the <a href="#">Environment (Amendment etc.) (EU Exit) Regulations 2019</a> . These amendments remove references to EU instruments where necessary and ensure the legislation is effective following the UK's withdrawal from the UK.
<b><u>The Sulphur Content of Liquid Fuels (Amendment) Regulations (Northern Ireland) 2014</u></b>	The Pollution Prevention and Control (PPC) (Scotland) Regulations set out a system to control pollution from any installation or mobile plant carrying out specified activities through permits, inspections and control of emissions. The regulation covers the inclusion of best available techniques (BAT). These regulations came into force on 7 January 2013 and extend to Scotland only. The PPC regulations cover onshore air emission activities in Scotland.	Amended by: <ul style="list-style-type: none"> <li>• <a href="#">The Environment (Amendment etc.) (EU Exit) Regulations 2019</a> These regulations remove references to EU member state and various EU legislation to ensure they remain effective at the end of the transition period.</li> <li>• <a href="#">The Environmental Liability etc. (EU Exit) (Scotland) (Amendment) Regulations 2019</a></li> </ul>
<b><u>The Sulphur Content of Liquid Fuels (England and Wales) (Amendment) Regulations 2014</u></b>	This Regulation implements Directive 1999/32/EC in the UK setting maximum sulphur content for fuel including heavy fuel oil and gas oil including marine fuel. This Regulation replaced the 2000 and came into force on 31 May 2007 and is applicable to Northern Ireland only. The 2007 regulations were amended in 2014 in accordance with regulations 3 to 8. The 2014 amendment came into force on 18 June 2014.	There are currently no amendments as a result of EU Exit.
<b><u>The Sulphur Content of Liquid Fuels (Scotland) Regulations 2014</u></b>	This Regulation implements Directive 1999/32/EC in the UK setting maximum sulphur content for fuel including heavy fuel oil and gas oil including marine fuel. This Regulation came into force on 16 February 2007 and is applicable to England and Wales only. The 2007 regulations were amended in 2014 in accordance with regulations 3 to 9. The 2014 amendment came into force on 29 August 2014.	Amended by: <ul style="list-style-type: none"> <li>• <a href="#">The Environment (Amendment etc.) (EU Exit) Regulations 2019</a> These regulations remove references to EU member state and various EU legislation to ensure they remain effective at the end of the transition period.</li> <li>• <a href="#">The Environmental Liability etc. (EU Exit) (Scotland) (Amendment) Regulations 2019</a></li> </ul>

## 2 Biodiversity and Conservation

### 1.3. EU

Legislation piece	Description	Changes associated with Brexit
<b><u>Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas</u></b>	Concluded in 1991 as the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) under the auspices of the Convention on Migratory Species (CMS or Bonn Convention); ASCOBANS came into force in 1994. An extension of the agreement area came into force which changed the name to “Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas” in 2008.	Will remain applicable as the UK remains a United Nations member.
<b><u>Decision (EU) 2019/1581 on Proposals to Amend Appendices 1 and 2 to the Convention on the Conservation of Migratory Species of Wild Animals</u></b>	This Decision submits proposals to amend the Appendix 1 and 2 to the Convention on the Conservation of Migratory Species and Wild Animals. Amendments that are relevant to offshore conservation include the addition of two shark species on the Appendix 2 (Migratory species conserved through Agreements) including: <ul style="list-style-type: none"> <li>• Tope shark (<i>Galeorhinus galeus</i>); and</li> <li>• Smooth hammerhead (<i>Sphyrna zygaena</i>).</li> </ul>	The legal requirement for the strict protection of Appendix I species is provided by the Wildlife & Countryside Act (1981 as amended).  The Wildlife and Countryside Act 1981 was amended by: <ul style="list-style-type: none"> <li>• <a href="#">the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020</a> to enforce retained EU Regulation 1143/2014;</li> <li>• <a href="#">the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</a> amends this legislation to ensure that it remains effective following the UK’s withdrawal from the UK;</li> <li>• <a href="#">The Wildlife and Countryside Act 1981 (EU Exit) (Scotland) (Amendment) Regulations 2019</a> to amend the definition of ‘wild bird’.</li> </ul>
<b><u>Directive 2008/56/EC on establishing a framework for community action in the field of marine environmental policy (the Marine Strategy Framework Directive (MSFD))</u></b>	Europe’s marine resources are under threat and require cooperation and collective action to be tackled effectively. In response, the Integrated European Maritime Policy, aimed to provide a coherent framework for joined up governance of the marine environment. The EU formerly adopted the Directive in 2008.	This is currently implemented in the UK through the <a href="#">Marine Strategy Regulations 2010</a> .  EU Regulation 1143/2014, which has been retained in the UK, implements some of the objectives of Directive 2008/56. Retained EU Regulation 1143/2014 was amended by the <a href="#">Invasive Non-Native Species (Amendment etc. (EU Exit) Regulations 2019</a> and the <a href="#">Invasive Non-Native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020</a> which ensure that the regulation remains effective following the UK’s withdrawal from the UK.
<b><u>Directive 2014/89/EU establishing a framework for maritime spatial planning</u></b>	The Marine Spatial Planning (MSP) Directive came into force 23 July 2014 with the intention of establishing a framework for maritime spatial planning aimed at promoting sustainable growth for marine economies, development of marine areas and sustainable use of marine resources. Member states have to bring into force regulations necessary to comply with this directive by 18 September 2016.	N/A
<b><u>EC Directive 2009/147/EC (Birds Directive)</u></b>	EC Directive 2009/147/EC repeals and replaces Directive 79/409/EEC and consolidates the large number of amendments. The new Directive came into force on 15 February 2010. The replacement Directive also introduces requirements for specific actions on biodiversity as described in Decision No 1600/2002/EC. The Directive produces a framework for the conservation and management of human interactions with wild birds in Europe. The Directive sets out a broad spectrum of objectives for each although the precise legal mechanisms are at the discretion of the Member States. The Birds Directive also sets up a system of conservation designations for Special Protection Areas (SPAs) along the lines of SACs under the Habitats Directive. Together SPAs and SACs form the Natura 2000 network.	The primary implementation of this Directive in the UK is the Wildlife & Countryside Act 1981, which was amended by: <ul style="list-style-type: none"> <li>• <a href="#">the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020</a> to enforce retained EU Regulation 1143/2014;</li> <li>• <a href="#">the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</a> amends this legislation to ensure that it remains effective following the UK’s withdrawal from the UK;</li> <li>• <a href="#">The Wildlife and Countryside Act 1981 (EU Exit) (Scotland) (Amendment) Regulations 2019</a> to amend the definition of ‘wild bird’.</li> </ul>
<b><u>EC Directive 92/43/EC (Habitats Directive)</u></b>	Commonly referred to as the ‘Habitats Directive’ (together with the Birds Directive) ; the 1992 Habitats Directive forms the cornerstone of Europe’s nature conservation policy. The Habitats Directive aims to “contribute towards ensuring biodiversity through the conservation of natural habitats and of the wild fauna and flora”. The central component of the Habitats Directive is the creation of the Natura 2000 network of Special Areas of Conservation (SACs) (also see Birds Directive). Once an SAC is established member states should ensure the protection and restoration of the sites in accordance with Article 6 outlining the minimum conservation measures to be ensured. The Regulations came into force on 30 October 1994	The primary implementation of this Directive in the UK is <a href="#">The Conservation of Habitats and Species Regulations 2017</a> , the Conservation (Natural Habitats, etc.) Regulations 1994 and the Conservation of Offshore Marine Habitats and Species Regulations 2017, which were amended by <a href="#">the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</a> and <a href="#">the Conservation (Natural Habitats &amp;c.) (EU Exit) (Scotland) (Amendment) Regulations 2019</a> . These amendments ensure that conservation legislation in the UK remain effective following the UK’s withdrawal from the EU and remove references to EU instruments.

Legislation piece	Description	Changes associated with Brexit
<b><u>Regulation (EU) 1143/2014 on the Prevention and Management of the Introduction and Spread of Invasive Alien Species</u></b>	These regulations implement provisions to reduce the spread of invasive species and minimize any adverse impacts on biodiversity that invasive species may have. Under these regulations, species listed as of 'Union concern' should not be released into the environment or transported within the Union.	Amended by: <ul style="list-style-type: none"> <li><u>The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019</u></li> </ul> <p>This amendment ensures that the list of invasive species of union concern and the necessary controls and management of these species is transposed into UK law on EU exit day. The list of species of Union concern will become the list of species of special concern in the UK.</p> <p>The transposed EU regulations include Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species and Regulation (EU) 2016/1141 adopting a list of invasive species of Union concern.</p>
<b><u>The EU Biodiversity Strategy to 2020</u></b>	The European Commission adopted the strategy to halt the loss of biodiversity and improve the state of Europe's species, habitats, ecosystems and the services they provide, while stepping up the EU's contribution to averting global biodiversity loss. The Strategy focuses on six major targets to address the main pressures on nature and ecosystem services in the EU and beyond, and lays down the policy foundations for EU-level action over the period of the strategy. The EU Biodiversity Strategy was adopted on 3 May 2011.	N/A after the transition period.

#### 1.4. UK

Legislation piece	Description	Changes associated with Brexit
<b><u>Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14</u></b>	This Act received Royal Assent on 21 July 2020 and applies in Scotland only. It provides stricter protection and enforcement for offences against animal welfare by introducing or removing regulations in current active legislative regulations and acts.	There are currently no amendments as a result of EU Exit.
<b><u>The Bat Habitats Regulation (No. 2) Bill</u></b>	This Bill makes provisions to enhance the protection available for bat habitats in the non built up environment and to limit the protection for bat habitats in the built up environment where the presence of bats has a significant adverse impact upon the users of buildings.	There are currently no amendments as a result of EU Exit.
<b><u>Countryside and Rights of Way (CRoW) Act 2000</u></b>	The Act of 2000, which received Royal Assent on 30 November 2000, making new provisions for public access to the countryside, to amend the law relating to public rights of way, to enable traffic regulation orders to be made for the purpose of conserving an area's natural beauty, to make provisions with respect to the driving of mechanically propelled vehicles elsewhere than on roads, to amend the law relating to nature conservation and the protection of wildlife, to make further provision with respect to, areas of outstanding natural beauty, and for connected purposes.	There are currently no amendments as a result of EU Exit.
<b><u>The Environmental Damage (Prevention and Remediation) (England) Regulations 2015</u></b>	This regulation entered into force on the 12th November 2015, under the Regulatory Reform (Scotland) Act 2014 which aims to introduce various measures to improve the way legislation is developed and applied throughout Scotland.	These regulations were amended by the <u>Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018</u> and the <u>Environment (Amendment etc.) (EU Exit) Regulations 2019</u> . These amendments remove references to EU instruments where necessary and ensure the legislation is effective following the UK's withdrawal from the UK.
<b><u>The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009</u></b>	These regulations apply to Wales only and implement provisions to prevent environmental damage. This includes the responsibilities of operators to remediate any environmental damage caused and notify the appropriate enforcing authority. This was amended by the Environmental Damage (Prevention and Remediation) (Wales) (Amendment) No. 2) Regulations 2015/1937: This amended: <ul style="list-style-type: none"> <li>the definition of 'natural habitat' (regulation 2(1));</li> <li>updated references to legislation under which damage to protected species and natural habitats (Schedule 2); and</li> <li>adds that damage on a site of special scientific interest (Schedule 1), can be authorised.</li> </ul> <p>In addition to this, these regulations were amended by The Rural Affairs and Environment (Miscellaneous Amendments) (Wales) Regulations 2019 . From this amendment, an enforcing authority must notify the Welsh Ministers of an operator that is liable for causing environmental damage.</p>	These regulations were amended by the <u>Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019</u> to ensure the regulations remain effective in the Wales following the UK's withdrawal from the EU.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Environmental Permitting (England and Wales) Regulations 2016</u></b>	These regulations outline the environmental permits that are required for industrial and waste activities which could harm human health or the environment. They replace and revoke several previous versions of these regulations which had been amended several times.	<ul style="list-style-type: none"> <li>• <u>Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019</u> as amended to amend references to EU directives; and</li> <li>• <u>Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> makes minor amendments to the legislation to ensure it is effective after the UK leaves the EU.</li> </ul>
<b><u>The Environmental Regulation (Enforcement Measures) (Scotland) Order 2015</u></b>	This regulation entered into force on the 12th November 2015, under the Regulatory Reform (Scotland) Act 2014 which aims to introduce various measures to improve the way legislation is developed and applied throughout Scotland.	There are currently no amendments as a result of EU Exit.
<b><u>The Environment (Wales) Act 2016 anaw 3</u></b>	This Act became law on the 2nd February 2016 and applies to Wales only. It includes responsibilities on various topics including the management of natural resources, climate change, collection and disposal of waste, and marine licensing are detailed by this act and mechanisms for the National Assembly of Wales are established. This Act was amended by the Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 to amend the target for emissions reductions in Wales for 2050 from 80% lower than the baseline to 100% lower than the baseline.	There are currently no amendments as a result of EU Exit.
<b><u>Invasive Alien Species (Enforcement and Permitting) Order 2019</u></b>	These regulations apply to the UK and outline enforcements to regulate activities involving invasive species present on the list in Regulation (EU) 1143/2014 on the prevention and management of the introduction and spread of invasive alien species. This includes when involvement with invasive species is either permitted or prohibited. This will come into force on 1 October 2019.	<p>This legislation was amended by the following EU Exit Legislation:</p> <ul style="list-style-type: none"> <li>• <u>Animals, Aquatic Health, Invasive Alien Species, Plant Breeder's Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019</u>;</li> <li>• <u>Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) 2020</u>; and</li> <li>• <u>The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020</u>.</li> </ul> <p>These Regulations make amendments to ensure the legislation is operating effectively following the withdrawal of the UK from the EU.</p>
<b><u>Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019</u></b>	This order will come into force on the 1 December 2019. It applies to Northern Ireland only and outlines the restrictions on activities involving species on the list of Union concern and the consequences for disobeying these restrictions.	There are currently no amendments as a result of EU Exit.
<b><u>Natural Environment and Rural Communities Act 2006 (England and Wales)</u></b>	This Natural Environment and Rural Communities Act 2006 (England and Wales only), came into force on 1 Oct 2006, made provision about bodies concerned with the natural environment and rural communities; to make provision in connection with wildlife, SSSIs, National Parks and the Broads; to amend the law relating to rights of way; to make provision as to the Inland Waterways Amenity Advisory Council; to provide for flexible administrative arrangements in connection with functions relating to the environment and rural affairs and certain other functions; and for connected purposes.	There are currently no amendments as a result of EU Exit.
<b><u>Nature Conservation (Scotland) Act 2004</u></b>	An Act of the Scottish Parliament making provision in relation to the conservation of biodiversity, to make further provisions in relation to the conservation and enhancement of Scotland's natural beauty, to amend the law relating to the protection of certain birds, animals and plants, and for connected purposes which received Royal Assent on 11 June 2004.	There are currently no amendments as a result of EU Exit.
<b><u>The Protection of Seals (Designation of Haul-Out Sites) (Scotland) Amendment Order 2017</u></b>	This Order amends the Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014 by adding designated haul out sites.	There are currently no amendments as a result of EU Exit.
<b><u>Scotland's National Marine Plan</u></b>	<p>These regulations replace the Conservation of Habitats and Species Regulations 2010 which are revoked. This is to consolidate the numerous amendments that have been made to the Regulations. Several amendments have also been made. These Regulations are relevant to England and Wales.</p> <p>The National Marine Plan was adopted on 25 March 2015 and laid before Parliament on 27 March 2015. This Plan covers the management of both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles). It also applies to the exercise of both reserved and devolved functions. This Plan has been prepared in accordance with the EU Directive 2014/89/EU which came into force in July 2014.</p>	There are currently no amendments as a result of EU Exit.
<b><u>The Conservation (Natural Habitats, &amp; c) (Amendment) Regulations (Northern Ireland) 2012</u></b>	The 2012 amendment is the latest update to The Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995, which came into force on the 29 October 2012 and apply to Northern Ireland only. The 1995 Regulations (and resulting amendments) implement the EC Habitat Directive within Northern Ireland.	These regulations were amended by <u>the Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019</u> which ensures that adequate protection for species and habitats remains in place following the UK's withdrawal from the EU.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Conservation (Natural Habitats &amp;c.) Regulations 1994 (as amended)</u></b>	<p>The 1994 Regulations (as amended) implement the species protection requirements of the Habitat Directive in Scotland (only) on land and inshore waters (0-12 nautical miles). There have been several amendments to the regulations which apply to Scotland only. Thus the Scottish Regulations do not mirror the 2010 Regulations (The Conservation of Species and Habitats Regulation 2010), which apply to England and Wales only.</p> <p>These regulations were recently amended The Conservation (Natural Habitats, &amp;c.) Amendment (No. 2) (Scotland) Regulations 2019. This amendment adds a provision for Scottish ministers establishing and maintaining designated sites and sets out which existing marine licenses are not subject to review in an area which is becoming a designated site.</p> <p>The Conservation (Natural Habitats, &amp; c.) Regulations 1994 was previously amended in Scotland by:</p> <ul style="list-style-type: none"> <li>• The Conservation (Natural Habitats &amp;c) Amendment (Scotland) Regulations 2008; and</li> <li>• The conservation (Natural Habitats, &amp;c.) Amendment (Scotland) Regulations 2012.</li> </ul>	<p><b><u>The Conservation (Natural Habitats, &amp;c.) (EU Exit) (Scotland) (Amendment) Regulation 2019</u></b></p> <p>These regulations amend Conservation (Natural Habitats, &amp;c.) Regulations 1994. They ensure that the laws pertaining to the conservation of habitats and species operate in a similar way to those in EU law. Amendments include ensuring any references to EU member states also include a reference to the UK, transferring the reporting requirements in Scotland from the European commission to the Scottish ministers, as well as general changes to ensure that the same protection of species and habitats is enforced once the transition period is over. A new schedule detailing the prohibited methods for taking or killing wild animals is also added. These regulations do not require any major changes to policy. It also establishes the National Site Network which replaces the Natura 2000 site network in the UK.</p>
<b><u>The Conservation of Habitats and Species Regulations 2017</u></b>	<p>These regulations replace the Conservation of Habitats and Species Regulations 2010 which are revoked. This is to consolidate the numerous amendments that have been made to the Regulations. Several amendments have also been made. These Regulations are relevant to England and Wales.</p>	<p><b><u>The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</u></b> amends this legislation to ensure that it remains effective following the UK's withdrawal from the UK. It establishes the National Site Network which replaces the Natura 2000 site network in the UK.</p>
<b><u>The Conservation of Offshore Marine Habitats and Species Regulations 2017</u></b>	<p>These Regulations consolidate the Offshore Marine Conservation (Natural Habitats, &amp;c.) Regulations 2007 with subsequent amending instruments and make minor modifications reflecting changes to related legislation.</p>	<p><b><u>The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</u></b> amends this legislation to ensure that it remains effective following the UK's withdrawal from the UK. It establishes the National Site Network which replaces the Natura 2000 site network in the UK.</p>
<b><u>The Marine (Scotland) Act 2010</u></b>	<p>This piece of legislation provides the legal mechanism to help ensure clean, healthy, safe, productive and biologically diverse marine and coastal environments, managed to meet the long term needs of both nature and people, by putting in place a new system for improved management and protection of the marine and coastal environment. Amongst other powers, from 2010, the Legislation enables Scottish Ministers to designate a range of Marine Protected Areas (MPAs) across Scottish territorial waters: of most relevance to the biodiversity agenda will be the Nature Conservation MPAs – for the conservation of Scotland's most important marine biodiversity and geodiversity features. The Marine Scotland Act received Royal Assent on 10 March 2010.</p>	<p>They have been amended by <b><u>The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019</u></b> to update references to EU legislation, without making any substantial changes.</p>
<b><u>The Marine (Scotland) Act 2010 (Consequential Provisions) Order 2010</u></b>	<p>This legislation extends the requirement for public authorities to make decisions in accordance with marine plans and also allows Scottish Marine Enforcement Officers to exercise powers outside the Scottish Marine Area. This Order entered into service on 31 December 2010.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<b><u>The Nature Conservation Act (Scotland) 2004</u></b>	<p>An Act of the Scottish Parliament making provision in relation to the conservation of biodiversity, to make further provisions in relation to the conservation and enhancement of Scotland's natural beauty, to amend the law relating to the protection of certain birds, animals and plants, and for connected purposes which received Royal Assent on 11 June 2004.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<b><u>The Nature Conservation (Scotland) Act 2004 (Authorised Operations) Order 2016</u></b>	<p>Laid before the Scottish Parliament on 25th January 2016, these regulations enter into force on 3rd March 2016.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<b><u>The Offshore Petroleum Activities (Conservation Habitats) Regulations 2001 The Offshore Petroleum Activities (Conservation of Habitats) (Amendment) Regulations 2007</u></b>	<p>The 2001 Regulations of the same name applies the Habitats Directive and the Wild Birds Directive in relation to oil and gas plans and projects wholly or partially on the UK continental shelf and adjacent waters outside territorial waters (UKCS). Any plan or project which that would be likely to have a significant effect on a designated site must be subject to Habitats Regulatory Assessment of its implications for the site's conservation objectives. The 2001 Regulations came into force on the 31 May 2001. The 2007 amendment to the 2001 Regulations extended the requirement for obtaining consent for carrying out geological surveys in the UKCS, this includes prior consent before testing the equipment required to undertake these surveys in relations to oil and gas activities. The 2007 Amendment entered into force on 18 February 2007.</p>	<p><b><u>The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</u></b></p> <p>These changes ensure that the habitat and species protection standards set out under the EU Nature Directives are set out in these legislations so that they remain effective after the transition period. It also adds Schedules to the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 which detail the prohibited methods of capturing or killing wild mammals, fish and birds.</p>
<b><u>The Protection of Badgers Act (1992)</u></b>	<p>An Act to consolidate the Badgers Act 1973, the Badgers Act 1991 and the Badgers (Further Protection) Act 1991 which came into force in 1992.</p>	<p>There are currently no amendments as a result of EU Exit.</p>
<b><u>The Scottish Marine Regions Order 2015</u></b>	<p>Came into force on the 13th May 2015. This Order which is made under section 5 of the Marine (Scotland) Act 2010, makes provision in connection with Scottish marine regions. They are areas for which Scottish Ministers may prepare and adopt a regional marine plan.</p>	<p>There are currently no amendments as a result of EU Exit.</p>

