
STATUTORY INSTRUMENTS

2019 No. 584

**The Environment (Miscellaneous Amendments)
(Northern Ireland) (EU Exit) Regulations 2019**

PART 2

Amendment of primary legislation

Amendment of the Genetically Modified Organisms (Northern Ireland) Order 1991

3. The Genetically Modified Organisms (Northern Ireland) Order 1991 ^{M1} is amended as follows.

Commencement Information

I1 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M1 [S.I. 1991/1714 \(N.I. 19\)](#)

4. In Article 13(2)—

- (a) omit “the Community Treaties or”; and,
- (b) after “agreement”, insert “ or retained EU law ”.

Commencement Information

I2 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment of the Industrial Pollution Control (Northern Ireland) Order 1997

5. The Industrial Pollution Control (Northern Ireland) Order 1997 ^{M2} is amended as follows.

Commencement Information

I3 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M2 [S.I. 1997/2777 \(N.I. 18\)](#)

6. In Article 7(2)(b), for “the Community Treaties” substitute “retained EU obligations”.

Commencement Information

- I4** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

7. In Article 30—

- (a) in the heading for “Community and other” substitute “retained EU obligations and”;
- (b) in paragraph (1)(a), for “Community” substitute “retained EU”; and,
- (c) in paragraph (2)(a), for “Community” substitute “retained EU”.

Commencement Information

- I5** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997

8. The Waste and Contaminated Land (Northern Ireland) Order 1997^{M3} is amended as follows.

Commencement Information

- I6** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

- M3** [S.I. 1997/2778 \(N.I. 19\)](#), as relevantly amended by S.R. [2009 No. 178, 2011 c.5](#)

9. In Article 33, for paragraph (2)(a) substitute—

- “(a) which was first supplied in any part of the United Kingdom or any EU member State on or after 18th September 1981; or”.

Commencement Information

- I7** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

10. In Article 37—

- (a) in paragraph (1), omit “or under any relevant instrument”;
- (b) in paragraph (2)(b), omit “or any relevant instrument”; and,
- (c) omit paragraph (5).

Commencement Information

- I8** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

11. In Article 38(3)(b), for “under the law of any” substitute “ under the law of any part of the United Kingdom or any EU ”.

Commencement Information

- I9** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

12. In Article 72(12), in the definition of “pollution control statutory provisions”, for “section 2(2) of the European Communities Act 1972” substitute “ retained EU obligations ” in each place.

Commencement Information

- I10** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

13. In Article 77—

- (a) in the heading for “Community” substitute “ retained EU obligations ”;
- (b) in paragraph (1)(a), for “Community obligation” substitute “ retained EU obligation ”; and,
- (c) in paragraph (2)(a), for “Community obligation” substitute “ retained EU obligation ”.

Commencement Information

- I11** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

14. In Schedule 3—

- (a) in Part 1 for paragraph 4(2) substitute—

“(2) The network must be designed so as to enable the United Kingdom as a whole to [^{F1}move towards the aim of becoming] self-sufficient in waste disposal as well as in the recovery of mixed municipal waste collected from private households taking into account geographical circumstances or the need for specialised installations for certain types of waste.”;
- (b) in Part 2, in paragraph 6(d), for “waste oils, hazardous waste, or waste streams addressed by specific European Union legislation” substitute “ waste oils or hazardous waste ”; and,
- (c) in Part 3, in paragraph 9(b), omit “, taking into account the need to maintain the smooth functioning of the internal market”.

F1 Words in [reg. 14\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Waste and Environmental Protection \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1443\)](#), regs. 1(2), [5](#); [2020 c. 1, Sch. 5 para. 1\(1\)](#))

Commencement Information

I12 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment of the Producer Responsibility Obligations (Northern Ireland) Order 1998

15. The Producer Responsibility Obligations (Northern Ireland) Order 1998 ^{M4} is amended as follows.

Commencement Information

I13 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M4 [S.I. 1998/1762 \(N.I. 16\)](#), to which there is an amendment not relevant to these regulations

16. In Article 3(3)(a), for “obligations of the United Kingdom under the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I14 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

17. In Article 4(2)(a)(i), for “obligations of the United Kingdom under the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I15 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment to the Environment (Northern Ireland) Order 2002

18. The Environment (Northern Ireland) Order 2002 ^{M5} is amended as follows.

Commencement Information

I16 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M5 S.I 2002/3153, as relevantly amended by S.R. 2010 No. 92, S.R. 2011 No. 127, **S.I.** 2011/2911, **S.I.** 2012/2788, **S.I.** 2017/1200

19. Omit Article 9.

Commencement Information

I17 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

20. In Article 10(3)(a), for “the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I18 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

21. In Article 14(5)(a), for “any obligations of the United Kingdom under the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I19 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

22. In Article 15(1)(b)(i) for “obligations of the United Kingdom under the Community Treaties;” substitute “retained EU obligations;”.

Commencement Information

I20 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

23. In Article 22—

- (a) in the heading for “Community” substitute “retained EU obligations”;
- (b) in paragraph (1)(a), for “any obligations of the United Kingdom under the Community treaties” substitute “retained EU obligations”.

Commencement Information

I21 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

24. In Article 26(5), for “obligations of the United Kingdom under the Community Treaties” substitute “retained EU obligations”.

