

**2004 No. 706**

**EUROPEAN COMMUNITIES**

**The European Communities (Designation) Order 2004**

*Made* - - - - - *10th March 2004*

*Laid before Parliament* *22nd March 2004*

*Coming into force* - - *13th April 2004*

At the Court at Buckingham Palace, the 10th day of March 2004

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 2(2) of the European Communities Act 1972<sup>(a)</sup> and section 29(1) of the Government of Wales Act 1998<sup>(b)</sup>, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and interpretation**

1.—(1) This order may be cited as the European Communities (Designation) Order 2004 and shall come into force on 13th April 2004.

(2) In this Order—

“the Act” means the European Communities Act 1972;

“Minister or government department” means a Minister of the Crown or government department, but does not include a Northern Ireland Minister or Northern Ireland department; and

“regulations” means regulations made pursuant to section 2(2) of the Act.

**Designation of Ministers or government departments**

2.—(1) For the purposes of section 2(2) of the Act, the Ministers or government department specified in column (1) of Schedule 1 to this Order are designated in relation to the matters specified in column (2) of that Schedule.

(2) Where a Minister or government department is designated by this Order in relation to any matter, for which any other Minister or government department has been designated by this or any other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

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(a) 1972 c. 68.

(b) 1998 c. 38.

### **Designation of Northern Ireland departments**

3.—(1) For the purposes of section 2(2) of the Act, any Northern Ireland department is designated in relation to the matter specified in Schedule 2 to this Order.

(2) Regulations made by any Northern Ireland department pursuant to this Order shall form part of the law of Northern Ireland only.

(3) Where any Northern Ireland department is designated by this Order in relation to any matter, for which any Minister or government department is designated by this or any other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

### **Designation of the National Assembly for Wales**

4.—(1) For the purposes of section 2(2) of the Act, the National Assembly for Wales is designated in relation to the matters specified in Schedule 3 to this Order.

(2) Regulations made by the National Assembly for Wales pursuant to this Order shall apply in relation to Wales only.

(3) Where the National Assembly for Wales is designated by this Order in relation to any matter, for which any Minister or government department is designated by this or any other Order for the purposes of section 2(2) of the Act, any of them may make regulations and, if regulations are made by more than one, they may do so jointly.

*A. K. Galloway*  
Clerk of the Privy Council

## SCHEDULE 1

Article 2

### DESIGNATION OF MINISTERS OR GOVERNMENT DEPARTMENTS

<i>(1)</i> <i>Minister or government department designated</i>	<i>(2)</i> <i>Matter in relation to which Minister or government department is designated</i>
The Secretary of State	Port security.
The Secretary of State	Measures relating to the assessment, management and control of environmental noise.
The Secretary of State	The prevention and recovery of waste electrical and electronic equipment.
The Secretary of State	The restriction of the use of hazardous substances in electrical and electronic equipment.
The Secretary of State	The assessment of the effects of plans and programmes on the environment.
The Secretary of State and the Commissioners of Customs and Excise	Measures relating to goods infringing plant breeders' rights, designations of origin, geographical indications and geographical designations.
The Commissioners of Customs and Excise	Measures relating to goods infringing Community plant variety rights.
The Secretary of State	Access to the labour market of the United Kingdom.

## SCHEDULE 2

Article 3

### MATTERS IN RELATION TO WHICH ANY NORTHERN IRELAND DEPARTMENT IS DESIGNATED

The assessment of the effects of plans and programmes on the environment.

## SCHEDULE 3

Article 4

### MATTERS IN RELATION TO WHICH THE NATIONAL ASSEMBLY FOR WALES IS DESIGNATED

Measures relating to the assessment, management and control of environmental noise.

The prevention and recovery of waste electrical and electronic equipment.

The assessment of the effects of plans and programmes on the environment.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is a further Order in the series designating authorities which may exercise the power to make regulations conferred by section 2(2) of the European Communities Act 1972 and specifying the matters in relation to which that power may be exercised.

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