Legislation piece	Description	Changes associated with Brexit
<b><u>The UK Post-2010 Biodiversity Framework</u></b>	Following the establishment of devolved governments in Scotland, Wales and Northern Ireland in 1998, responsibility for the environment and biodiversity is primarily at the country level. The country strategies for biodiversity and the environment in each of the four countries of the UK underpin the 'UK Post-2010 Biodiversity Framework', published in July 2012, which supersedes The UK Biodiversity Action Plan (UKBAP) 1994. The Framework covers the period from 2011 to 2020, and was developed in response to two main drivers: the Convention on Biological Diversity's Strategic Plan for Biodiversity 2011-2020; and the EU Biodiversity Strategy.	There are currently no amendments as a result of EU Exit.
<b><u>Wildlife and Countryside Act 1981</u></b>	The Wildlife and Countryside Act received Royal Assent on 30 October 1981 and is supplemented by the Wildlife and Countryside (Service of Notices) Act 1985, which relates to notices served under the 1981 Act. The Act 1981 (as amended) provides the main piece of primary legislation making provision for nature conservation in the UK. A number of key amendments have been made to the 1981 Act, these are: Wildlife and Countryside (Amendment) Act 1985 and the Wildlife and Countryside (Amendment) Act 1991. The most recent amendment to the act was The Conservation (Natural Habitats, & c.) Miscellaneous Amendments (Scotland) Regulations 2019 . These regulations implement new provisions for the prevention and management of the introduction and spread of invasive species to adhere to EU Regulation 1143/2014.	<ul style="list-style-type: none"> <li>• <a href="#">The Wildlife and Countryside Act 1981 (EU Exit) (Scotland) (Amendment) Regulations 2019</a>. These regulations amend the Wildlife and Countryside Act 1981 as so far as they operate in Scotland. This amends the definition of wild bird so that it is relevant to birds that are resident in the EU and the UK.</li> <li>• <a href="#">the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020</a> to enforce retained EU Regulation 1143/2014; and</li> <li>• <a href="#">the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019</a> amends this legislation to ensure that it remains effective following the UK's withdrawal from the UK.</li> </ul>
<b><u>Wildlife and Natural Environment (Scotland) Act 2011</u></b>	The Scottish Government introduced the Wildlife and Natural Environment (Scotland) Act in 2011 to make the law on wildlife and the natural environment more efficient, effective and proportionate. The Act which came into force on 7 April, supports sustainable economic activity, particularly in the countryside, and to preserve the natural environment for the benefit of the public and many rural businesses.	There are currently no amendments as a result of EU Exit.



### 3 Chemicals

#### 1.5. EU

Legislation piece	Description	Changes associated with Brexit
<b><u>Commission Regulation (EU) 2016/26 of 13 January 2016 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards nonylphenol ethoxylates</u></b>	Available <a href="#">here</a> .	The EU REACH Regulation was brought into UK law on 1 January 2021 as UK REACH, under <u>The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019</u> as amended. REACH legislation has been replicated in the UK with the necessary changes to make it operable in the UK. The key principles of the EU REACH Regulation have been retained. Companies that supply and purchase substances, mixtures or articles to and from the EU, European Economic Area, Northern Ireland and Great Britain will need to ensure compliance of both UK and EU REACH.
<b><u>Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)</u></b>	This Directive, which entered into force on 16 September 1996, requires the preparation of inventories, labelling and appropriate disposal/treatment of all significant PCB holdings. The Directive was invoked as a result of an agreement at the Third International North Sea Conference in 1990 to phase out and destroy identifiable PCBs by the end of 1999. In addition the Paris Commission (now OSPAR) agreed a decision on PCBs in 1992 (PARCOM Decision 92/3). This confirmed the end of 1999 as the date for the phase-out by North Sea countries and set a target date of 2010 for those non-North Sea countries which were party to the Paris Convention.	This Directive is already implemented in the UK through <u>The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000</u> , which was amended by <u>the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019</u> .

Legislation piece	Description	Changes associated with Brexit
<p><b><u>EC Regulation 987/2008 amending EC Regulation 1907/2006 (REACH)</u></b></p>	<p>The Directive, which was introduced on 8 June 2011, sets out rules on the restrictions on the use of hazardous substances in electrical and electronic equipment (EEE) with the view to contributing to the protection of human health and the environment, this includes environmentally safe means of recovery and disposal of waste EEE.</p>	<p>The EU REACH Regulation was brought into UK law on 1 January 2021 as UK REACH under <u>The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019</u> as amended. REACH legislation has been replicated in the UK with the necessary changes to make it operable in the UK. The key principles of the EU REACH Regulation have been retained.</p> <p>Companies that supply and purchase substances, mixtures or articles to and from the EU, European Economic Area, Northern Ireland and Great Britain will need to ensure compliance of both UK and EU REACH.</p> <p>The EU Regulation 1907/2006 has been brought into legislation as Retained EU Regulation 1907/2006 and has been amended by:</p> <ul style="list-style-type: none"> <li>• <u>The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019</u> These regulations transfer the functions of Risk Assessment Committee of the European Chemicals Agency (ECHA) to the Health and Safety Executive in the UK. They amend several pieces of UK regulations to ensure they remain effective in the UK following the exit from EU. This includes transferring powers from EU entities within the UK.</li> <li>• <u>The REACH (etc.) (Amendment etc.) (EU Exit) regulations 2019</u> These regulations ensure that the standards and controls remain effective in the UK once the transition period is complete. Under this amendment, the functions of the European Chemicals Agency (ECHA) will be transferred over to the Health and Safety Executive (HSE) in the UK. This regulation also makes amendments to ensure that any reference to the EU single market are amended to the UK market. These regulations also act to smooth the transition for UK industries.</li> <li>• <u>The REACH etc. (Amendment etc.) (EU Exit) (No.2) Regulations 2019</u> The No.2 regulations ensure that any transitional provisions, intended to smooth the process for industries during UK's exit from the EU, apply to UK-based entities appointed by non-UK industries operating under the Reach regulation and to industries importing substances from outside the EEA.</li> <li>• <u>The REACH etc. (Amendment etc.) (EU Exit) No. 3 Regulations 2019</u> The No. 3 regulations also add a transitional provision to set new application dates (under certain circumstances) for the use of Substances of Very High Concern (SVHC) to 18 months after exit day; and</li> <li>• <u>The REACH etc. (Amendment) Regulations 2021</u> These regulations amend Retained EU Regulation 1907/2006 to ensure that the legislation is effective under the new UK REACH system and ensures consistency across REACH regulations.</li> </ul>
<p><b><u>EC Regulation 440/2008 Laying Down Test Methods Pursuant to EC Regulation 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)</u></b></p>	<p>Regulation EC 987/2008, which came into force in October 2008, amends Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annexes IV and V.</p>	<p>As above</p>
<p><b><u>EC Regulation 552/2009 amending EC Regulation 1907/2006 (REACH)</u></b></p>	<p>This regulation details test methods which determine physico-chemical properties, toxicity and eco-toxicity of substances in accordance with <u>Regulation (EC) 1907/2006</u>. These test methods are amended periodically following on from changes in the test guidelines produced by the Organisation for Economic Cooperation and Development (OECD). These amendments include:</p> <ul style="list-style-type: none"> <li>• <u>Regulation (EU) 266/2016</u> ;</li> <li>• <u>Regulation (EU) 735/2017</u> ; and</li> <li>• <u>Regulation (EU) 2019/1390</u> .</li> </ul>	<p>As above</p>

Legislation piece	Description	Changes associated with Brexit
<b><u>EC Regulation 276/2010 amending EC Regulation 1907/2006 (REACH)</u></b>	Regulation EC 552/2009, which came into force in June 2009, amends Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII. The amendment sets out a new table of dangerous substances, mixtures and articles with manufacturing, monitoring and use restrictions.	Aa above
<b><u>EC Regulation 453/2010 amending EC Regulation 1907/2006 (REACH)</u></b>	Regulation EC 276/2010, which came into force in March 2010, amends Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII. The amendment changes the criteria for compiling safety data sheets for substances and mixtures.	As above
<b><u>EC Regulation 143/2011 amending EC Regulation 1907/2006 (REACH)</u></b>	Regulation EC 453/2010, which came into force in May 2010, amends Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII. The amendment changes the criteria for compiling safety data sheets for substances and mixtures.	As above
<b><u>EC Regulation 494/2011 amending EC Regulation 1907/2006 (REACH)</u></b>	Regulation EC 143/2011, which came into force in February 2011, amends Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XIV. The amendment adds six substances that are not to be placed on the market or used after a certain date, unless authorisation has been granted. Regulation 2020/171 also amends annex XIV of EX Regulation 1907/2006 (REACH) by adding a further 11 substances.	As above
<b><u>EC Regulation 253/2011 amending EC Regulation 1907/2006 (REACH)</u></b>	Regulation EC 494/2011, which came into force in May 2011, amends Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII. The amendment adds criteria to Annex XVII for controlling the use of cadmium in plastics, paints, brazing filler and jewellery.	As above
<b><u>EC Regulation 326/2015 amending EC Regulation 1907/2006 (REACH)</u></b>	Regulation EC 253/2011, which came into force in March 2011, amends Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XIII. The amendment replaces Annex XIII relating to the identification of persistent, bioaccumulative and toxic substances and very persistent and very bioaccumulative substances.	As above
<b><u>EC Regulation 628/2015 amending EC Regulation 1907/2006 (REACH)</u></b>	Regulation EC 326/2015, which came into force in March 2015, amends Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards as regards polycyclic aromatic hydrocarbons and phthalates.	As above
<b><u>EC Regulation 830/2015 amending EC Regulation 1907/2006 (REACH)</u></b>	This Regulation amends Annex 17 to Regulation (EC) 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regarding lead and its compounds. The amendment places a threshold on the concentration of lead allowed in certain articles and gives exceptions to that limit for some articles.	As above
<b><u>EC Regulation 326/2015 amending EC Regulation 1907/2006 (REACH)</u></b>	This Regulation replaces Annex 2 to Regulation (EC) 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), which deals with the requirements of safety data sheets.	As above
<b><u>EC Regulation 282/2015 amending EC Regulation 1907/2006 (REACH)</u></b>	This Regulation amends Annex 17 to Regulation (EC) 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regarding polycyclic aromatic hydrocarbons and phthalates (PHAs).	As above
<b><u>EC Regulation 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency as amended.</u></b>	This EC Regulation implements the IMO Convention on the Control of Harmful Anti-Fouling Systems on Ships 2001 in the EU and is directly applicable in the UK. The Regulations also apply to any Fixed or Floating Platform, FSU or FPSO as these fall into the definition of a Ship. These Regulations entered into force in July 2008.	As above
<b><u>EU Regulation 2019/1692 on the application of certain registration and data-sharing provisions of Regulation (EC) No 1907/2006 of the European Parliament and of the Council after the expiry of the final registration deadline for phase-in substances.</u></b>	These regulations repeal the <a href="#">Regulation (EC) 850/2004</a> . Regulation (EC) 850/2004 had been amended numerous times, and in the order of clarity, the decision was made to replace it with Regulation (EU) 2019/1021 which came into force on 13 June 2019. This legislation aims to reduce the pollution of Persistent Organic Pollutants under the Stockholm Convention on Persistent Organic Pollutants.	As above

Legislation piece	Description	Changes associated with Brexit
<b><u>EU Regulation 9/2016 on joint submission of data and data-sharing in accordance with Regulation (EC) 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)</u></b>	Regulation (EC) 1907/2006 outlines deadlines for registering substances which were already on the market when it came into force (known as 'Phase-in substances'). The final registration deadline for these substances was 1 June 2018. Following on from this, Regulation 2019/1692 sets out provisions such that phase-in and non phase-in substances are treated equally.	As above
<b><u>EU Regulation 1272/2008 (CLP Regulations) as amended</u></b>	This Regulation amends Annex 8, 9 and 10 to Regulation (EC) 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regarding the Extended One-Generation Reproductive Toxicity Study.	These regulations were amended by <u>the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019</u> which transfer powers from the European Chemicals Agency (ECHA) to the UK Health and Safety Executive (HSE) and amends the process for the classification and labelling of substances to use the UK mandatory classification and labelling list.
<b><u>EU Regulation 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (recast)</u></b>	This Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), aims to make those who manufacture, market and use chemicals responsible for understanding and managing their associated risks. This regulation requires to collect, collate and submit data to the European Chemicals Agency on the hazardous properties of substances manufactured or imported into the EU in quantities above 1 tonne per year. They must also be tested and registered by the European Chemicals Agency.	<u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2019</u>  These regulations amend Regulation 2019/1021 to ensure that it remains effective once the transition period ends. These regulations amend references to the EU and EU law and transfers any powers under the European Chemicals Agency to UK National Authorities. It also revokes Part 4 of the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2018/ 1405 which pertains to Regulation EU 850/2004 as this is now revoked.  <u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020</u>  These regulations amend Regulation 2019/1021 to ensure that legislation pertaining to persistent organic pollutants remains effective after the UK withdraws from the EU.
<b><u>EU Regulation 2017/852 on mercury.</u></b>	These Regulations set duties and obligations with regards to the manufacturing, management, use, storage and trade of mercury.	<u>The Control of Mercury (Amendment) (EU Exit) Regulations 2020.</u>  These regulations make amendments in the field of environmental protection in relation to regulations on mercury. They address failures in EU law to operate effectively after the removal of the UK from the EU and implement the Protocol on Ireland / Northern Ireland.
<b><u>EU Regulation 528/2012 on the making available on the market and use of biocidal products (The Biocides Regulation)</u></b>	This Regulation was brought in to improve the functioning of the internal market through the harmonisation of the rules on the availability, and the use, of biocidal products, ensuring a high level of protection of both human and animal health and the environment. The Directive came into force on 1 September 2013.	The existing EU law on Biocidal Products, Regulation (EU) 528/2012 (EU BPR), has been copied into UK law as Retained Regulation 528/2012 (GB BPR). Most aspects of EU Biocidal Products law continue to apply in the same way under the UK regime.  The legislation was amended by <u>the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019</u> to transfer powers from the EU Commission to the Secretary of State and from the European Chemicals Agency (ECHA) to the Health and Safety Executive (HSE).
<b><u>Guidance on the Application of the CLP Criteria</u></b>	This guidance was updated in June 2015 in order to update the text following the end of the transitional period in Regulation (EC) 1272/2008. This update included the removal of sections on flammable gases and aerosols as they were outdated.	The CLP regulations were amended by <u>the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019</u> which transfer powers from the European Chemicals Agency (ECHA) to the UK Health and Safety Executive (HSE) and amends the process for the classification and labelling of substances to use the UK mandatory classification and labelling list.  The latest guidance is available via the HSE newsletter ( <a href="https://www.hse.gov.uk/brexit/clp.htm">https://www.hse.gov.uk/brexit/clp.htm</a> ).
<b><u>Introductory Guidance on the CLP Regulation</u></b>		As above

Legislation piece	Description	Changes associated with Brexit
<b><u>Persistent Organic Pollutants Regulations (POPs) 259/2004/ECEC Regulation EC/1195/2006EC Regulation EC/323/2007EC Regulation EC/757/2010</u></b>	The POPs Regulations entered into force in May 2004 and the UK is required to record releases of substances including dioxins, PCBs, furans and PAHs and draw up plans to reduce emissions. The Regulation contains an exemption for equipment containing PCBs, the use of which is permitted until 2010. By way of derogation, equipment with PCBs between 50ppm and 500ppm can be disposed of at the end of its useful life. Annex IV of EC/1195/2006 (August 2006) amending the POPs Regulations sets limits for POPs in waste of 50 mg/kg. Annex V of EC 323/2007 (April 2007) sets derogation limits for POPs in waste. On 26 August 2010, a number of amendments of the EU Regulation entered into force covering an addition four types of polybromodiphenyl ether (PBDEs), alpha hexachlorocyclohexane, beta hexachlorocyclohexane, perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride and pentachlorobenzene.	<p><u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2019/1340</u></p> <p>These regulations amend <u>Regulation 2019/1021</u> to ensure that it remains effective once the transition period ends. These regulations amend references to the EU and EU law and transfers any powers under the European Chemicals Agency to UK National Authorities. It also revokes Part 4 of the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2018/ 1405 which pertains to Regulation EU 850/2004 as this is now revoked.</p> <p><u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020</u></p> <p>These regulations amend Regulation 2019/1021 to ensure that legislation pertaining to persistent organic pollutants remains effective after the UK withdraws from the EU.</p>

#### 1.6. UK

Legislation piece	Description	Changes associated with Brexit
<b><u>Deposits in the Sea (Exemptions) Order, 1985</u></b>	A licence is required under FEPA for any waste disposal in the sea or under the seabed. However, the Deposits in the Sea (Exemptions) Order 1985 exempts from FEPA licensing the deposit on site or under the seabed of; any chemicals, drill cuttings or drilling muds in the course of the drilling or production operation etc. This Order came into force on 1 January 1986.	There are currently no amendments as a result of EU Exit.
<b><u>Food and Environment Protection Act 1985 (FEPA)</u></b>	Initially coming into force in January 1986, the Food and Environmental Protection Act (FEPA), Part II Deposits in the Sea, used to cover the discharge or placement of substances or articles in the sea or on the seabed where the deposits could not be covered by other legislation. However, following the introduction of the licensing provisions of the Marine and Coastal Access Act 2009 (6 April 2011), it was dis-applied in English and Welsh waters and offshore waters adjacent to Scotland. FEPA Part II, however is still applicable to Scottish territorial waters, between the three nautical miles of Scottish controlled waters limit and the 12 nautical miles Scottish territorial sea limit, where DECC will remain the licensing authority. For activities within Scottish controlled waters, the Scottish Government is the licensing authority and the Marine (Scotland) Act 2010 is the relevant controlling legislation. The majority of offshore energy activities relating to oil and gas exploration/production and gas unloading and storage are controlled under the Petroleum Act 1998 (as amended) or the Energy Act 2008, and are specifically excluded from the marine licensing provisions of both the Marine and Coastal Access Act 2009 (MCAA) and the Marine (Scotland) Act 2010 (MSA).	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018</u></b>	The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 contain provisions to prevent the discharge of dangerous or noxious liquid substances in the sea, especially for ships carrying substances in bulk. These regulations implement Annex 2 of the International Convention for the Prevention of Pollution from Ships, 1973. These were amended by The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk and Prevention of Oil Pollution) (Amendment) Regulations 2021 to include amendments to the codes and guidelines that vessels should follow, clarify that the ban on discharging noxious liquid substances also refers to offshore support vessels and allow for a cargo record book to be in electronic format.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Offshore Chemicals (Amendment) Regulations 2011</u></b>	The Offshore Chemicals (Amendment) Regulations came into force in March 2011 and clarify the status of accidental releases and the reporting procedure for PON1s. The key changes to the regulations are: clearer distinction and definition between intentional (operational) discharges and accidental releases. This will for example, clarify treatment of leaks, particularly in relation to "open" hydraulic fluid systems and the use of leak detection and leak sealant chemicals; a new Regulation 3A is included which prohibits any person from releasing an offshore chemical or allowing such a release to continue and to make the contravention of this provision an offence under Regulation 18 of the 2002 Regulations; the Regulations widen the circumstances in which a person can be prosecuted for emitting an offshore chemical so that an intentional emission (i.e. a discharge) will only be lawful if made within the terms and conditions attached to a permit, and any other emission (i.e. a release) will be unlawful; Regulation 7(b) amends Regulation 5(2)(d) so that conditions of permits can require necessary measure to be taken to prevent or limit the consequences of any incidents affecting the environment, not merely those arising by accident; Regulations 9(b) and 10(b)(ii) remove the requirements to consult the Centre for Environment Fisheries and Aquaculture Science, the Fisheries Research Service and states who are party to the OSPAR Convention in relation to the renewal or variation of a permit; Regulation 12 inserts a new Regulation 12a to establish a process for the transfer of a permit from one holder to another; Regulation 15 extends the circumstances in which a person may be required to provide information to the Secretary of State about the emission and use of offshore chemicals; Regulations 17 and 18 extend the circumstances in which enforcement and prohibition notices can be served to include any release of an offshore chemical or its use or discharge without a permit. Changes are also made to the period within which remedial steps are to be taken under an enforcement or prohibition notice. This aligns enforcement processes for OCR and OPPC (e.g. powers to prevent releases, enforcement notices, prohibition notices and offences); and Regulation 20 amends provision in relation to offences and makes a number of qualifications regarding defences.	There are currently no amendments as a result of EU Exit.
<b><u>The Offshore Installations (Emergency Pollution Control) Regulations 2002</u></b>	These Regulations, which came into force in 2002, give the Government power to intervene in the event of an incident involving an offshore installation where there is, or may be a risk of significant pollution, or where an operator has failed to implement proper control and preventative measures. These Regulations apply to chemical and oil spills.	There are currently no amendments as a result of EU Exit.
<b><u>Offshore Chemical Notification Scheme (OCNS)</u></b>	The Offshore Chemical Notification Scheme (OCNS), which originally came into force on 15 May 2002, manages chemical use and discharge by the UK and Netherlands offshore petroleum operators. The OCNS uses the OSPAR Harmonised Mandatory Control Scheme (HMCS) developed through OSPAR Decision 2002/2 and its supporting recommendations.	There are currently no amendments as a result of EU Exit.
<b><u>The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015</u></b>	These Regulations came fully into force on 1 June 2015 and apply to England, Scotland, Wales and Northern Ireland. Provisions relating to extent and amendments to the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 came into force on 31 May 2015. They amend various pieces of legislation arising from changes to the legislation at European level that regulates the classification, labelling and packaging of chemicals. Regulation (EC) 1272/2008 on classification, labelling and packaging of substances and mixtures comes fully into force on 1 June 2015, which has brought about the need for amendments.	There are currently no amendments as a result of EU Exit.
<b><u>The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000</u></b>  <b><u>The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000</u></b>  <b><u>The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2000</u></b>	<p>These regulations implement EC Directive 96/59/EC (16 September 1996) on the disposal of polychlorinated biphenyls and polychlorinated terphenyls in the UK – Scotland (8 May 2000) and England and Wales (4 May 2000). The England and Wales Amendment of 2000, came into force on 1 January 2001. Equipment containing PCBs is now required to be identified, registered, labelled and disposed of and decontaminated. The following substances are covered in the definition of PCBs, but only those containing substances in a total of more than 0.005% by weight (equivalent to 50 ppm): Polychlorinated Biphenyls (PCBs); Polychlorinated Terphenyls (PCT); Monomethyl-dibromo-diphenyl methane; Monomethyl-dichloro-diphenyl methane; and Monomethyl-tetrachlorodiphenyl methane.</p> <p><u>The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) (Amendment) Regulations 2020</u> amend regulation 4 of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000. They provide that Member States shall identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0.005 % PCBs and volumes greater than 0.05 dm<sup>3</sup>, as soon as possible but no later than 31st December 2025.</p>	<p>The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000</p> <ul style="list-style-type: none"> <li>Amended by <u>the Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019</u> to address failures in retained EU law to ensure it operates effectively after the UK withdraws from the EU.</li> </ul> <p>The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous substances) (England and Wales) Regulations 2000</p> <ul style="list-style-type: none"> <li>Amended by <u>the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019</u> to ensure that the legislation is effective after the UK leaves the EU. This legislation also establishes the UK REACH system.</li> </ul>

Legislation piece	Description	Changes associated with Brexit
<b><u>The Merchant Shipping (Anti-Fouling Systems) Regulations 2009</u></b>	These Regulations ensure that the necessary enforcement provisions are in place in the UK to give effect to European Regulation (EC) No 782/2003 on the prohibition of organotin compounds on ships. This Regulation prohibits ships from having organotin compound based anti-fouling paints applied to their hulls or other external surfaces, and it establishes a survey and certification regime in relation to anti-fouling systems. These Regulations came into force on 1 December 2009.	These regulations were amended by the <u>Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019</u> which amend legislation to ensure that EU controls and obligations relating to air pollution and anti-fouling systems of ships are transferred into UK regulations and remain effective after the transition period is complete.
<b><u>The Merchant Shipping (Implementation of Ship-Source Pollution Directive) Regulations 2009</u></b>	These Regulations implement EU Directive 2005/35/EEC in ship-source pollution and on the introduction of penalties for infringement, through amendment of the 1996 NLS Regulations and the Merchant Shipping Act 1995. The Regulations limit the defences available to the master or owner of a ship involved in an oil spill or chemical spill and extend liability for the discharge to others such as charterers and classification societies. This closed a loop hole in the existing legislation where some large spills were not open to prosecution under MARPOL. These Regulations entered force on 1 July 2009.	There are currently no amendments as a result of EU Exit.
<b><u>The Persistent Organic Pollutants Regulations 2007</u></b>	These Regulations control the production and use of certain persistent organic pollutants (e.g. PCBs and PAHs). Requirements include controls on use and waste handling/disposal of products containing such components. Controls on use/discharge will be managed through the existing CEFAS registration scheme under the Offshore Chemical Regulations 2002. These Regulations came into force on 3 December 2007.	<p>Amended by:</p> <ul style="list-style-type: none"> <li>• <u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2018</u></li> </ul> <p>These regulations amend the Persistent Organic Pollutants Regulations 2007 on persistent organic pollutants which has now been revoked. They amend references to EU and EU institutions, update legal references and act to ensure that the requirements under the amended regulations are enforced in the UK.</p> <ul style="list-style-type: none"> <li>• <u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2019</u></li> </ul> <p>These regulations amend <u>Regulation 2019/1021</u> to ensure that it remains effective once the transition period ends. These regulations amend references to the EU and EU law and transfers any powers under the European Chemicals Agency to UK National Authorities. It also revokes Part 4 of the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2018/ 1405 which pertains to Regulation EU 850/2004 as this is now revoked.</p> <ul style="list-style-type: none"> <li>• <u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020</u></li> </ul> <p>These regulations amend the Persistent Organic Pollutants Regulations 2007 to ensure that legislation pertaining to persistent organic pollutants remains effective after the UK withdraws from the EU.</p>
<b><u>The Persistent Organic Pollutants (Various Amendments) Regulations 2019</u></b>	<p>These regulations amend various pieces of legislation in accordance with <u>Regulation (EU) 2019/1021</u> when it replaced <u>Regulation (EC) 850/2004</u>.</p> <p>This legislation amends:</p> <ul style="list-style-type: none"> <li>• <u>The Environment Act 1995</u></li> <li>• <u>The Hazardous Waste (England and Wales) Regulations 2005</u></li> <li>• <u>The Persistent Organic Pollutants Regulations 2007</u></li> </ul>	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<p><b><u>The REACH Enforcement Regulations 2008 as amended</u></b></p>	<p>The EC REACH Regulations, which entered into force on 1 June 2007, are directly applicable in the UK, however the REACH Enforcement Regulations 2008 provide the regulatory framework for REACH in the UK. The UK REACH Regulations apply to all offshore installations but not ships. DECC has issued an <u>Advisory Note on Offshore Application of REACH</u>. The latest amendment to the 2008 Regulations came into force on 16 December 2013.</p>	<p>The EU REACH Regulation was brought into UK law on 1 January 2021 as UK REACH. REACH legislation has been replicated in the UK with the necessary changes to make it operable in the UK. The key principles of the EU REACH Regulation have been retained.</p> <p>Companies that supply and purchase substances, mixtures or articles to and from the EU, European Economic Area, Northern Ireland and Great Britain will need to ensure compliance of both UK and EU REACH.</p> <p>These regulations were amended by:</p> <ul style="list-style-type: none"> <li>• <u>The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019</u> which ensures that product safety measures are effective in the UK following EU Exit;</li> <li>• <u>The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019</u> which establishes the UK REACH system.</li> <li>• <u>The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020</u> which ensure that EU REACH continues to apply in Northern Ireland.</li> </ul>



## 4 Hazardous Substances

### 1.7. EU

Legislation piece	Description	Changes associated with Brexit
<b><u>Decision 2014/895/EU establishing the format for communicating the information referred to in Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances</u></b>	This Decision establishes a format for communicating information on the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances, in Member States.	There are currently no amendments as a result of EU Exit.
<b><u>Decision 2014/896/EU establishing the format for communicating information from Member States on the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances</u></b>		
<b><u>EC Directive 2012/18/EU on control of major-accident hazards involving dangerous substances (COMAH Directive:Seveso III)</u></b>	This Directive, which entered into force on 4 July 2012, sets out rules for the prevention of major accidents which involve dangerous substances and for reducing their consequences to humans and the natural environment. It is anticipated this will bring about a high level of protection throughout the EU. This Directive will revoke and replace Directive 96/82/EC, on major accident hazards, on 1 June 2015.	There are currently no amendments as a result of EU Exit.  Directives were not retained in the UK following withdrawal from the EU.
<b><u>EC Directive 2013/30/EC on safety of offshore oil and gas operations</u></b>	The 2013 Directive came into force on 12 June 2013, amending Directive 2004/35/EC (on environmental liability with regards to the prevention and remedying of environmental damage). The 2013 Directive was introduced by the EU to put in place a set of rules to help prevent accidents, as well as respond promptly and effectively should they occur.	There are currently no amendments as a result of EU Exit.  Directives were not retained in the UK following withdrawal from the EU.
<b><u>EC Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (Seveso II Directive)</u></b>	This Directive, which entered into force on 3 February 1997, is aimed at the prevention of major accidents which involve dangerous substances and the limitation of their consequences for man and the environment, with a view to ensuring protection throughout the Community in a consistent and effective manner. These Regulations were amended by EU 2012/18 and will be transposed into The Control of Major Accident Hazards Regulations 2015.	Revoked and replaced by <u>Directive 2012/18/EU</u> . There are currently no amendments to UK legislation implementing Directive 2012/18 as a result of EU Exit.  Directives were not retained in the UK following withdrawal from the EU.
<b><u>EU Commission Implementing Regulation 1112/2014 determining a common format for sharing and publishing information on major hazard indicators</u></b>	A new direct acting EU Regulation (Implementation Regulation) for the reporting of incidents offshore came into effect 19th July 2015. The Regulations determine a common format for the sharing of information on major hazard indicators by operators and owners of offshore oil and gas installations, and a common format for the publication of information on major hazard indicators by the Member States. The Regulations require operators and owners of offshore installations, and well operators, to report incidents to the Offshore Safety Directive Regulator (OSDR).	Amended by <u>The Health and Safety (Amendment) (EU Exit) Regulations 2018</u>  These regulations ensure that EU-derived health and safety protections will continue to be available in domestic law after the UK has left the EU.
<b><u>Regulation (EU) 649/ 2012 on the Export and Import of Hazardous Chemicals</u></b>	These regulations implement provisions which relate to the management of the import and export of hazardous chemicals. Annex I of these regulations lists chemicals for which certain restrictions apply and Annex 5 lists the chemicals which are prohibited for use within the EU. These Annexes are updated regularly and have been amended by: <ul style="list-style-type: none"> <li>• Regulation (EU) 1078/2014;</li> <li>• Regulation (EU) 2229/2015;</li> <li>• Regulation (EU) 2018/172;</li> <li>• Regulation (EU) 2019/330; and</li> <li>• Regulation (EU) 2019/1701</li> </ul>	<ul style="list-style-type: none"> <li>• <u>The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019</u></li> </ul> <p>These regulations transfer the functions of Risk Assessment Committee of the European Chemicals Agency (ECHA) to the Health and Safety Executive in the UK. They amend the retained EU Regulation 649/2012 to ensure they still apply after Brexit. This includes transferring powers from EU entities within the UK.</p>

Legislation piece	Description	Changes associated with Brexit
<b><u>Regulation (EU) 1078/2014 amending Annex 1 to Regulation (EU) 649/2012 on the export and import of hazardous chemicals</u></b>	This Regulation amends Regulation (EU) 649/2012 on the export and import of hazardous chemicals. These amendments make changes to Annex 1 of Regulation (EU) 649/2012 including adding, replacing and deleting entries in the lists of chemicals subject to certain procedure or notification. These Regulations came into force on 1 December 2014.	There are currently no changes to exports and imports of hazardous chemicals during the transition period.  However, note the Brexit updates for Regulation 649/2012 that EU Regulation 1078/2014 amends.  The latest guidance is available via the HSE newsletter ( <a href="https://www.hse.gov.uk/brexit/pic.htm">https://www.hse.gov.uk/brexit/pic.htm</a> ).

#### 1.8. UK

Legislation piece	Description	Changes associated with Brexit
<b><u>The Control of Major Accident Hazards Regulations (Northern Ireland) 2015</u></b>	These regulations apply to Northern Ireland only and establish procedures with regard to the control of major accident hazards involving dangerous substances.	There are currently no amendments as a result of EU Exit.
<b><u>Health and Safety at Work Act 1974</u></b>	The Health and Safety at Work, etc. Act 1974 is the primary piece of legislation covering occupational health and safety in Great Britain. The Bill came into force later that year.	There are currently no amendments as a result of EU Exit.
<b><u>The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013</u></b>	These regulations implement EU Regulation 1272/2008 on classification, labelling and packaging of substances and mixtures and appoint the UK Health and Safety Executive (HSE) and the Health and Safety Executive as the national authorities for the export and import of hazardous chemicals, under EU regulation 649/2021.	<b><u>The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019</u></b>  These regulations transfer the functions of Risk Assessment Committee of the European Chemicals Agency (ECHA) to the Health and Safety Executive in the UK. This includes transferring powers from EU entities within the UK.
<b><u>The Control of Major Accident Hazards (Amendment) Regulations 2015</u></b>	These Regulations came into force on 13 July 2015 and apply to England, Scotland and Wales. They correct an error in the text of the Control of Major Accident Hazards Regulations 2015.	See the Control of Major Accident Hazards Regulations 2015 below.
<b><u>The Control of Major Accident Hazards Regulations 2015</u></b>	The new Control of Major Accident Hazards (COMAH) Regulations came into force in the UK on 1 June 2015. The main COMAH requirements will not change but a number of important changes particularly on how dangerous substances are classified and information that has to be made available to the public will change as a result of the new regulations. For the first time, lower tier operators will have to provide public information about their site and its hazards. Both top tier (now referred to as upper tier) and lower tier operators will need to provide public information electronically and keep it up to date. The Regulations were updated in March 2017 to highlight that they do not include the transport of dangerous substances in pipelines, by road, rail, internal waterways, sea or air except where that activity takes place at a site which is an establishment despite that activity.	<b><u>The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019</u></b>  These regulations transfer the functions of Risk Assessment Committee of the European Chemicals Agency (ECHA) to the Health and Safety Executive in the UK. This includes transferring powers from EU entities within the UK.  <b><u>The Health and Safety (Amendment) (EU Exit) Regulations 2018</u></b>  This legislation amends the Control of Major Accident Hazards Regulations 2015 to remove EU references which are no longer applicable and to remove requirements for the UK to advise and report to EU Member States or the European Commission.
<b><u>The Control of Substances Hazardous to Health Regulations 2002 (as amended)</u></b>	The Control of Substances Hazardous to Health (COSHH) Regulations 2002 are a health and safety regulations that are applicable to the environment with regards to chemical storage. COSHH is the law that requires employers to control substances that are hazardous to health. The COSHH Regulations 2002 came into force on 21 November 2002 and have since been amended in 2004, coming into force on 6 April 2005.	Amended by: <ul style="list-style-type: none"> <li><b><u>The Health and Safety (Amendment) (EU Exit) Regulations 2018</u></b> Removes references to the UK being an EU member state.</li> <li><b><u>The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019</u></b> These regulations transfer the functions of Risk Assessment Committee of the European Chemicals Agency (ECHA) to the Health and Safety Executive in the UK. This includes transferring powers from EU entities within the UK.</li> </ul>

Legislation piece	Description	Changes associated with Brexit
<b><u>The Hazardous Waste Regulations (Northern Ireland) 2005</u></b>	These regulations implement Directive 2008/98/EC. This places controls on the management and movement of hazardous waste as well as implementing reporting requirements for producers, holders and carriers of hazardous waste. This legislation was most recently amended by <u>Hazardous Waste (Amendment No. 2) Regulations (Northern Ireland) 2015</u> which implements Commission Decision 2014/955/EU amending Decision 2000/532/EC on the list of waste. This amendment removes any reference to the Hazardous List of Wastes Regulations (Northern Ireland) 2005 which were revoked by this amendment.	These have been amended by <u>the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019</u> . The amendments are mostly minor and amend secondary domestic legislation which transposes EU Directives into Northern Ireland law.
<b><u>The Offshore Installations (Offshore Safety Directive) (Safety Case, etc.) Regulations 2015</u></b>	The Offshore Installation (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 came into force on the 19 July 2015 replacing the 2005 Safety Case Regulations. The 2015 Regulations will implement the EC Directive on safety of offshore oil and gas operations 2013/30/EU. The EU has put Directive in place a set of rules to help prevent accidents, as well as respond promptly and efficiency should one occur. The 2015 Regulations provide for the preparation of safety cases for offshore installations and the notification of specified activities to the competent authority.	<u>The Health and Safety (Amendment) (EU Exit) Regulations 2018</u> These regulations establish that the Health and Safety Executive (HSE) can continue to exchange knowledge with other authorities, but removes the requirement for the UK to exchange knowledge, information and experience through the European Union Offshore Oil and Gas Authorities Group (EUOAG) as the UK is no longer an EU member state.  <u>The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019</u> . Ensures that product safety measures are effective in the UK following EU Exit.
<b><u>The Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015</u></b>	They implement Directive 2013/30/EU, on safety of offshore oil and gas operations, and make provisions regarding offshore licenses and came into force on 19 July 2015. The Regulations implement the Offshore Safety Directives requirements relating to licensing and certain environmental matters relating to emergency response, and are produced by DECC.	There are currently no amendments as a result of EU Exit.
<b><u>The Planning (Control of Major Accident Hazards) (Scotland) Regulations 2000</u></b>	The Planning (Control of Major-Accident Hazards) (Scotland) Regulations 2000 came into force on 6 July 2000.	There are currently no amendments as a result of EU Exit.
<b><u>The Planning (Control of Major Accident Hazards) (Scotland) Regulations 2009</u></b>	These Regulations may be cited as the Planning (Control of Major-Accident Hazards) (Scotland) Regulations 2009 and come into force on 23 November 2009.	There are currently no amendments as a result of EU Exit.
<b><u>Planning (Hazardous Substances) Act 1990</u></b>	Under these Regulations, if a site contains a hazardous substance on or under land above a specified quantity, then it is necessary to obtain consent from the hazardous substances authority. This Act came fully into force on 1 June 1992 and applies to England and Wales only.	There are currently no amendments as a result of EU Exit.
<b><u>The Planning (Hazardous Substances) (No.2) (Amendment) Regulations (Northern Ireland) 2016</u></b>	Applying to Northern Ireland only, these Regulations came into force on 9 May 2016 and amend the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) SR 2015/344 in order to specify that Defra must be consulted before an application for hazardous substance consent is determined.	There are currently no amendments as a result of EU Exit.
<b><u>The Planning (Hazardous Substances) Regulations 2015</u></b>	These Regulations (2015/627) which apply to England only amend planning procedures in relation to sites where hazardous substances are held and land near those sites. The amendments are required in order to implement the land-use planning aspects of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances. These regulations also revoke The Planning (Hazardous Substances) Regulations 1992 and The Planning (Control of Major-Accident Hazards) Regulations 1999, and came into force on 1 June 2015.	<u>The Planning (Hazardous Substances and Miscellaneous Amendments) (EU Exit) Regulations 2018</u>  These regulations amend references to EU legislation which is no longer applicable following the withdrawal of the UK from the EU. However, no material changes are implemented which will change how the hazardous substances planning regime operates.
<b><u>The Planning (Hazardous Substances) Regulations (Northern Ireland) 2015</u></b>	The Planning (Hazardous Substances) Regulations (Northern Ireland) 2015 revoke the 1993 Regulations with the same name. The 2015 Regulations came in to force on 1 April 2015, and apply only to Northern Ireland. The Regulations implement aspects of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.	There are currently no amendments as a result of EU Exit.
<b><u>The Planning (Hazardous Substances) (Scotland) Act 1997</u></b>	An Act to consolidate certain enactments relating to special controls in respect of hazardous substances with amendments to give effect to recommendations of the Scottish Law Commission. The Act was introduced into Scottish law in 1997.	There are currently no amendments as a result of EU Exit.
<b><u>The Planning (Hazardous Substances) Wales Regulations 2015</u></b>	These Regulations came into force on 4 September 2015 and apply to Wales only. They consolidate along with amendments, the Planning (Hazardous Substances) Regulations SI 1992/656, and include provisions for the determination period of procedures relating to applications to the Secretary of State and appeals against decisions under the Planning (Hazardous Substances) Act 1990. These Regulations also implement the land-use aspects of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.	There are currently no amendments as a result of EU Exit.
<b><u>The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)</u></b>	Requires the reporting of work-related accidents, diseases and dangerous occurrences. It applies to all work activities but not to all incidents. These Regulations came into force on 1 October 2013.	There are currently no amendments as a result of EU Exit

## 5 EIA and Public Participation

### 1.9. EU

Legislation piece	Description	Changes associated with Brexit
<b><u>Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)</u></b>	Requirements for SEA are already in place in the EU and UK through the EU SEA Directive. The Directive entered into force on 27 June 2001.	<p>Directive has not been retained by the UK.</p> <p>Amendments to the following implementing legislation in Scotland have been made: <u>Environmental Assessment (Scotland) Act 2005 as amended which has been amended by The Environmental Assessment (EU Exit) (Scotland) (Amendment) Regulations 2019.</u></p> <p>These regulations amend the Environmental Assessment (Scotland) Act 2005. Part of these regulations came into force on the 30 June 2019 and they will fully come into force at the end of the transition period. The amendment includes minor and technical changes to update cross-references to EU legislation and to ensure the policies remain effective in the UK.</p> <p>There are currently no amendments to implementing legislation applying to England and Wales.</p>
<b><u>Directive 2011/92/EU (EIA Directive)</u></b>	EC Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (as amended by Directive 2014/52/EU) and came into force in early 2012. The EC Directive 2011/92/EU revokes the 85/337/EEC and the 97/11/EC Directives and amends the 2003/35/EC directive. The 2011/92/EU lists two classes of project to which the Directive applies: Annex 1 Projects for which environmental assessment (EA) is mandatory; and Annex 2 projects for which EA is discretionary. Under 2012/92/EU, oil and gas developments are listed as Annex 1 projects. On 26 October 2012 the European Commission launched proposals to amend Directive 2011/92/EU – the Environmental Impact Assessment (EIA) Directive which was amended in 2014 by Directive 2014/52/EU.	<p>Directive has not been retained by the UK.</p> <p>This Directive is implemented in the UK through:</p> <ul style="list-style-type: none"> <li>• <u>The Marine Works (Environmental Impact Assessment) Regulations 2007;</u></li> <li>• <u>The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017;</u></li> <li>• <u>The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017;</u></li> <li>• <u>The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.</u></li> </ul> <p>The 2017 Marine Works regulations listed above have been amended by <u>the Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019</u> to make corrections that are necessary to ensure that the legislation continues to operate effectively after Brexit.</p> <p>The Town and Country Planning Regulations and the Electricity Works Regulations have been amended by <u>the Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019</u> to ensure these regulations operate effectively following the UK's withdrawal from the EU.</p>
<b><u>EC Directive 2003/35/EC (as amended) providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/377 and 96/61/EC</u></b>	The Public Participation Directive implements the second part of the Aarhus Convention. The Directive requires an increase in the already high level of public participation in the process by which regulators consider environmental implications for offshore activities. The PPD Directive has brought about significant changes to EIA/ES requirements for modifications to existing developments, including production increases, through bringing the threshold for determination of the requirements for an EIA/ES in line with those for new developments. Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 25 June 2005.	<p>This Directive was already implemented into UK legislation under a number of regulations.</p> <p>Directives have not been retained by the UK.</p>
<b><u>EC Directive 2014/52/EU</u></b>	Directive 2014/52/EU makes provision for improvements to the EIA procedure. Significant changes are also made to Annex 3 and 4 with a new Annex 2a detailing information that needs to be provided when determining whether projects listed in Annex II require an EIA. The new EIA Directive entered into force on 15 May 2014.	<p>This Directive amends Directive 2011/92/EU (EIA Directive) listed above.</p> <p>Directives have not been retained by the UK.</p>

## 1.10. UK

Legislation piece	Description	Changes associated with Brexit
<b><u>Data Protection Act 1998</u></b>	The Data Protection Act (DPA) 1998 seeks to strike a balance between the rights of individuals and the sometimes competing interests of those with legitimate reasons for using personal information. The DPA gives individuals certain rights regarding information held about them. It places obligations on those who process information (data controllers) while giving rights to those who are the subject of that data (data subjects). The 1998 DPA came into force early in 1999.	There are currently no amendments as a result of EU Exit.
<b><u>Environmental Assessment (Scotland) Act 2005 as amended</u></b>	These regulations apply to Scotland only and outline which developments require environmental assessments and the necessary procedures when producing an environmental report.	Amended by: <ul style="list-style-type: none"> <li>• <u>The Environmental Assessment (EU Exit) (Scotland) (Amendment) Regulations 2019</u></li> </ul> <p>These regulations amend the Environmental Assessment (Scotland) Act 2005. Part of these regulations came into force on the 30 June 2019 and they will fully come into force at the end of the transition period. The amendment includes minor and technical changes to update cross-references to EU legislation and to ensure the policies remain effective in the UK.</p>
<b><u>Freedom of Information (FOI) Act 2000</u></b>	The Freedom of Information Act 2000 gives the public a general right of access to information held by or on behalf of public authorities, promoting a culture of openness and accountability across the public sector. The full provisions of the act came into force on 1 January 2005.	There are currently no amendments as a result of EU Exit.
<b><u>Freedom of Information (Scotland) Act 2002</u></b>	The 2002 Act provides similar provision to the 2000 Act however in Scotland Central Government Departments are regulated under the UK Act however the Scottish Executive and its Agencies are regulated under the Scottish Act and came into force at the beginning of 2005. Departments with jurisdiction in England and Wales are regulated under the UK Act. The Act came into force in Scotland on 31 December 2005.	There are currently no amendments as a result of EU Exit.
<b><u>Pipelines Act 1962</u></b>	The Pipelines Act 1962 was introduced to regulate and facilitate the construction and safe operation of pipelines. The Act received Royal Assent on 1 August 1962.	There are currently no amendments as a result of EU Exit.
<b><u>Planning Act of 2008</u></b>	The Planning Act of 2008, Chapter 29 establishes the Infrastructure Planning Commission and makes provision about its functions; the authorisation of projects for the development of nationally significant infrastructure; to make provision about town and country planning; to make provision about the imposition of a Community Infrastructure Levy; and for connected purposes. Act was introduced and implemented into law in November 2008.	There are currently no amendments as a result of EU Exit.
<b><u>Planning etc. (Scotland) Act 2006</u></b>	Planning etc. (Scotland) Act 2006, which received Royal Assent on 20 December 2006, is one of the most important reforms in the planning system in recent years, providing a legal framework for administration by central and local government.	There are currently no amendments as a result of EU Exit.
<b><u>The Environmental Impact Assessment (Miscellaneous Amendments) (Scotland) Regulations 2017</u></b>	Minor changes to EIA Regulations including Marine Works	There are currently no amendments as a result of EU Exit.
<b><u>The Environmental Impact Assessment (Scotland) Amendment Regulations 2009</u></b>	The EIA Directive aims to ensure that the authorities giving consent for projects make decisions with full knowledge of significant effects on the environment. In Scotland the EIA Directive is implemented through various consent regimes, including the Town and Country Planning system. This legislation makes amendments to the Environmental Impact Assessment (Scotland) Regulations 1999 as a result of the Planning (Scotland) Act 2006, and associated secondary legislation and came into force on 3 August 2009. Changes include; removal of outline planning permission and, changes to notifying environmental statements from the applicant to the planning authority.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Environmental Impact Assessment (Scotland) Regulations 1999</u></b>	The Environmental Impact Assessment (Scotland) Regulations of 1999, transpose the EIA Directive as amended into Scottish planning law. The Regulations set out the statutory procedures, list the types of project to which they apply, specify the information to be contained in an environmental statement, list the consultation bodies and provide criteria for deciding whether projects are likely to have significant environmental effects. These Regulations came into force on 1 June 2011.	There are currently no amendments as a result of EU Exit.
<b><u>The Environmental Information (Scotland) Regulations 2004</u></b>	The Directive on Public Access to Information implements the first part of the Aarhus Convention into EU law and the Environmental Information Regulations 2004 implement this Directive in the UK. The Regulations, which came into force on 1 January 2005, give a statutory right of access to environmental information held by public authorities and organisations with public authority responsibilities.	These regulations were amended by <a href="#">the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019</a> which make changes to legislation regarding GDPR and Data Protection to ensure it is effective after the UK leaves the EU (e.g. removing references to EU member states, authorities and protocols). The same standard of GDPR and data protection exists after the UK left the EU.
<b><u>The Environmental Information Regulations 2004</u></b>	The Environmental Information (Scotland) Regulations (EIR) 2005, which came into force on 1 January 2005, serves to implement EC Directive 2003/4/EC in Scotland and to establish an access regime allowing the public to request information from Scottish public authorities. The EIR 2004 form part of a freedom of information suite of legislation and the Freedom of Information Act, together with the Environmental Information Regulations and the Data Protection Act, are now part of the same whole. The Environmental Information Regulations providing access to environmental information, the Data Protection Act providing access to personal information of which the applicant is the subject and the Freedom of Information Act enabling access to all other information.	These regulations were amended by <a href="#">the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019</a> which make changes to legislation regarding GDPR and Data Protection to ensure it is effective after the UK leaves the EU (e.g. removing references to EU member states, authorities and protocols). The same standard of GDPR and data protection exists after the UK left the EU.
<b><u>The Freedom of Information (Time for Compliance with Request) Regulations 2010</u></b>	Under certain circumstances these regulations allow the response time to a request for information to be extended from 20 to 60 days. These regulations came into force on 17 November 2010.	There are currently no amendments as a result of EU Exit.
<b><u>The Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007</u></b>	These Regulations, which came into force on 20 August 2007, amend the Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 (the 1999 Regulations) and streamline the previous regime.	There are currently no amendments as a result of EU Exit.
<b><u>The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013</u></b>	Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 requires marine license applicants intent on undertaking certain classes of marine activity to carry out a pre-application consultation process. These Regulations came into force on 1st January 2014 and apply to Scotland only. From 6 April 2014, certain activities will be subject to a public pre-application consultation. Activities affected will be large projects with the potential for substantial impacts on the environment, local communities and other legitimate uses of the sea. This new requirement will allow local communities, environmental groups and other interested parties to comment on any proposed development in its early stages, before an application for a marine licence is even submitted.	There are currently no amendments as a result of EU Exit.
<b><u>The Marine Works and Marine Licensing (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020</u></b>	These Regulations came into force on 20 May 2020 and apply to Scotland only. These modifications remove the requirements to make information or documentation available for inspection in a public place provide hard copies of EIA reports and hold public events.	There are currently no amendments as a result of EU Exit.
<b><u>The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017</u></b>	These Regulations apply to England, Wales and Northern Ireland and extend to Scotland in relation to certain reserved matters in the Scottish inshore region and the Scottish offshore region. These Regulations make provision for environmental impact assessments to be carried out prior to consenting of various activities in UK waters and seas, including any area submerged at mean high water spring tide and the water of every estuary, arm of the sea, river or channel where the tide flows at mean high water spring tide. These regulations transpose into UK legislation the amendments to the EU EIA Directive 2011/92/EU made by EU Directive 2014/52/EU.	They have been amended by <a href="#">The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019</a> to update references to EU legislation, without making any substantial changes.
<b><u>The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017</u></b>	These regulations apply in the Scotland Marine Area only. They replace Marine Works (Environmental Impact Assessment) Regulations 2007 and transpose into Scottish legislation the amendments to the EU EIA Directive 2011/92/EU made by EU Directive 2014/52/EU.	They have been amended by <a href="#">The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019</a> to update references to EU legislation, without making any substantial changes.

Legislation piece	Description	Changes associated with Brexit
<b><u>The National Scenic Areas (Scotland) Regulations 2008</u></b>	The regulations (Scotland only) make minor amendments for certain projects requiring an EIA and came into force on 20 June 2008.	There are currently no amendments as a result of EU Exit.
<b><u>The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020</u></b>	These regulations revoke and replace the Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations SI 1999/360 in order to consolidate, clarify and simplify the provisions of those Regulations. These Regulations: simplify aspects of the EIA legislation regime for offshore projects. For example it introduces the possibility to submit a draft EIA to OPRED for the purposes of an informal review before engaging the formal EIA process. amend provisions required to fulfil the legal commitments arising from judicial reviews which include access to environmental impact assessment (EIA) information; incorporates a provision to undertake inspection and investigation in relation to any offence committed by a developer; correct existing offence provisions to ensure that the appropriate competent authorities' responsibilities are reflected; introduce changes to civil sanctions for regulatory breaches; introduce changes to the fee provisions for administrative and technical services.	This is fully implemented and effective in the UK.
<b><u>The Offshore Petroleum Production and Pipelines (Environmental Impact Assessment and other miscellaneous provisions) (Amendment) Regulations 2017</u></b>	These regulations implement: Directive 2014/52/EU(a) (the 'EIA Directive' as it applies offshore); an obligation under Article 6 of Council Directive 92/43/EEC(b) (the 'Habitats Directive' as it applies to offshore oil and gas activities); minor corrections to the Offshore Petroleum Licencing (Offshore Safety Directive) (Regulations 2015 (S.I. 2015/315)).	There are currently no amendments as a result of EU Exit.
<b><u>The Pipeline Works (Environmental Impact Assessment) Regulations 2000</u></b>	Proposed onshore pipelines (except those of public gas transporters, the government and water companies – see below) which are more than 10 miles (16 km) long require a Pipeline Construction Authorisation (PCA) from the Secretary of State, under Section 1 of the Pipelines Act 1962. Such applications may be subject to EIA by virtue of the Pipeline Works (Environmental Impact Assessment) Regulations 2000. These Regulations entered into force on 1 September 2000. The Act applies to pipelines on land, which includes the foreshore (between low and high water marks) and partially enclosed areas of the sea such as bays, estuaries and harbours.	Amended by <u>the Pipelines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018</u> to ensure this legislation is effective after the UK's withdrawal from the EU.
<b><u>The Public Gas Transporter Pipeline Works (Environmental Impact Assessment) Regulations 1999</u></b>	Pipelines constructed by a public gas transporter (PGT) under the <u>Gas Act 1986</u> will require an EIA if their diameter exceeds 800 mm with a length greater than 40 km, or if the design operating pressure is > 7 bar gauge, or the pipeline passes through an environmental sensitive area. Under the licensing regime provided by the Gas Act 1995, PGTs as statutory undertakers have the benefit of permitted development rights and therefore do not need to apply for consent under the Pipelines Act 1962 or planning permission. However, the 1999 Regulations, which came into force on 15 July 1999, ensure that an EIA is undertaken by PGTs where significant environmental effects may occur.	Amended by <u>the Pipelines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018</u> to ensure this legislation is effective after the UK's withdrawal from the EU.

## 6 EMS

### 1.11. EU

Legislation piece	Description	Changes associated with Brexit
<b><u>European Eco-Management and Audit Scheme (EMAS)</u></b>	From 01 January 2021, the EMAS Competent Body designated by the United Kingdom according to Article 11 of the EMAS Regulation will lose its status. It will not be in the position to carry out the tasks described in the EMAS Regulation. It will therefore be removed from the list of EMAS Competent Bodies on the EU EMAS website and its right to access the EMAS register database will be removed. An application can only be introduced with an EU-27 EMAS Competent Body that is designated by the Member State to provide for and be responsible for the registration of organisations located outside the Community (Article 11(1) of the EMAS Regulation). According to Article 3(2) of the EMAS Regulation, this requires that (i) the organisation's headquarter or management centre designated for the purpose of the corporate registration, is located in an EU-27 Member State and (ii) the application for corporate registration is made to the Competent Body of that Member State.	The European Commission has published a <a href="#">notice</a> on the consequences of the Brexit in the field of EMAS. Currently, one option for organisations in the UK wanting to join or stay in the EMAS' network is to apply to EMAS Global. Updates on the EMAS will be followed on the <a href="#">European Commission website</a> .
<b><u>Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions</u></b>	The objective of the Community eco-management and audit scheme is to promote improvements in the environmental performance of organisations in all sectors through: the introduction and implementation by organisations of environmental management systems as set out in Annex I to this Regulation; objective and periodical assessment of those systems; training and active involvement of the staff of such organisations; provision of information to the public and other interested parties; and organisations must report against a set of core indicators: energy efficiency, material efficiency, water, waste, biodiversity and emissions. One condition of EMAS registration is that organisations must meet legal requirements regarding environmental protection. The updated Regulation provides some flexibility in the periods for which organisations are required to publish their environmental statement and also sets out transitional provisions for the revised Regulation requirements. The transitional period must be completed by 11 January 2011.	The European Commission has published a <a href="#">notice</a> on the consequences of the Brexit in the field of EMAS. Currently, one option for organisations in the UK wanting to join or stay in the EMAS' network is to apply to EMAS Global. Updates on the EMAS will be followed on the <a href="#">European Commission website</a> .  This legislation was revoked in the UK by <a href="#">the Environment (Amendment etc.) (EU Exit) Regulations 2019</a> . The UK will leave the EMAS scheme and this legislation prevents EU Regulation 1221/2009 from becoming domestic law.

### 1.12. UK

None.



## 7 Environmental Liability

### 1.13. EU

Legislation piece	Description	Changes associated with Brexit
<p><b><u>EC Directive 2013/30/EC on safety of offshore oil and gas operations</u></b></p>	<p>The 2013 Directive came into force on 12 June 2013, amending Directive 2004/35/EC (on environmental liability with regards to the prevention and remedying of environmental damage). The 2013 Directive was introduced by the EU to put in place a set of rules to help prevent accidents, as well as respond promptly and effectively should they occur.</p>	<p>Implemented in the UK by the <u>Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015</u>. These regulations have been amended by the following pieces of EU Exit legislation:</p> <p><u>The Health and Safety (Amendment) (EU Exit) Regulations 2018</u></p> <p>These regulations establish that the Health and Safety Executive (HSE) can continue to exchange knowledge with other authorities, but removes the requirement for the UK to exchange knowledge, information and experience through the European Union Offshore Oil and Gas Authorities Group (EUOAG) as the UK is no longer an EU member state.</p> <p><u>The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019</u>. Ensures that product safety measures are effective in the UK following EU Exit.</p> <p>Updates on guidance on these regulations are provided on the <u>HSE website</u>.</p>
<p><b><u>EC Directive 2004/35 on Environmental Liability with Regard to the Prevention and Remedying of Environmental Damage</u></b></p>	<p>The Environmental Liability Directive was adopted in 2004 and was required to be implemented by 30 April 2007. The Directive enforces strict liability for prevention and remediation of environmental damage to 'biodiversity', water and land from specified activities and remediation of environmental damage for all other activities through fault or negligence.</p>	<p>Implemented in the UK by:</p> <ul style="list-style-type: none"> <li>In England: the Environmental Damage (Prevention and Remediation) Regulations 2015 Amended by the Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 and the Environment (Amendment etc.) (EU Exit) Regulations 2019.</li> <li>In Wales: The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 Amended by <u>The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019</u>.</li> <li>In Scotland: The Environmental Liability (Scotland) Regulations 2009. Amended by <u>the Environmental Liability etc. (EU Exit) (Scotland) (Amendment) Regulations 2019</u></li> </ul> <p>These amendments ensure that the legislation is effective after the UK leaves the EU (e.g. updating references to EU legislation and authorities).</p>

## 1.14. UK

Legislation piece	Current text with updates	Changes associated with Brexit
<p><b><u>The Environmental Damage (Prevention and Remediation) (England) Regulations 2015</u></b></p> <p><b><u>The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009</u></b></p> <p><b><u>The Environmental Damage (Prevention and Remediation) (Amendment) (Wales) Regulations 2015</u></b></p> <p><b><u>The Environmental Liability (Prevention and Remediation) (Amendment) Regulations (Northern Ireland) 2009</u></b></p> <p><b><u>The Environmental Liability (Scotland) Regulations 2009</u></b></p> <p><b><u>The Environmental Liability (Scotland) Amendment Regulations 2015</u></b></p>	<p>The English Regulations came into force on 19 July 2015 and apply to England only. They impose obligations on operators certain activities requiring them to prevent or remediate environmental damage. They apply to damage to protected species, natural habitats, sites of special scientific interest (SSSIs), water and land and implement:</p> <p>Directive 2004/35/EC, on environmental liability; and          Directive 2013/30/EU, on the safety of offshore oil and gas operations.</p> <p>The 2015 Amendment Regulations extend categories of environmental damage to include damage to marine waters beyond 12 nautical miles from the baselines in Northern Ireland and correct errors in the Regulations. These Regulations also provide that in Scottish waters the Scottish Ministers are the enforcing authority except where otherwise specified. In particular the Secretary of State will continue to be the enforcing authority with respect to preventing and remedying damage caused by oil, gas and carbon dioxide storage activities, and with respect to the prevention of damage from marine transport activities. These regulations were most recently updated by <u>The Environmental Damage (Prevention and Remediation) (England) Regulations 2019/1285</u> which places a responsibility on enforcing authorities to report instances of environmental damage to the Secretary of State. A similar amendment was made by <u>The Rural Affairs and Environment (Miscellaneous Amendments) (Wales) Regulations 2019</u> which applies in Wales. The <u>Scottish 2009 Regulations</u> have been amended by the <u>Environmental Liability (Scotland) Amendment Regulations 2015</u> which came into force on the 19 July 2015. The <u>Northern Ireland Amendment</u> came into force on 14 December 2009, amending <u>The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009</u></p>	<ul style="list-style-type: none"> <li>• <u>The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018</u> and <u>the Environment (Amendment etc.) (EU Exit) Regulations 2019</u>. These regulations amend the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 to remove references to EU instruments where necessary and ensure the legislation is effective following the UK's withdrawal from the UK.</li> <li>• <u>The Environmental Damage (Prevention and Remediation) (Wales) (Amendment) (EU Exit) Regulations 2019</u> without making any significant changes (removal of references to EU directives and matters).</li> <li>• <u>The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019</u> amend <u>The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland 2009)</u> without making any significant changes (removal of references to EU directives and matters) to the operation of any policies in Northern Ireland and act only to ensure their continued effect.</li> <li>• <u>The Environmental Liability etc. (EU Exit) (Scotland) (Amendment) Regulations 2019</u>. They make amendments to the <u>Environmental Liability (Scotland) Regulations 2009</u> to of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU.</li> </ul>
<p><b><u>The Marine Strategy Regulations 2010</u></b></p>	<p>These regulations, which came into force on 15 July 2010, transpose the requirements of the Marine Strategy Framework Directive 2008/56/EC1 into UK law. It establishes a high-level framework which requires Member States to put in place measures to achieve or maintain good environmental status in their marine waters by 2020.</p>	<p>These regulations were amended by <u>the Marine Environment (Amendment) (EU Exit) Regulations 2018</u>, which amends this legislation to update references to EU member states and EU legislation to ensure that the legislation remains effective after the UK leaves the EU.</p>

## 8 Navigation and Decommissioning

1.15. EU

None identified.

1.16. UK

Legislation piece	Description	Changes associated with Brexit
<b><u>Coast Protection Act 1949</u></b>	Amending the law relating to the protection of the British coast against erosion and encroachment by the sea, to provide for the restriction and removal of works detrimental to navigation, to transfer the management of Crown foreshore from the Minister of Transport to the Commissioners of Crown Lands, and for purposes connected with the matters covered, receiving Royal Assent in November 1949.	There are currently no amendments as a result of EU Exit.
<b><u>Continental Shelf Act 1964</u></b>	An Act making provisions for the exploration and exploitation of the continental shelf, enabling effect to be given to certain provisions of the Convention on the High Seas done in Geneva on 29 April 1958, and for matters connected with those purposes. This Act received Royal Assent in April 1964.	There are currently no amendments as a result of EU Exit.
<b><u>The Marine Licensing (Delegation of Functions) (Amendment) Order 2015</u></b>	This Order amends the Marine Licensing (Delegation of Functions) Order 2011, allowing the Secretary of State, with reference from the Marine Management Organisation (MMO) in certain circumstances to determine a marine licence application.	There are currently no amendments as a result of EU Exit.
<b><u>The Marine Licensing (Exempted Activities) (Scottish Inshore and Offshore Regions) Amendment Order 2012</u></b>	This order, which came into force the date it was made (2 February 2012) makes provision that a marine licence is not required in Scottish inshore or offshore waters for the purpose of retrieving objects from the seabed which have been accidentally deposited there. Notice of the intention to carry out the recovery of dropped objects must however be given to the Scottish Ministers.	<p>This amends the:</p> <ul style="list-style-type: none"> <li>• <a href="#">Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011</a>; and</li> <li>• <a href="#">Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011</a>.</li> </ul> <p>These have also been amended by <a href="#">the Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019</a> by making clarifications to condition 2 for exemption from the requirement of a marine licence when disposing of or recovering waste, in that these activities must be carried out without endangering human health and the environment.</p>
<b><u>Petroleum Act 1998</u></b>	These Regulations consolidate with amendments the provisions of the Petroleum (Production) Regulations 1982 (as amended) in relation to (a) applications to the Secretary of State for petroleum production licences in respect of seaward areas and (b) applications to the Secretary of State for petroleum exploration licences in respect of seaward areas and landward areas below the low water line. Petroleum Licensing (Exploration and Production) (Seaward and Landward Areas) Regulations 2004 entered into force on 5 March 2004. Petroleum Licensing (Production) (Seaward Areas) Regulation 2008 entered into force on 6 April 2008.	There are currently no amendments as a result of EU Exit.
<b><u>The Coast Protection (Variation of Excluded Waters) (England) Regulations 2015</u></b>	These Regulations vary the paragraph of the Full Text of Schedule 4 to the Coast Protection Act 1949 that applies to the River Wear and remake regulations applying in England which have previously varied other paragraphs of that Schedule.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Marine Equipment) Regulations 2016</u></b>	These regulations provide international standards for marine equipment on UK ships.	<p>Amended by:</p> <ul style="list-style-type: none"> <li>• <a href="#">The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019</a></li> </ul> <p>These regulations amend the Merchant Shipping (Marine Equipment) Regulations 2016 and ensure that they will remain effective following on from the UK leaving the EU. These regulations implement the requirement for marine equipment to be approved by a UK approved body in the UK or approved in the EU by an EU Notified Body.</p>
<b><u>The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020</u></b>	These UK regulations incorporate the text of Annex V of MARPOL into domestic law. They refer the reader directly to the international text, avoiding the need to transpose detailed technical obligations into the UK Regulations.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Pipeline Safety Regulations 1996</u></b>	<p>These regulations, which came into force on 11 April 1996, require operators to ensure that adequate arrangements are in place for dealing with incidents and emergencies involving a pipeline, particularly in the event of:</p> <ul style="list-style-type: none"> <li>An accidental loss of fluid</li> <li>The discovery of a defect in the pipeline or of damage to it</li> <li>Any other emergency affecting the pipeline.</li> </ul> <p>In addition, if the pipeline is defined by Regulation 18 (Schedule 2) as a “Major Accident Hazard Pipeline” in that it is carrying fluids which are; flammable in air, have a boiling point below 5°C at 1 bar absolute, and are conveyed in the pipeline as a liquid; flammable in air and are to be conveyed in the pipeline as a gas at above 8 bar absolute; or have a vapour pressure greater than 1.5 bar absolute when in equilibrium with vapour at either the actual temperature of the liquid or at 20°C. Then a Major Accident Prevention Document and Emergency Procedures must be prepared by the pipeline operator – See “<u>COMAH</u>”. NOTE: The main focus of these regulations is Health and Safety, however through provision of contingency planning for this purpose, management of environmental risks can be incorporated.</p>	There are currently no amendments as a result of EU Exit.
<b><u>UK Marine and Coastal Access Act 2009</u></b>	<p>The UK Marine and Coastal Access Act of 2009, which gained Royal Assent on 12 November 2009, with particular relevance to biodiversity and nature conservation, this piece of legislation makes provision for the designation of Marine Conservation Zones (MCZs) in the territorial waters adjacent to England and Wales and UK offshore waters. Operators will need to apply for a marine licence to undertake certain licensable marine activities as per paragraph 66.</p>	<p>Amended by:</p> <ul style="list-style-type: none"> <li>• <u>The Marine Environment (Amendment) (EU Exit) Regulations 2018</u> to update references and requirements relevant to EU member states and EU legislation.</li> <li>• <u>The Fisheries (Amendment) (EU Exit) Regulations 2019</u> as amended, to update references to the EU.</li> </ul>

## 9 Pollution Prevention and Discharge

1.17. EU

None.

1.18. UK

Legislation piece	Description	Changes associated with Brexit
<b><u>Dangerous Vessel Act 1985</u></b>	This act requires harbour authorities to have a contingency plan to deal with the threat posed by dangerous vessels and should cover the treat of marine pollution from such vessels and came into effect in 1985.	There are currently no amendments to regulations implementing these provisions into UK legislation.
<b><u>Environmental Protection Act 1990 (Commencement No. 20) (Scotland) Order 2015</u></b>	Laid before the Scottish Parliament on the 20th February 2015, this Act came into force on the 1st April 2015.	The Environmental Protection Act 1990 is amended by: <ul style="list-style-type: none"> <li><u>The Environment (EU Exit) (Scotland) (amendment etc.) Regulations 2019</u> These regulations update references to EU member states and legislation and transfer enforcement powers with regards to environment protection, water, waste and bathing waters to SEPA.</li> <li><u>The Environment (Amendment etc.) (EU Exit) Regulations 2019</u> These regulations remove references to EU member state and various EU legislation to ensure they remain effective at the end of the transition period.</li> <li><u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> These regulations correct deficiencies in the legislation ensure it remains effective following the UK's withdrawal from the EU.</li> </ul>
<b><u>Pollution Prevention and Control Act 1999</u></b>	This act sets out regulations for the prevention of pollution. Section 3 of this act relates to the prevention of pollution after accidents involving offshore installations. The following orders list the directives pertinent to this act for England and Wales:  <u>The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2013</u>  <u>The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2015</u> <u>The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2019.</u>	<u>The Environment (Amendment etc.) (EU Exit) Regulations 2019.</u> These regulations update references to EU member states and legislation and transfer enforcement powers with regards to environment protection, water, waste and bathing waters to SEPA.  <u>The Environment (Amendment etc.) (EU Exit) (Amendment) (England and Wales) Regulations 2020</u>  These regulations amend the Environment (Amendment etc.) (EU Exit) Regulations 2019, in order to make changes to amendments to the Pollution Prevention and Control Act 1999 and its list of relevant directives.
<b><u>The Dangerous Goods in Harbour Areas Regulations (DGHAR) 2016</u></b>	These regulations revoke and replace the Dangerous Substances in Harbour Areas Regulations (DSHAR) 1987. Provisions in the DSHAR were identified as being redundant. The DGHAR regulations are simplified and updated.  The DGHAR regulations contain provisions to reduce the risk of accidents occurring through the use of dangerous goods in harbours, including for the storage, handing, loading, unloading and transport of dangerous goods. Harbour authorities also have a duty to prepare emergency plans under these regulations.	There are currently no amendments to regulations implementing these provisions into UK legislation.
<b><u>The Environmental Permitting (England and Wales) Regulations 2016</u></b>	These regulations outline the environmental permits that are required for industrial and waste activities which could harm human health or the environment. They replace and revoke several previous versions of these regulations which had been amended several times.	Amended by: <ul style="list-style-type: none"> <li><u>The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019</u> These regulations amend the Environmental Permitting (England and Wales) Regulations 2016. They make minor changes to remove any references to EU Directives which will be ineffective once the UK leaves the EU and will come into force at the end of the implementation period.</li> <li><u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> These regulations correct deficiencies in the legislation ensure it remains effective following the UK's withdrawal from the EU.</li> </ul>

Legislation piece	Description	Changes associated with Brexit
<b><u>The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012</u></b>	These regulations implement EU Directive 2009/18/EC on the investigation of accidents in the maritime transport sector. The regulations set out the procedures for dealing with specified casualties and incidents which are collectively defined as an “accident”, including the purpose and scope of an investigation and how an investigation is to be conducted and which accidents and incidents may be investigated. Accident means “a marine casualty, which is an event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship involving”...including “pollution, or the potential for such pollution to the environment caused by damage to a ship or ships”. These Regulations came into effect on 31 July 2012.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018</u></b>	The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 contain provisions to prevent the discharge of dangerous or noxious liquid substances in the sea, especially for ships carrying substances in bulk. These regulations implement Annex 2 of the International Convention for the Prevention of Pollution from Ships, 1973. These regulations were amended by <u>The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk and Prevention of Oil Pollution) (Amendment) Regulations 2021</u> to include amendments to the codes and guidelines that vessels should follow, clarify that the ban on discharging noxious liquid substances also refers to offshore support vessels and allow for a cargo record book to be in electronic format.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Oil Pollution Preparedness, Response &amp; Co-operation Convention) Regulations 1998 as amended</u></b>	These regulations created under the provision of the Merchant Shipping Act 1995, serve to implement in UK law the oil spill planning requirements of the OPRC Convention. Regulation 3 of the above defines harbours and oil handling facilities are required to have oil spill emergency plans in place, and includes; any oil handling facility offering berths alongside, on buoys or at anchor, to ships over 400 Gross Registered Tonnes (GRT) or oil tankers over 150 GRT; any oil handling facility in respect of which the Secretary of State (SoS) has served the operator with a notice stating that he is of the opinion that maritime activities are undertaken at that harbour or facility which involve a significant risk of discharge of over 10 tonnes of oil; and any other oil handling facility in respect of which the SoS has served the operator a notice stating that he is of the opinion that it is located in an area of significant environmental sensitivity, or in an area where a discharge of oil could cause significant economic damage. All facilities as defined above must complete an emergency Oil Pollution Emergency Plan in accordance with requirements of the regulations and secure formal approval of the plan from the national Competent Authority, the Maritime and Coastguard Agency (MCA), conforming to the National Contingency Plan. These Regulations came into force on 15 May 1998. These Regulations have been amended by <u>The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) (Amendment) Regulations 2015</u> on 19 July 2015, as a result of the new Offshore Safety Directive Regulations.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019</u></b>	These Regulations implement Annex I (Regulations for the Prevention of Pollution by Oil) of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (the MARPOL Convention). Further amendments have been made to the Annex which are also implemented by these Regulations. As a consequence, <u>the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996</u> and other instruments which amend them are revoked.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Reporting of Pollution Incidents) Regulations 1987 (POLREP)</u></b>	Require that the master of a ship involved in an incident involving actual or probable discharge of oil, noxious substance carried in bulk or marine pollutant in packaged form, report the particulars of the incident without delay. These Regulations entered into force on 6 April 1987.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Ship to Ship Transfers) Regulations 2020</u></b>	These regulations came into force on 26 February 2020. They regulate ship to ship transfers of oil-based cargo or other potentially hazardous substances which could result in hazardous discharges at sea. Under these regulations, any cargo transfers or bunkering operations in UK waters is prohibited. They also put in place a legislative regime for assessing and licensing harbour authorities which propose to allow ship-to-ship transfers in their waters. These regulations consolidate the previous regulations of the same name and add several additional amendments relating to the authorisation of ship to ship transfers by harbour authorities and the Secretary of State. These regulations make minor amendments to the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Offshore Chemicals and Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Coronavirus) (Amendment) Regulations 2020</u></b>	These Regulations came into force on 5 September 2020 and apply to England, Scotland, Wales and Northern Ireland. They amend legislation relating to offshore chemicals and offshore petroleum activities in order to provide temporary modifications which are necessary due to the coronavirus pandemic. The modifications remove the requirement for offshore oil and gas operators to make certain documents available for public inspection where, because of the pandemic, it is not practical to have the public inspect documents at a public place. Those documents can instead be published on a website.	There are currently no amendments as a result of EU Exit.
<b><u>The Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Amendment) Regulations 2011</u></b>	The Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Amendment) Regulations 2011 have introduced a number of changes to the Regulations. This includes a new definition of “offshore installation” which encompasses all pipelines – some of which were not previously covered by the OPPC Regulations. The amending OPPC Regulations also include the concept of “release” to cover all unintentional emissions of oil that occur through accidental spills / leaks or non-operational discharges. Intentional emissions are now clarified as discharges. These Regulations came into force on 29 March 2011.	There are currently no amendments as a result of EU Exit.
<b><u>The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 as amended</u></b>	These Regulations, which entered force on 21 July 2005, introduced a permitting system for oil discharges and replace the requirement for an exemption under POPA. These Regulations do not require a permit for discharge of OBM/OPF and SBMs as these are permitted under the Offshore Chemical Regulations 2002. However any material being discharged or reinjected that has been contaminated by hydrocarbons from the reservoir will require a permit.	There are currently no amendments as a result of EU Exit.
<b><u>The Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2016</u></b>	The ‘Offshore Petroleum Activities (Conservation of Habitats) Regulations SI 2001/1754’ and the ‘Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations SI 1999/360’ have recently been amended to include the inclusion of the ‘Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations SI 2016/529’ which come into force on 1 June 2016.	There are currently no amendments as a result of EU Exit.
<b><u>The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013</u></b>	These Regulations implement Directive 2010/75/EU on industrial emissions. The 2013 Regulations came into force on 20 June 2013 and apply to Northern Ireland only. These Regulations provide a consolidated system of environmental permitting for Northern Ireland, and extend the range of activities that require an environmental permit, including IPPC applications.	These Regulations have been amended by <a href="#">The Environment Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019</a> .  These regulations do not make substantial changes (removal of references to EU directives) to the operation of any policies in Northern Ireland and act only to ensure their continued effect.
<b><u>The Pollution Prevention and Control (Scotland) Regulations 2012 as amended</u></b>	The Pollution Prevention and Control (Scotland) Regulations (SSI 2012/360) have been published and replace the previous Pollution Prevention and Control (Scotland) (Regulations SSI 2000/323). Establishes mechanisms to control pollution from any installation carrying out specified activities through permits, inspections and emission control. Covers the inclusion of best available techniques (BAT) and standard rules in permits. These regulations revoke previous PPC legislation and came into effect on the 7 January 2014.	Amended by: <ul style="list-style-type: none"> <li>• <a href="#">The Environment (Amendment etc.) (EU Exit) Regulations 2019</a> and</li> <li>• <a href="#">The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018</a></li> </ul> These regulations remove references to EU member state and various EU legislation to ensure they remain effective at the end of the transition period.
<b><u>The Pollution Prevention and Control (Scotland) Amendment Regulations 2014</u></b>	These Regulations came into force on 30 October 2014, amended the Pollution Prevention and Control (Scotland) Regulations 2012, and serve to transpose Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency (“the Energy Efficiency Directive”) and Directive 2010/75 of the European Parliament and of the Council on industrial emissions. SEPA must now include in any new permit authorising the operation of a solvents installation, a condition requiring the operator of the installation to notify SEPA of any incident or accident significantly affecting the environment.	No amendments specific to this legislation, however, see above for amendments on the Pollution Prevention and Control (Scotland) Regulations 2012.
<b><u>The Pollution Prevention and Control (Scotland) Amendment Regulations 2016</u></b>	This amends the 2012 PPC Regulations to take account of Commission Directive 2014/99/EU concerning the capture systems for petrol vapour at refuelling sites. This piece of legislation will come into force on the 12 <sup>th</sup> May 2016.	No amendments specific to this legislation, however, see above for amendments on the Pollution Prevention and Control (Scotland) Regulations 2012.
<b><u>The Pollution Prevention and Control (Scotland) Amendment Regulations 2017</u></b>	The Pollution Prevention and Control (Scotland) Amendment Regulations SSI 2017/446 amend the Pollution Prevention and Control (Scotland) Regulations SSI 2012/360.	No amendments specific to this legislation, however, see above for amendments on the Pollution Prevention and Control (Scotland) Regulations 2012.
<b><u>The Pollution Prevention and Control Regulations (Northern Ireland) 2003</u></b>	Cited as the Pollution Prevention and Control Regulations (Northern Ireland) 2003 , these Regulations came into force on 31 March 2003 and apply to Northern Ireland only.	Amended by <a href="#">the Environmental Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019</a> to ensure the legislation operates effectively following EU Exit.
<b><u>The Water Environment and Water Services (Scotland) Act 2003 (Modification of Part 1) Regulations 2015</u></b>	The Water Environment and Water Services (Scotland) Act 2003 sets out new arrangements for the protection of the water environment and makes changes with regard to funding for new connections to the public water and sewerage infrastructure.	Amended by <a href="#">the Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019</a> . They amend legislation relating to environment protection, water and waste in order to address the failures of retained EU law to operate effectively due to Brexit.

## 10 Radioactive Substances

### 1.19. EU

Legislation piece	Description	Changes associated with Brexit
<b><u>Council Directive 2013/59/Euratom Laying Down Basic Safety Standards for Protection Against the Dangers Arising from Exposure to Ionising Radiation</u></b>	RECALLING the provisions of subparagraph 3(c) of Article 3 of Annex II to that Convention on the dumping of low and intermediate level radioactive substances, including wastes, shall not be continued.	The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018 amend The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018 in order to address failures of the retained EU law to operate effectively after the UK leaves the EU.

### 1.20. UK

Legislation piece	Description	Changes associated with Brexit
<b><u>The Carriage of Dangerous Goods (Amendment) Regulations (Northern Ireland) 2019</u></b>	This regulation makes amendments to <u>The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010</u> . They implement the necessary safety standards to protect against dangers arising from exposure to ionizing radiation. These regulations came into force on 18 June 2019 and apply to Northern Ireland only.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997</u></b>	These Regulations, which came into force on 1 November 1997, revoke and replace the Transfrontier Shipment of Radioactive Waste Regulations 1993. The Regulations extend the scope of the 1993 Regulations to include spent nuclear fuel for re-processing as well as shipments of radioactive waste.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (as amended)</u></b>	These Regulations, which into force on 31 October 1995, revoke and replace the Transfrontier Shipment of Radioactive Waste Regulations 1993. The Regulations extend the scope of the 1993 Regulations to include spent nuclear fuel for re-processing as well as shipments of radioactive waste.	There are currently no amendments as a result of EU Exit.
<b><u>The Radiation (Emergency Preparedness and Public Information) Regulations 2019</u></b>	These regulations outline the safety standards required when ionising radioactive substances are present above certain thresholds. These safety standards include relevant hazard assessments and the subsequent planning to minimise these hazards. This legislation replaces the <u>Radiation (Emergency Preparedness and Public Information) Regulations SI 2001/2975</u> . This regulation also amends the following relevant legislation: <ul style="list-style-type: none"> <li>• <u>Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations SI 2006</u></li> <li>• <u>Radioactive Contaminated Land (Scotland) Regulations SI 2007</u></li> <li>• <u>Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations SI 2018</u>; and</li> <li>• <u>Ionising Radiations Regulations SI 2017</u>.</li> </ul>	There are currently no amendments as a result of EU Exit.
<b><u>The Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2019</u></b>	These regulations apply to Northern Ireland only and transpose elements of <u>Directive 2013/59/Euratom</u> relating to exposure to ionising radiation in the work place. Principally, this includes the emergency preparedness and response elements of Directive 2013/59/Euratom. This came into force on 1 November 2019.	There are currently no amendments as a result of EU Exit.
<b><u>The Environmental Authorisations (Scotland) Regulations 2018</u></b>	These regulations establish an authorisation system for the use of Radioactive substances, including when how and when to obtain authorisation from SEPA.	There are currently no amendments as a result of EU Exit.
<b><u>The Radioactive Substances (Modification of Enactments) Regulations (Northern Ireland) 2018</u></b>	The Regulations cover provisions in relation to planned public exposure situations and existing public exposure provisions. by amending the Radioactive Substances Act 1993, the Radioactive Substances Exemption (Northern Ireland) Order 2011, the High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005, the Radioactive Substances (Basic Safety Standards) Regulations (Northern Ireland) 2003 and the Radioactive Contaminated Land Regulations (Northern Ireland) 2006. These Regulations also implement some additional measures to streamline and clarify existing legislation.	There are currently no amendments as a result of EU Exit.



Legislation piece	Description	Changes associated with Brexit
<p><b><u>The Shipments of Radioactive Substances (EU Exit) Regulations 2019</u></b></p>	<p>These regulations replace and revoke <a href="#">Euratom Regulation 1493/93</a> on shipments of radioactive substances between Member States .</p> <p>These bring the following changes to the regulations:</p> <ul style="list-style-type: none"> <li>• requirement to submit a quarterly return will not be replicated;</li> <li>• obligation to make a prior written declaration will apply to UK imports from the EU only and not vice versa;</li> </ul> <p>obligation to make the prior written declaration is placed on the source receiver in the UK.</p>	<p>No further amendments.</p>
<p><b><u>The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008</u></b></p>	<p>These Regulations provide for identical procedures for the import, export and transit of radioactive waste and spent fuel into and out of the UK following EU exit. This will ensure that the UK has an operable regime and safe and regulated shipments can continue.</p> <p>These Regulations apply to transfrontier shipments of radioactive waste or spent fuel if both the quantity and the concentration of a consignment exceed the levels laid down in Table B of Annex 7 of Retained <a href="#">EU Directive 2013/59</a>.</p>	<p>Revoked by:</p> <ul style="list-style-type: none"> <li>• <a href="#">The Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019</a></li> </ul> <p>These regulations will replace and revoke the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 once the transition period has ended. They provide for equivalent procedures for the import, export and transit of radioactive waste and spent fuel into and out of the UK post exit.</p>

# 11 Waste

## 1.21. EU

Legislation piece	Description	Changes associated with Brexit
<b><u>Amendment Directive 2013/2/EU</u></b>	The Amendment Directive defines packaging and provides clarification where the borderline of what is packaging and what is unclear. These amendments came into force in February 2013.	<u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> . They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary. These regulations will amend or revoke several pieces of legislation mostly pertaining to the following: <ul style="list-style-type: none"> <li>waste batteries and accumulators,</li> <li>end of waste criteria, packaging waste,</li> <li>end-of-life vehicle destruction certification,</li> <li>landfill acceptance criteria,</li> <li>the management of waste from extractive industries, and</li> <li>calculation methods for verifying recycling target compliance.</li> </ul> A further amendment was made by the <u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u> pertaining to several UK regulations that implement EU directives on waste management. Amended pieces of legislation include: <ul style="list-style-type: none"> <li>Hazardous Waste (England and Wales) Regulations 2005;</li> <li>Producer Responsibility Obligations (Packaging Waste) Regulations 2007;</li> <li>Waste (England and Wales) Regulations 2011 and</li> <li>Waste Electrical and Electronic Equipment Regulations 2012.</li> </ul> <u>The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020</u> These amend retained EU legislation, including EU Decision 2000/532 to remove references to EU directives and implement other changes to ensure the legislation is effective after EU Exit.  The amendments make no changes to the standards required by the previous legislations and instead amend cross-references to EU law.
<b><u>Commission Decision 2000/532/EEC as amended by Commission Decision 2001/118/EC and 2001/119/EC (European Waste Catalogue and Hazardous Waste List)</u></b>	The European Waste Catalogue provides a list of definitions and codes for classifying wastes. This system provides a more precise method of identify the type of waste. Copies of the catalogue can be found at the following link, <u>Consolidated Version of European Waste Catalogue – EA Website</u> . The term ‘special waste’ is obsolete in England and Wales from July 2005 when the Hazardous Waste (England and Wales) Regulations and the List of Wastes (England) Regulations come into force introducing the hazardous waste regime and replacing the Special Waste Regulations. The Special Waste Regulations still apply in Scotland. The List of Waste Regulations 2005 (England) transpose the European Waste Catalogue (EWC) into domestic legislation. The term ‘European Waste Code’ has been replaced by ‘List of Waste’ (LOW). Industry uses a coding system for hazardous wastes and waste transfer notes, under the Duty of Care. However the list has more than 800 codes for all hazardous and non-hazardous waste and is difficult to use correctly. The EA therefore now uses LOW codes in permitting to specify wastes that facilities can accept under the terms of their waste management licences, PPC permits and in relation to exemptions. Guidance is available in Using the List of Wastes to Code Wastes. These Decisions came into force on 1 January 2002. From the 1 June 2015, the CLP Regulations (EC No. 1272/2008) take affect which will replace the current rules on classification, labelling and packaging of substances and mixtures, thus amending the above.	
<b><u>Commission Regulation (EC) No 1013/2006 on shipment of waste (as amended)</u></b>	These Regulations came into force on the 14 June 2006. The Regulations cover shipment of waste procedures for the transboundary shipments (i.e. transport) of waste. The Regulation includes a ban on the export of hazardous wastes to non-OECD countries as well as a ban on the export of waste for disposal. The Regulation has since been amended (26 May 2014).	The EC Regulation 1013/2006 has been incorporated into UK law as Retained EC Regulation 1013/2006, and was amended by: <ul style="list-style-type: none"> <li><u>The International Waste Shipments (Amendment) (EU Exit) Regulations 2019</u>. These regulations amend references to the EU matters and institutions, updating references so they refer to UK or international legislation and also amending the requirement for the UK government to report to the Basel Secretariat only and not to the European Commission.</li> <li><u>The International Waste Shipments (Amendment of Regulation (EC) No 1013/2006) Regulations 2020 and The International Waste Shipments (Amendment of Regulation (EC) No 1013/2006 and 1418/2007) Regulations 2021</u>. These regulations implement changes to the Basel Convention on the control of transboundary movements and disposal of hazardous wastes.</li> </ul> <u>UK Plan for Shipments of Waste</u> : this plan was amended in September 2021 to reflect UK's departure from the EU and changes in waste shipment legislation.
<b><u>Commission Regulation (EU) No 1234/2014 amending Annexes IIIB, V and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste</u></b>	Commission Regulation (EU) No 1234/2014 of 18 November 2014; amending Annexes IIIB, V and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste. This Regulation shall apply from 26 May 2014.	
<b><u>Convention on Transboundary Movements of Hazardous Waste and their Disposal 1989</u></b>	These Regulations require the operator of the landfill site to inspect the waste on receipt and satisfy himself that the waste conforms to the description provided in the transfer documentation. If waste does not conform to the description, the waste consignment will be refused. The waste description must conform to the European Waste Catalogue definitions. This came into force in 1992.	The UK is a party to the Basel Convention and a member of the Organisation for Economic Co-operation and Development (OECD). The UK will be treated in the same way as any other OECD country or any country party to the Basel convention that intends to export waste to an EU country. The current waste shipments procedures will still apply. Guidance on importing and exporting waste from 1 January 2021 is available on the <u>BEIS website</u> .

Legislation piece	Description	Changes associated with Brexit
<p><b><u>Council Decision 2003/33/EC establishing criteria and procedures for the acceptance of waste at landfills</u></b></p>	<p>This Decision establishes the criteria and procedures needing to be adhered for the acceptance of waste at landfills; in accordance with the principles laid down in Directive 1999/31/EC, in particular Annex II. This Council Decision came into effect on 16 July 2004.</p>	<p>Requirements incorporated in the <u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u>. They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary.</p> <p>These regulations will amend or revoke several pieces of legislation mostly pertaining to the following:</p> <ul style="list-style-type: none"> <li>• waste batteries and accumulators,</li> <li>• end of waste criteria, packaging waste,</li> <li>• end-of-life vehicle destruction certification,</li> <li>• landfill acceptance criteria,</li> <li>• the management of waste from extractive industries, and</li> <li>• calculation methods for verifying recycling target compliance.</li> </ul> <p>A further amendment was made by the <u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u> pertaining to several UK regulations that implement EU directives on waste management. Amended pieces of legislation include:</p> <ul style="list-style-type: none"> <li>• Hazardous Waste (England and Wales) Regulations 2005;</li> <li>• Producer Responsibility Obligations (Packaging Waste) Regulations 2007;</li> <li>• Waste (England and Wales) Regulations 2011 and</li> <li>• Waste Electrical and Electronic Equipment Regulations 2012.</li> </ul> <p>The amendments make no changes to the standards required by the previous legislations and instead amend cross-references to EU law.</p>
<p><b><u>Council Directive 2011/97/EU amending Directive 1999/31/EC</u></b></p>	<p>The 2011/97/EU Directive amends the 1999 EU Directive on the landfill of waste, with regards to specific criteria for the storage of metallic mercury considered as waste. The Directive came into force on the 5 December 2011.</p>	<p>EU directives have not been retained in the UK therefore this Directive is not applicable.</p> <p>The requirements of the Landfill Directive, which Directive 2011/97/EU amends, are fulfilled by the <u>Environmental Permitting (England and Wales) Regulations 2016</u> and <u>the Landfill (Scotland) Regulations 2003 as amended</u>.</p> <p>The Environmental Permitting (England and Wales) Regulations 2016 were amended by:</p> <ul style="list-style-type: none"> <li>• <u>The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019</u> These regulations amend the Environmental Permitting (England and Wales) Regulations 2016. They make minor changes to remove any references to EU Directives which will be ineffective once the UK leaves the EU and will come into force at the end of the implementation period.</li> <li>• <u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u>. These regulations correct deficiencies in the legislation ensure it remains effective following the UK's withdrawal from the EU</li> </ul> <p>The Landfill (Scotland) Regulations 2003 were amended by the Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 to ensure the requirements under this legislation is operable following the withdrawal of the UK from the EU.</p>
<p><b><u>Decision 2008/350/EC</u></b></p>	<p>Decision 2008/350/EC covers the whole of the UK and provides guidance on permits exemptions and limits of certain hazardous wastes that can be stored on site. This Regulation of 2008 was replaced by Directive 2012/19/EU in July 2012.</p>	<p>This EU Decision has been revoked by <u>the Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u>.</p>
<p><b><u>Decision 2014/955/EU amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC</u></b></p>	<p>This Decision amends Decision 2000/532/EC establishing a list of wastes (European Waste Catalogue).</p>	<p>Requirements incorporated in <u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u>. They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary.</p>

Legislation piece	Description	Changes associated with Brexit
<b><u>Decision (EU) 2019/2193 laying down rules for the calculation, verification and reporting of data and establishing data formats for the purpose of Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).</u></b>	These regulations outline the rules for calculation, verification and reporting of data and establish data formats in support of assessing the achievement of the WEEE minimum recovery targets, set out in <a href="#">Directive 2012/19/EU</a> . This particularly relates to rules regarding the calculation of the weight of WEEE. It also outlines the format for reporting of data.	The EU WEEE Directive 2012 regulates the management of electrical and electronic waste. It is applied in the UK by the <a href="#">Waste Electrical and Electronic Equipment (WEEE) Regulations 2013</a> which has been amended by <a href="#">The Waste (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019</a> which make amendments to various national waste regulations that implement European Directives related to waste management. The ensure that the UK's waste regime continues to operate effectively after Brexit.
<b><u>Directive 2015/1127/EU amending Annex 2 to Directive 2008/98/EC on waste</u></b>	This Directive amends Directive 2008/98/EC on waste. Amendments are made to Annex 2 to Directive 2008/98/EC in order to add a climate correction factor to a formula for calculating energy efficiency contained in the footnotes to that Annex.	EU directives have not been retained in the UK therefore this Directive is not applicable.  Requirements incorporated in <a href="#">The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</a> . They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary.
<b><u>EC Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)</u></b>	<p>This Directive came into force in July 2012. It revokes and replaces EC Directive 2002/96/EC of the same name. The Directive aims to reduce the amount of waste electrical and electronic equipment (WEEE) going to landfill by promoting reuse and recycling of such equipment. It builds upon the requirements of Directive 2002/96/EC, but imposes the following:</p> <p>All electrical and electronic equipment (EEE) come under this Directive, though certain types of EEE will continue to be excluded from the scope of this Directive.</p> <p>The volume of EEE that Member States are required to collect and use increases.</p> <p>Retail shops with an EEE sales area of at least 400m<sup>2</sup> are required to offer free take-back of very small WEEE.</p> <p>There are tighter requirements for shipping EEE to non-EU countries.</p> <p>New UK Regulations for implementing the WEEE Directive entered into force on 1 January 2014.</p>	<p>EU directives have not been retained in the UK therefore this Directive is not applicable.</p> <p>Requirements incorporated in <a href="#">The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</a>. They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary.</p> <p>These regulations will amend or revoke several pieces of legislation mostly pertaining to the following:</p> <ul style="list-style-type: none"> <li>• waste batteries and accumulators,</li> <li>• end of waste criteria, packaging waste,</li> <li>• end-of-life vehicle destruction certification,</li> <li>• landfill acceptance criteria,</li> <li>• the management of waste from extractive industries, and</li> <li>• calculation methods for verifying recycling target compliance.</li> </ul> <p>A further amendment was made by the <a href="#">Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</a> pertaining to several UK regulations that implement EU directives on waste management. Amended pieces of legislation include:</p> <ul style="list-style-type: none"> <li>• Hazardous Waste (England and Wales) Regulations 2005;</li> <li>• Producer Responsibility Obligations (Packaging Waste) Regulations 2007;</li> <li>• Waste (England and Wales) Regulations 2011 and</li> <li>• Waste Electrical and Electronic Equipment Regulations 2012.</li> </ul> <p>The amendments make no changes to the standards required by the previous legislations and instead amend cross-references to EU law.</p>
<b><u>EC Framework Directive 2008/98/EC on Waste</u></b>	The European Parliament introduced a new Directive, 2008/98/EC, on waste and repealing certain Directives. The Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving efficiency of such use. The Directive came into force on 12 December 2008, and the deadline for transposition in by Member States was 12 December 2010.	<p>EU directives have not been retained in the UK therefore this Directive is not applicable.</p> <p>Requirements incorporated in <a href="#">The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</a>. They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary.</p> <p>These regulations will amend or revoke several pieces of legislation mostly pertaining to the following:</p> <ul style="list-style-type: none"> <li>• waste batteries and accumulators,</li> <li>• end of waste criteria, packaging waste,</li> <li>• end-of-life vehicle destruction certification,</li> <li>• landfill acceptance criteria,</li> <li>• the management of waste from extractive industries, and</li> <li>• calculation methods for verifying recycling target compliance.</li> </ul>

Legislation piece	Description	Changes associated with Brexit
<b><u>EU Directive on the landfill of waste (99/31/EC) as amended</u></b>	This Directive, which came into force on 16 July 1999, aims to improve standards of landfill through setting specific requirements for the design, operation and aftercare of landfills and for the types of waste that can be accepted. The Directive aims to reduce the amount of biodegradable municipal waste sent to landfill. All landfill sites are to be classified as either hazardous, non hazardous or inert. Certain wastes will be banned from landfill sites over a number of years including liquids and explosives. These requirements are implemented in the UK through the: Landfill (England and Wales) Regulations 2002; Landfill (Scotland) Regulations 2003; and Landfill Tax Regulations 1996. These regulations empower HM Customs and Excise to levy a tax against the disposal of waste to landfill. Although operators of landfill sites are responsible for paying the tax, costs are passed on to those disposing of the waste. Two levels of tax are set a) inert or inactive waste and b) all other waste. Certain materials are exempt including dredged material from harbours, naturally occurring materials from mining or quarrying and waste from the clearance of historically contaminated land	EU directives have not been retained in the UK therefore this Directive is not applicable.  <u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary. These regulations will amend or revoke several pieces of legislation mostly pertaining to the following: <ul style="list-style-type: none"> <li>• waste batteries and accumulators,</li> <li>• end of waste criteria, packaging waste,</li> <li>• end-of-life vehicle destruction certification,</li> <li>• landfill acceptance criteria,</li> <li>• the management of waste from extractive industries, and</li> <li>• calculation methods for verifying recycling target compliance.</li> </ul>
<b><u>EU Directive on packaging waste (94/62/EC)</u></b>	Requires responsible waste handling, disposal and recovery operations are employed that do not harm the environment. Emphasis on the reduction of packaging waste and the recycling and reuse of materials. Responsibility for waste rests with the waste producer and everyone who handles it right through to final disposal or reclamation. The Directive came into force on 31 December 1994.	EU directives have not been retained in the UK therefore this Directive is not applicable.  Requirements incorporated in <u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> . They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary. These regulations will amend or revoke several pieces of legislation mostly pertaining to the following: <ul style="list-style-type: none"> <li>• waste batteries and accumulators,</li> <li>• end of waste criteria, packaging waste,</li> <li>• end-of-life vehicle destruction certification,</li> <li>• landfill acceptance criteria,</li> <li>• the management of waste from extractive industries, and</li> <li>• calculation methods for verifying recycling target compliance.</li> </ul>
<b><u>EU Directive (2019/883) on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC</u></b>	This legislation aims to reduce ship-generated waste discharged to sea. These regulations include plans to ensure adequate waste reception facilities are available at sea ports, and efficient waste handling plans are in place. This regulation revokes <u>Directive (EU) 2000/59/EC</u> .	The UK has not yet consulted on implementation.
<b><u>Regulation (EU) No 660/2014 of the European Parliament and of the Council of 15 May 2014 amending Regulation (EC) No 1013/2006 on shipments of waste</u></b>	This Regulation establishes procedures and control regimes for the shipment of waste, based on origin, destination and route, as well as the type of waste and the treatment types. This Regulation applies to shipments of waste: <ul style="list-style-type: none"> <li>• between Member States;</li> <li>• imported from third countries;</li> <li>• exported to third countries; and</li> <li>• in transit.</li> </ul> It does not however apply to: <ul style="list-style-type: none"> <li>• the offloading of waste, including waste water and residues, generated by the normal operation of ships and offshore platforms;</li> <li>• waste generated on board vehicles, trains, aeroplanes and ships, until it is offloaded to be disposed of or recovered;</li> <li>• shipments of radioactive waste;</li> <li>• shipments which are subject to approval under Regulation (EC) 1774/2002, on animal by-products not intended for human consumption;</li> <li>• shipments of waste from the Antarctic;</li> <li>• imports of waste generated by armed forces, relief organisations or peacemaking or peacekeeping operations; and</li> <li>• shipments of carbon dioxide for the purposes of geological storage in accordance with Directive 2009/31/EC, on the geological storage of carbon dioxide</li> </ul>	The EC Regulation 1013/2006 has been incorporated into UK law as Retained EC Regulation 1013/2006, and was amended by: <ul style="list-style-type: none"> <li>• <u>The International Waste Shipments (Amendment) (EU Exit) Regulations 2019</u>. These regulations amend references to the EU matters and institutions, updating references so they refer to UK or international legislation and also amending the requirement for the UK government to report to the Basel Secretariat only and not to the European Commission.</li> <li>• <u>The International Waste Shipments (Amendment of Regulation (EC) No 1013/2006) Regulations 2020 and The International Waste Shipments (Amendment of Regulation (EC) No 1013/2006 and 1418/2007) Regulations 2021</u>. These regulations implement changes to the Basel Convention on the control of transboundary movements and disposal of hazardous wastes.</li> </ul> <u>UK Plan for Shipments of Waste</u> : this plan was amended in September 2021 to reflect UK's departure from the EU and changes in waste shipment legislation.

Legislation piece	Description	Changes associated with Brexit
<b><u>Regulation (EU) 1357/2014 replacing Annex III to Directive 2008/98/EC on waste and repealing certain Directives</u></b>	This Regulation amends Directive 2008/98/EC, on waste, replacing Annex 3 to that Directive which lists properties of waste which render it hazardous.	Requirements incorporated in the <u>Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> . They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary. These regulations will amend or revoke several pieces of legislation mostly pertaining to the following: <ul style="list-style-type: none"> <li>• waste batteries and accumulators,</li> <li>• end of waste criteria, packaging waste,</li> <li>• end-of-life vehicle destruction certification,</li> <li>• landfill acceptance criteria,</li> <li>• the management of waste from extractive industries, and</li> <li>• calculation methods for verifying recycling target compliance.</li> </ul>

#### 1.22. UK

Legislation piece	Description	Changes associated with Brexit
<b>General</b>		
<b><u>Environment Protection Act 1990 (EPA 90)</u></b>	The Environmental Protection Act 1990 is an Act that as of 2008 defines, within England and Wales and Scotland, the fundamental structure and authority for waste management and the control of emissions into the environment. The Act received Royal Assent on 1 November 1990. As of 1996, authorisation and enforcement became the responsibility of the Environment Agency the Scottish Environmental Protection Agency. This Act is divided into 8 parts. The legislation is being updated such that <u>Part 1</u> , which outlines the controls on certain industrial processes and requires that they are authorised under either an Integrated Pollution Control or Atmospheric Pollution Control regime, according to their potential impact on the environment, is being revoked and replaced by the Pollution Prevention and Control Act 1999.	The Environmental Protection Act 1990 is amended by: <ul style="list-style-type: none"> <li>• <u>The Environment (EU Exit) (Scotland) (amendment etc.) Regulations 2019</u> These regulations update references to EU member states and legislation and transfer enforcement powers with regards to environment protection, water, waste and bathing waters to SEPA.</li> <li>• <u>The Environment (Amendment etc.) (EU Exit) Regulations 2019</u> These regulations remove references to EU member state and various EU legislation to ensure they remain effective at the end of the transition period.</li> <li>• <u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> These regulations correct deficiencies in the legislation ensure it remains effective following the UK's withdrawal from the EU.</li> </ul>
<b><u>Environment (Wales) Act 2016 Factsheet – Waste</u></b>	The Welsh Government has produced a factsheet, detailing The Environment (Wales) Act 2016 which introduces the new arrangements in relation to waste segregation and collection. Implementation of these the provisions in the Act is expected to be made after January 2017. Further details on the Environment (Wales) Act 2016, which received Royal Assent on 21 <sup>st</sup> March 2016, can be viewed via this <a href="#">link</a> . The Act aims to deliver the Welsh Government's commitment to introduce new legislation for the environment, positioning Wales as a low carbon, green economy, capable of adapting rapidly to the impacts of climate change.	There are currently no amendments as a result of EU Exit.
<b><u>The Environmental Protection Act 1990 Amendment (Scotland) Regulations 2019</u></b>	These Regulations came into force on 23 October 2019 and apply to Scotland only. They amend the <u>Environmental Protection Act 1990</u> in order to extend existing powers to require holders of waste management licenses to accept, keep and dispose of waste to waste operators holding other types of environmental permit.	The Environmental Protection Act 1990 is amended by: <ul style="list-style-type: none"> <li>• <u>The Environment (EU Exit) (Scotland) (amendment etc.) Regulations 2019</u> These regulations update references to EU member states and legislation and transfer enforcement powers with regards to environment protection, water, waste and bathing waters to SEPA.</li> <li>• <u>The Environment (Amendment etc.) (EU Exit) Regulations 2019</u> These regulations remove references to EU member state and various EU legislation to ensure they remain effective at the end of the transition period.</li> <li>• <u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> These regulations correct deficiencies in the legislation ensure it remains effective following the UK's withdrawal from the EU.</li> </ul>

Legislation piece	Description	Changes associated with Brexit
<b><u>The Environmental Permitting (England and Wales) Regulations 2016</u></b>	These regulations outline the environmental permits that are required for industrial and waste activities which could harm human health or the environment. They replace and revoke several previous versions of these regulations which had been amended several times.	Amended by: <ul style="list-style-type: none"> <li><a href="#">The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019</a> These regulations amend the Environmental Permitting (England and Wales) Regulations 2016. They make minor changes to remove any references to EU Directives which will be ineffective once the UK leaves the EU and will come into force at the end of the implementation period.</li> <li><a href="#">The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</a> These regulations correct deficiencies in the legislation ensure it remains effective following the UK's withdrawal from the EU</li> </ul>
<b><u>The Waste (Circular Economy) (Amendment) Regulations 2020</u></b>	These Regulations came into force on 1 October 2020 and apply to England, Scotland, Wales and Northern Ireland. The devolved Governments in Scotland and Northern Ireland will be introducing separate legislation to implement the CEP in those countries. These Circular Economy Package amendments are designed to align with other existing strategies, such as the 25 Year Environment Plan, the Clean Growth Strategy and specific circular economy and waste strategies and policies developed in Scotland, Wales and Northern Ireland.	No changes as new legislation.
<b><u>The Waste (England and Wales) (Amendment) Regulations 2014</u></b>	The 2014 Regulations came into force on the 6 April 2014. The regulations make provisions for the recording of the transfer of controlled waste on alternative documentation, such as invoices, instead of waste transfer notes. It also makes other amendments relevant to the registration of waste carriers, brokers and dealers.	<a href="#">Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</a> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.
<b><u>The Waste (England and Wales) Regulations 2011 (as amended)</u></b>	The Waste (England and Wales) Regulations 2011 (as amended) transpose Directive 2008/98/EC into national legislation and places a greater emphasis on preventing, re-using and recycling waste. The Waste (England and Wales) Regulations 2011 replaced the Environmental Protection (Duty of Care) Regulations 1991 and apply the Duty of Care requirements brought in by the Environmental Protection Act 1990.	<a href="#">Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</a> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.
<b><u>The Waste Information (Scotland) Regulations 2010</u></b>	The Waste Information (Scotland) Regulations 2010 came into force on the 10 January 2011, in Scotland only. These Regulations require persons having control or management of undertakings to comply with any request made to them by SEPA for information relating to waste associated with that undertaking and which falls within the categories set out in the regulation.	There are currently no amendments as a result of EU Exit.
<b><u>The Waste Management Licencing (Scotland) Amendment Regulations 2016</u></b>	Cited as the Waste Management Licencing (Scotland) Amendment Regulations 2016, these Regulations entered into force on the 30 March 2016 and make amendments to the Waste Management Licencing (Scotland) Regulations 2011 in the disposal of specific waste types (i.e. vehicle tyres).	There are currently no amendments as a result of EU Exit.
<b><u>The Waste Management Licencing (Scotland) Regulations 2011</u></b>	These Regulations came into forced on 27 March 2011 and consolidate the waste management licencing and exemption system currently contained in the Waste Management Licencing Regulations 1994 as amended. They also make certain changes to that system (including the introduction of new exemptions from the requirement for licencing and the adjustment of various existing exemptions) and contain provision for the purpose of implementing Directive 2008/98/EC on waste.	Amended by: <ul style="list-style-type: none"> <li><a href="#">The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019</a> These regulations update references to EU member states and legislation and transfer enforcement powers with regards to environment protection, water, waste and bathing waters to SEPA.</li> <li><a href="#">The Environment (EU Exit) (Scotland) (Amendment etc.) (No. 2) Regulations</a> These regulations make no substantive changes which will affect the operations of the current legislations. They ensure that they remain effective once the transition period is complete.</li> </ul>
<b><u>The Waste Regulations (Northern Ireland) 2019</u></b>	These regulations will come into force on 16 January 2020 and apply to Northern Ireland only. These regulations amend various regulations to implement the Waste Framework Directive. These regulations amend the following:  <a href="#">Waste and Contaminated Land (Northern Ireland) Order 1997</a> ; and <a href="#">Waste Management Licencing Regulations (Northern Ireland) 2003</a> .	There are currently no amendments as a result of EU Exit.
<b><u>The Waste Regulations (Northern Ireland) 2011</u></b>	These regulations transpose Directive 2008/98/EC on waste into Northern Irish law. This regulation aims to reduce waste and includes provisions for waste prevention programmes and amend various pieces of legislation to fulfil Directive 2008/98/EC objectives.	There are currently no amendments as a result of EU Exit.
<b><u>The Waste Management Licencing (Northern Ireland) Regulations 2003 as amended</u></b>	The Waste Management Licencing (Northern Ireland) Regulations 2003 came into force on the 19 December 2003 implementing Directive 2008/98/EC on waste in Northern Ireland only. The 2003 Regulations have since been amended in 2011, which came into force on the 30 December 2011. The regulations cover applications for waste management licences, which authorise the deposit, disposal and treatment of controlled waste.	Amended by: <ul style="list-style-type: none"> <li><a href="#">The Environment Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019</a></li> </ul> <p>These regulations do not make substantial changes (removal of references to EU directives) to the operation of any policies in Northern Ireland and act only to ensure their continued effect.</p>

Legislation piece	Description	Changes associated with Brexit
<a href="#"><u>The Waste (Scotland) Regulations 2011</u></a>	The 2011 Scotland Regulations make a number of amendments to a variety of Scottish waste legislation to transpose aspects of Directive 2008/98/EC on waste into Scottish law. These Regulations may be cited as the Waste (Scotland) Regulations 2011 and came into force on 27 March 2011. The Regulations allows the partial suspension, revocation, transfer and surrender of site licences, and allows licences held by the same person to be consolidated if they cover the same site or more than one mobile plant.	There are currently no amendments as a result of EU Exit.
<a href="#"><u>The Waste (Scotland) Regulations 2012</u></a>	The 2012 Regulations may be cited as the Waste (Scotland) Regulations 2012, and came into force on 17 May 2012. These Regulations provide for the collection, transport and treatment of dry recyclable waste and food waste, and for related matters. They implement re-use and recycling and bio-waste sections from Directive 2008/98/EC on waste , and generally make provision connected with the implementation of requirements under European Union waste management legislation.	There are currently no amendments as a result of EU Exit.
<a href="#"><u>Waste and Emissions Trading Act 2003</u></a>	This Act provides for the enforceability of penalties, including fixed financial penalties, in the current voluntary UK Emissions Trading Scheme 2002. Part 2 of the Waste and Emissions Trading Act 2003 amends Schedule 1 to the Pollution Prevention and Control Act 1999. The amendment provides for penalties in any future emissions trading schemes. The Waste and Emissions Trading Act was granted Royal Assent on 13 November 2003.	Amended by: <ul style="list-style-type: none"> <li><a href="#"><u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u></a></li> </ul> These regulations amend various pieces of EU law to ensure they remain effective following on from the end of the transition period. This includes regulations on waste labelling, terminology, packaging waste, and other waste requirements pertaining to controlled and hazardous waste. It also revokes legislation that is no longer required because it is now within UK legislation or covered by other EU Exit legislations.
<a href="#"><u>The Waste (Miscellaneous Amendments) (Scotland) Regulations 2020</u></a>	These regulations came into force on 4 December 2020 and apply in Scotland only. They make various amendments to legislation in accordance with Directive including: <p>Adding a requirement for the National Waste Management Plan for Scotland to include a statement of policies on waste prevention'</p> <p>Amendments to the operations of landfills</p> <p>Amendments to waste management licensing and pollution prevention control to take into account good practices when collecting waste oils and removing redundant provisions.</p>	No changes as new regulations.
<a href="#"><u>The Waste (Wales) (Miscellaneous Amendments) Regulations 2020</u></a>	These regulations apply in Wales only and update several pieces of Welsh waste legislation, including the Hazardous Waste (Wales) Regulations SI 2005/2806 to change references to European waste legislation and update definitions.	No changes as new regulations.
<a href="#"><u>Waste Minimisation Act 1998</u></a>	This enables local authorities to arrange for waste minimisation in their areas and can be cited as the Waste Minimisation Act 1998 from 19 November 1998. This Act does not extend to Northern Ireland.	There are currently no amendments as a result of EU Exit.
<b>Carriage of Dangerous Goods</b>		
<a href="#"><u>The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as amended</u></a>	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (as amended) apply the ADR UN agreement in Great Britain, applying to England, Wales and Scotland only. The 2009 Regulations came in to force on the 1 July 2009, with the most recent amendment being <a href="#"><u>The Carriage of Dangerous Goods (Amendment) Regulations 2019</u></a> which lay down basic safety standards for protection against the dangers arising from exposure to ionising radiation	These have been amended by <a href="#"><u>the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020</u></a> . They remove references to the UK as a member state of the EU and ensure the legislation still applies in the UK after withdrawal from the EU. The dangerous goods regulatory framework and the international processes behind it are maintained by this legislation.
<a href="#"><u>The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2010 (Northern Ireland) as amended</u></a>	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2010 (Northern Ireland) as amended, apply the ADR UN agreement in Northern Ireland only. The 2010 Regulations came in to force on the 19 May 2010, with an amendment to the Regulation taking place in 2011, which came in to force on the 11 November 2011. These were amended most recently by <a href="#"><u>The Carriage of Dangerous Goods (Amendment) Regulations (Northern Ireland) 2019</u></a> to implement the necessary safety standards to protect against dangers arising from exposure to ionizing radiation. This amendment came into force on 18 June 2019.	There are currently no amendments as a result of EU Exit.
<b>Controlled Waste</b>		
<a href="#"><u>The Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013</u></a>	These Regulations came into force on the 30 November 2013. These Regulations revoke and replace the Controlled Waste Regulations (Northern Ireland) 2002. The 2013 Regulations classify waste as household waste, commercial waste or industrial waste for the purposes of Part 2 of the Waste and Contaminated Land (Northern Ireland) Order 1997 and thus determining the meaning of 'controlled waste'.	These regulations have been amended by <a href="#"><u>The Environment Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019</u></a> . <p>These regulations do not make substantial changes (removal of references to EU directives) to the operation of any policies in Northern Ireland and act only to ensure their continued effect.</p>



Legislation piece	Description	Changes associated with Brexit
<a href="#"><u>The Controlled Waste (England and Wales) Regulations 2012 (as amended)</u></a>	These regulations define “Controlled Waste” for the purposes of EPA 90. Three categories of controlled waste are defined, i.e. household, industrial and commercial. Definition of Controlled Waste has been amended (see below) by the EU Framework Directive on Waste. All Special Waste/Hazardous Waste is Controlled Waste (see Waste Classification). The main exemptions to Controlled Waste are explosive and radioactive wastes. These Regulations entered into force on 6 April 2012.	<a href="#"><u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u></a> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.
<a href="#"><u>The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991</u></a>	These Regulations may be cited as the Controlled Waste (Registration of Carriers and Seizures of Vehicles) Regulations 1991 and came into force on 14 October 1991.	There are currently no amendments as a result of EU Exit.
<a href="#"><u>The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015</u></a>	These regulations outline how seized property should be dealt with, including property seized under the Environmental Protection Act 1990 and the Control of Pollution (Amendment) Act 1989. The revoke the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 in England and Wales.	There are currently no amendments as a result of EU Exit.
<a href="#"><u>The Controlled Waste Regulations 1992 (as amended)</u></a>	These regulations define “Controlled Waste” for the purposes of EPA 90 and entered into force on which came into force on 1 June 1992. Three categories of controlled waste are defined, i.e. household, industrial and commercial. Definition of Controlled Waste has been amended by the EU Framework Directive on Waste. All Special Waste/Hazardous Waste is Controlled Waste. The main exemptions to Controlled Waste are explosive and radioactive wastes. These Regulations currently apply to Scotland only, with the latest amendment coming into force on the 1 April 1993.	There are currently no amendments as a result of EU Exit.
<a href="#"><u>The Controlled Waste (England and Wales) Regulations 2012</u></a>	These regulations classify controlled wastes, in the context of the definition provided in the Environmental Protection Act 1990. They revoke and replace the Controlled Waste Regulations 1992 in England and Wales.	<a href="#"><u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u></a> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.
<a href="#"><u>Control of Pollution (Amendment) Act 1989 (as amended)</u></a>	Control of Pollution (Amendment) Act 1989 (from July 1989), is the principal legislation which requires all carriers of controlled waste to be registered, making it a criminal offence for a person who is not a registered carrier to transport controlled waste to or from any place in Great Britain. SEPA/EA are required to establish and maintain a public register of carriers. Carriers are exempt from registration if they are carrying waste they have produced themselves, unless it is building or demolition waste. The Act was fully entered into force on fully in force on 1 April 1992.	<a href="#"><u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u></a> . This Act has been amended by the <a href="#"><u>Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u></a> . They make amendments to waste-related Acts and various pieces of retained direct EU legislation in the area of waste in order to ensure they operate effectively after UK’s withdrawal from the EU.
<b>Hazardous Waste</b>		
<a href="#"><u>The Hazardous Waste (England and Wales) (Amendment) Regulations 2009</u></a>	These Regulations amend the Hazardous Waste (England and Wales) Regulations 2005 which entered into force on 16 July 2005. The 2005 Regulations imposed procedures for Special Waste/Hazardous Waste that add to those already under the Duty of Care, including requirements for transportation and disposal within a strict documented framework (see Transfer of Special / Hazardous Waste). The Hazardous Waste (England and Wales) (Amendment) Regulations 2009 affect handlers of hazardous waste in England and Wales. The Regulations require hazardous waste producers to notify the Environment Agency before hazardous wastes can be removed from the premises. Certain low risk premises are exempted from the Regulations as long as they produce less than a specified amount of hazardous waste per annum. The qualifying limitation has risen from 200kg to 500kg. See also ‘Explanatory Note’. These Regulations entered into force on 6 April 2009.	There are currently no amendments as a result of EU Exit.
<a href="#"><u>The Hazardous Waste (England and Wales) (Amendment) Regulations 2016</u></a>	Cited as the Hazardous Waste (England and Wales) (Amendment) Regulations 2016, these Regulations entered into force on the 1 April 2016, and amend the Hazardous Waste (England and Wales) Regulations SI 2005/894, revoking the requirement that premises where hazardous waste is either produced or removed, must notify the Environment Agency.	There are currently no amendments as a result of EU Exit.
<a href="#"><u>The Hazardous Waste (England and Wales) Regulations 2005</u></a>	These Regulations impose procedures for Special Waste/Hazardous Waste that add to those already under the Duty of Care, including requirements for transportation and disposal within a strict documented framework (see Transfer of Special / Hazardous Waste). These Regulations were fully implemented and entered into force on 16 July 2005.	<ul style="list-style-type: none"> <li>• <a href="#"><u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u></a> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.</li> <li>• <a href="#"><u>The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020</u></a>. These amend retained EU legislation, including EU Decision 2000/532 to remove references to EU directives and implement other changes to ensure the legislation is effective after EU Exit.</li> </ul>
<a href="#"><u>The Hazardous Waste (Wales) (Amendment) Regulations 2019</u></a>	These regulations amend <a href="#"><u>Hazardous Waste (Wales) Regulations 2005</u></a> to replace Schedule 8 (Hazardous Waste Producer Returns Form) to ensure that this is consistent with <a href="#"><u>Regulation (EU) 2019/1021</u></a> . This came into force on 13 August 2019 and applies to Wales only.	These regulations have been amended by <a href="#"><u>the Waste (Wales) (Miscellaneous Amendments) (EU Exit) Regulation 2020</u></a> . These Regulations to correct deficiencies arising out of the withdrawal from the EU, without making substantial changes.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Persistent Organic Pollutants Regulations 2007</u></b>	POP Regulations are implemented under the global treaty – the Stockholm Convention on Persistent Organic Pollutants. The regulations came into force in December 2007 and enforce provisions relating to disposal of stockpiles and waste management of pollutants such as pesticides and industrial chemicals; typically DDT/PCBs which persist in the environment and may bioaccumulate through the food chain.	Amended by: <ul style="list-style-type: none"> <li>• <a href="#"><u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2018</u></a> These regulations amend the Persistent Organic Pollutants Regulations 2007 on persistent organic pollutants which has now been revoked. They amend references to EU and EU institutions, update legal references and act to ensure that the requirements under the amended regulations are enforced in the UK.</li> <li>• <a href="#"><u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2019</u></a> These regulations amend Regulation 2019/1021 to ensure that it remains effective once the transition period ends. These regulations amend references to the EU and EU law and transfers any powers under the European Chemicals Agency to UK National Authorities. It also revokes Part 4 of the Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2018/ 1405 which pertains to Regulation EU 850/2004 as this is now revoked.</li> <li>• <a href="#"><u>The Persistent Organic Pollutants (Amendment) (EU Exit) Regulations 2020</u></a> These regulations amend the Persistent Organic Pollutants Regulations 2007 to ensure that legislation pertaining to persistent organic pollutants remains effective after the UK withdraws from the EU.</li> </ul>
<b><u>The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012</u></b>	The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS) Regulations 2012 affect businesses and individuals that are involved with electrical and electronic equipment (EEE). This includes manufacturers, importers and distributors. The regulations came into force on the 2 January 2013 and are enforced throughout the UK (England, Wales, Scotland and Northern Ireland).	The <a href="#"><u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u></a> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.
<b><u>The Special Waste Amendment (Scotland) Regulations 2004</u></b>	These Regulations now only apply in Scotland, and entered into force on 1 July 2004. These Regulations impose procedures for Special Waste that add to those already under the Duty of Care, including requirements for transportation and disposal within a strict documented framework. The Regulations provide a new definition of Special Waste in accordance with the EC Hazardous Waste Directive (91/689/EEC). The Hazardous Waste List has been expanded and refined and is now included in the European Waste Catalogue.	There are currently no amendments as a result of EU Exit.
<b><u>The Special Waste Regulations 1996 as amended</u></b>	These Regulations, which entered into force on 1 September 1996, now only apply in Scotland. These Regulations impose procedures for Special Waste that add to those already under the Duty of Care, including requirements for transportation and disposal within a strict documented framework. The Regulations provide a new definition of Special Waste in accordance with the EC Hazardous Waste Directive (91/689/EEC). The Hazardous Waste List has been expanded and refined and is now included in the European Waste Catalogue. A number of amendments have been made to the 1996 Regulations since in was introduced, the latest amendment came into force on the 11 March 2004.	<a href="#"><u>The Environment (Amendment etc.) (EU Exit) Regulations 2019</u></a> and <a href="#"><u>The Environment (EU Exit) (Miscellaneous Amendments) (Scotland) Regulations 2019</u></a> These regulations remove references to EU member state and various EU legislation to ensure they remain effective at the end of the transition period.
<b><u>The Waste (Meaning of Hazardous Waste and European Waste Catalogue) (Miscellaneous Amendments) (Scotland) Regulations 2015</u></b>	These Regulations came into force on the 8 June 2015 and apply to Scotland only. They amend various pieces of legislation, replacing the definitions of “European Waste Catalogue” and “Waste Framework Directive” and implementing amendments to EU legislation.	There are currently no amendments as a result of EU Exit.
<b>Waste transport</b>		
<b><u>The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009</u></b>	These Regulations, which entered into force on 16 May 2009, amend the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 to include the requirement of the master of a ship to notify the harbour authority where he intends to deliver sewage, which has been generated on board ship, to waste reception facilities in port.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020</u></b>	These regulations came into force in July 2020 and apply the restrictions on the prevention of pollution by sewage from ships, including sewage treatment on ships and discharge of sewage. Under these regulations, discharge of sewage from ships is prohibited unless under certain circumstances, as specified within the regulations.	There are currently no amendments as a result of EU Exit.
<b><u>The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020</u></b>	These regulations came into force in July 2020 and apply the restrictions on the discharge of garbage into the sea imposed by Annex V to the International Convention for the Prevention of Pollution from Ships 1973. These restrictions include prohibiting the discharge of garbage into the sea with the exception of certain circumstances (e.g. accidental loss and where discharge is necessary for safety reasons or for the protection of marine environment). It also imposes other provisions relating to the management of garbage and ships.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b>Pollution Prevention and Control</b>		
<b><u>The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013</u></b>	These Regulations implement Directive 2010/75/EU on industrial emissions. The 2013 Regulations came into force on 20 June 2013 and apply to Northern Ireland only. These Regulations provide a consolidated system of environmental permitting for Northern Ireland, and extend the range of activities that require an environmental permit, including Mercury waste.	These Regulations have been amended by <u>The Environment Protection (Amendment) (Northern Ireland) (EU Exit) Regulations 2019</u> .  These regulations do not make substantial changes (removal of references to EU directives) to the operation of any policies in Northern Ireland and act only to ensure their continued effect.
<b><u>The Pollution Prevention and Control (Scotland) Amendment Regulations 2014</u></b>	The 2014 amendment is a update to the Pollution Prevention and Control (Scotland) Regulations 2012. The 2012 Regulations came into force on 7 January 2013, with the 2014 amendment coming into force on 30 October 2014, both applying to Scotland only. These Regulations provide a consolidated system of environmental permitting for Scotland, and extend the range of activities that require an environmental permit, including Mercury waste.	There are currently no amendments as a result of EU Exit.
<b><u>The Pollution Prevention and Control (Scotland) Regulations 2012</u></b>	Establishes mechanisms to control pollution from any installation carrying out specified activities through permits, inspections and emission control. Covers the inclusion of best available techniques (BAT) and standard rules in permits. These regulations revoke previous PPC legislation and came into effect on the 7 January 2013.	These regulations were amended by <u>the Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018</u> and <u>the Environment (Amendment etc.) (EU Exit) Regulations 2019</u> . These amendments remove references to EU instruments where necessary and ensure the legislation is effective following the UK's withdrawal from the UK.
<b><u>The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 as amended</u></b>	These regulations outline the obligations for companies that produce more than 50 tonnes of packaging waste, and have a turnover of £2 million to recycling and recover packaging waste. These regulations were amended by <u>The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010</u> which included alterations to the fees payable for producers, the timings to register for the scheme, the annual reports under the scheme, and the inclusions of the activities in accordance with the scheme in business plans. The most recent amendment was <u>The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2017</u> which update the recycling targets for paper, aluminium, steel and wood for 2018-2020.	<u>The Waste (Miscellaneous Amendments) (EU Exit) Regulations 2019</u> . They change references to EU, EU authorities and update legal references and revoke several pieces of legislation which are no longer needed either because they are incorporated into EU Exit legislation or because they are not necessary.  These regulations will amend or revoke several pieces of legislation mostly pertaining to the following: <ul style="list-style-type: none"> <li>• waste batteries and accumulators,</li> <li>• end of waste criteria, packaging waste,</li> <li>• end-of-life vehicle destruction certification,</li> <li>• landfill acceptance criteria,</li> <li>• the management of waste from extractive industries, and</li> <li>• calculation methods for verifying recycling target compliance.</li> </ul> A further amendment was made by the <u>Waste (Miscellaneous Amendments) (EU Exit) (No.2)</u> pertaining to several UK regulations that implement EU directives on waste management. Amended pieces of legislation include: <ul style="list-style-type: none"> <li>• Hazardous Waste (England and Wales) Regulations 2005;</li> <li>• Producer Responsibility Obligations (Packaging Waste) Regulations 2007;</li> <li>• Waste (England and Wales) Regulations 2011 and</li> <li>• Waste Electrical and Electronic Equipment Regulations 2012.</li> </ul> The amendments make no changes to the standards required by the previous legislations and instead amend cross-references to EU law.
<b><u>The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008</u></b>	These Regulations, which came into force on 25 December 2008, revoke and replace the Transfrontier Shipment of Radioactive Waste Regulations 1993. The Regulations extend the scope of the 1993 Regulations to include spent nuclear fuel for re-processing as well as shipments of radioactive waste.	<u>The Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019</u> replace the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008. They provide for equivalent procedures for the import, export and transit of radioactive waste and spent fuel into and out of the UK.
<b><u>The Transfrontier Shipment of Waste (Amendment) Regulations 2014</u></b>	These Regulations, which entered into force on 1 May 2014, amend the Transfrontier Shipment of Waste Regulations 2007 on shipments of waste. The Regulations redefine the competent authorities and transfer certain competent authority responsibilities from the Secretary of State to the Environment Agency, Scottish Environment Protection Agency and Department of the Environment in Northern Ireland and from the Secretary of State and Environment Agency to the Natural Resources Body for Wales.	There are currently no amendments as a result of EU Exit.

Legislation piece	Description	Changes associated with Brexit
<b><u>The Transfrontier Shipment of Waste Regulations 2007</u></b>	These Regulations, which entered into force on 12 July 2007, tighten the regime for export of waste. Requires the UK to implement a waste management plan for addressing the despatch of waste from the UK. It creates an offence for shipping waste in breach of the requirements; all shipments must be managed in an 'environmentally sound manner' and without endangering human health.	It has been amended by: <ul style="list-style-type: none"> <li>• <u>The International Waste Shipments (Amendment) (EU Exit) Regulations 2019</u>. These regulations amend references to the EU matters and institutions, updating references so they refer to UK or international legislation and also amending the requirement for the UK government to report to the Basel Secretariat only and not to the European Commission.</li> </ul> <p><u>UK Plan for Shipments of Waste</u>: this plan was amended in September 2021 to reflect UK's departure from the EU and changes in waste shipment legislation.</p>
<b><u>The Transfrontier Shipment of Waste (Amendment) Regulations 2008</u></b>	Addresses prohibitions applying to export of certain wastes destined for recovery in non-OECD countries. These Regulations entered into force on 5 February 2008.	There are currently no amendments as a result of EU Exit.
<b>Waste Batteries and Accumulators</b>		
<b><u>The Waste Batteries and Accumulators Regulations 2009</u></b>	The EU's Directive on Batteries and Accumulators and Waste Batteries and Accumulators (2006/66/EC) aims to reduce the environmental impact of portable, automotive and industrial batteries by increasing recycling and 'greening' the supply chain that produces and distributes them. It applies to all types of batteries regardless of shape, volume, weight, material composition or use. The Waste Batteries and Accumulators Regulations 2009 came into force on 5 May 2009 which establish the legislative framework for the collection, treatment and recycling of waste batteries and accumulators in the UK. A key element requires persons placing batteries on the market to register as a producer of batteries, and report on waste batteries collected and sent for recycling. These regulations establish the scope of 'producer responsibility', requiring producers of batteries and accumulators to take responsibility for separately collecting and recycling batteries and accumulators once they become waste.	The <u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.
<b><u>The Waste Batteries and Accumulators (Amendment) Regulations 2015 Landfill (England and Wales) Regulations 2002 as amended</u></b>	Laid before Parliament on the 26th November 2015, these Regulations came into force on 1 January 2016 and apply to England, Scotland, Wales and Northern Ireland. The Regulations amend the Waste Batteries and Accumulators Regulations SI 2009/890, reducing the regulatory burdens on businesses and allow for an increased focus on the key aims of the Regulations in delivering key environmental benefits.	There are currently no amendments as a result of EU Exit.
<b><u>The Waste Batteries (Scotland) Regulations 2009</u></b>	Regulations covering collecting, recycling and reprocessing portable batteries come into force on 1 February 2010. Business using portable batteries should check with their supplier if they are operating a take back scheme (unless they sell less than 32kg of batteries per year). Regulations banning the disposal of waste industrial batteries to landfill or by incineration come into force on 1 January 2010. From 1 January 2010 if you buy new industrial batteries, the battery producer will take back your waste batteries. The over-arching Battery Directive aims to improve the environmental performance of those involved in the life cycle of batteries, e.g. producer, distributors, end-users and waste operators. The regulations aim to protect the environment from hazardous compounds found in industrial and automotive batteries. It prohibits the disposal of untreated industrial and automotive batteries to landfill or by incineration. Operators are required to store batteries only on an impermeable surface and under weatherproof covering. Requirements for handling batteries will also see amendments to existing licenses granted under the Waste Licensing Regulations 1994 and existing permits granted under the Pollution Prevention and Control (Scotland) Regulations 2000. The most recent amendment to these regulations was <u>The Waste (Miscellaneous Amendments) (Scotland) Regulations 2019</u> . This made minor changes to the legislation by removing any reference to The Waste Licensing Regulations 1994, which was recently revoked.	These regulations have been amended by <u>The Environment (EU Exit) (Scotland) (Amendment etc.) (No. 2) Regulations</u> . These make no substantive changes which will affect the operations of the current legislations.  The <u>Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.
<b><u>The Waste Electrical and Electronic Equipment (Amendment) Regulations 2015</u></b>	Laid before Parliament on the 1st December 2015, these Regulations came into force on the 25th December 2015 and apply to England, Wales, Scotland and Northern Ireland.	There are currently no amendments as a result of EU Exit

Legislation piece	Description	Changes associated with Brexit
<p><b><u>The Waste Electrical and Electronic Equipment Regulations 2013 as amended</u></b></p>	<p>These regulations covering waste electrical and electronic equipment (WEEE) update previous regulations to ensure compliance with the recast WEEE Directive 2012/19/EU and revoke the following regulations:</p> <ul style="list-style-type: none"> <li>• Waste Electrical and Electronic Equipment Regulations 2006</li> <li>• Waste Electrical and Electronic Equipment (Amendment) Regulations 2007</li> <li>• Waste Electrical and Electronic Equipment (Amendment) Regulations 2009</li> <li>• Waste Electrical and Electronic Equipment (Amendment) (No.2) Regulations 2009</li> <li>• Waste Electrical and Electronic Equipment (Amendment) Regulations 2010</li> </ul> <p>This regulation came into force on the 1 January 2014. These regulations will come fully into force in January 2019.</p>	<p>Amended by:</p> <ul style="list-style-type: none"> <li>• <u>The Waste Electrical and Electronic Equipment (Amendment) Regulations 2018</u> which establishes that the charging scheme is under the appropriate national authority and bring the majority of electrical and electronic equipment into the scope of EU directive 2012/19/EU.</li> <li>• <u>The Waste (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2019</u> pertaining to several UK regulations that implement EU directives on waste management in order to ensure these are effective once the UK leaves the EU.</li> </ul>