Commencement Information

I22 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

25. In Schedule 1—

(a) for paragraph 3(b) substitute—

“(b) directions given for the purposes of the implementation of—

(i) any retained EU obligations;

(ii) any obligations of the United Kingdom under any international agreement to which the United Kingdom is a party;”;

(b) in paragraph 9B(1), for “the EU ETS Directive” substitute “retained EU obligations”;

(c) in paragraph 9C, for “Regulation EU 2017/852 of the Council on mercury, and repealing Regulation (EC) No 1102/2008” substitute “retained EU obligations”;

(d) in paragraph 20—

(i) in sub-paragraph (1)(b) substitute—

“(b) any provision (not being a provision within any of paragraphs 1 to 19) that might be made by an Act of Parliament in connection with the relevant directives, other than provision—

(i) imposing or increasing taxation;

(ii) taking effect from a date earlier than that of the making of the regulations containing the provision;

(iii) conferring any power to legislate by means of orders, rules, regulations or other subordinate instrument, other than rules of procedure for any court or tribunal;

(iv) creating any new criminal offence punishable with imprisonment for more than two years or punishable on summary conviction with imprisonment for more than three months or with a fine.”;

(ii) in sub-paragraph (2)—

(aa) omit paragraph (c);

(bb) for paragraph (d) substitute—

“(d) Council Directive [87/217/EEC](#) on the prevention and reduction of environmental pollution by asbestos^{M6}”;

(cc) after paragraph (d) add—

“(e) European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations^{M7};

(f) Council Directive [1999/31/EC](#) on the landfill of waste^{M8} as last amended by Directive 2011/97/EU^{M9};

- (g) Directive [2000/53/EC](#) of the European Parliament and of the Council on end-of life vehicles ^{M10} as last amended by Directive (EU) 2017/2096 ^{M11};
- (h) Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy ^{M12};
- (i) Directive [2001/81/EC](#) of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants ^{M13};
- (j) Directive [2003/35/EC](#) of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage ^{M14};
- (k) Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries ^{M15};
- (l) Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators ^{M16}, as last amended by Directive 2013/56/EU ^{M17};
- (m) Directive [2006/118/EC](#) of the European Parliament and of the Council (on the protection of groundwater against pollution and deterioration) ^{M18};
- (n) Directive [2008/98/EC](#) of the European Parliament and of the Council of waste ^{M19}, as last amended by Regulation (EU) 2017/997 ^{M20};
- (o) Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide ^{M21};
- (p) Directive [2009/126/EC](#) of the European Parliament and of the Council on stage II petrol vapour recovery during refuelling of motor vehicles at service stations ^{M22};
- (q) Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) ^{M23};
- (r) Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) ^{M24}, as it had effect immediately before 4th July 2018;
- (s) Directive 2012/27/EU of the European Parliament and of the Council on Energy efficiency ^{M25};
- (t) Directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation ^{M26};
- (u) Directive 2015/2193/EU of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants ^{M27};
- (v) any other directive of the Council of the European Community designated by order for the purposes of this paragraph as in force on exit day.”;

(iii) after sub-paragraph (2), insert—

“(2A) In sub-paragraph (1)(b)(iii), “power to legislate” does not include any power to—

(a) amend or extend a power to legislate conferred other than under this paragraph;

(b) give directions as to matters of administration.”.

(e) In paragraph 26 omit the definition of “the EU ETS Directive”.

Commencement Information

I23 Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

- M6** OJ No L 85, 28.3.1987, p. 40, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155)
- M7** OJ No L 365, 31.12.1994, p. 24, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155)
- M8** OJ No L 182, 16.7.1999, p. 1
- M9** OJ No L 328, 10.12.2011, p. 49
- M10** OJ No L 269, 21.10.2000, p. 34
- M11** OJ No L 299, 16.11.2017, p. 24
- M12** OJ No L 327, 22.12.2000, p. 1, as last amended by Directive 2014/101/EU (OJ No L 311, 31.10.2014, p. 32)
- M13** OJ No L 309, 27.11.2001, p. 22, as last amended by Directive (EU) 2016/2284 (OJ No L 344, 17.12.2016, p. 1)
- M14** OJ No L 156, 25.6.2003, p. 17, as last amended by Directive (EU) 2016/2284 (OJ No L 344, 17.12.2016, p. 1)
- M15** OJ No L 102, 11.4.2006, p. 15, as last amended by Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p. 14)
- M16** OJ No L 266, 26.9.2006, p. 1
- M17** OJ No L 329, 10.12.2013, p. 5
- M18** OJ No L 372, 27.12.2006, p. 19, as last amended by Directive 2014/80/EU (OJ No L 182, 21.6.2014, p. 52)
- M19** OJ No L 312, 22.11.2008, p. 3
- M20** OJ No L 150, 14.6.2017, p. 1
- M21** OJ No L 140, 5.6.2009, p. 114, as last amended by Decision (EU) 2018/853 (OJ No L 150, 14.6.2018, p. 155)
- M22** OJ No L 285, 31.10.2009, p. 36
- M23** OJ No L 334, 17.12.2010, p. 17, as corrected by Corrigendum to Council Directive 2010/75/EU (OJ No L 158, 19.6.2012, p. 25)
- M24** OJ No L 197, 24.7.2012, p. 38
- M25** OJ No L 315, 14.11.2012, p. 1, as last amended by Directive (EU) 2018/844 (OJ No L 156, 19.6.2018, p. 75)
- M26** OJ No L 13, 17.1.2014, p. 1, as corrected by Corrigendum to Council Directive 2013/59/Euratom (OJ No L 72, 17.3.2016, p. 69)
- M27** OJ No L 313, 28.11.2015, p. 1

Amendment of the Environmental Better Regulation Act (Northern Ireland) 2016

26. The Environmental Better Regulation Act (Northern Ireland) 2016^{M28} is amended as follows.

Commencement Information

I24 Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M28 [2016 c.13 \(N.I.\)](#)

27. In section 1(1)(b), for “EU obligations of the United Kingdom” substitute “retained EU obligations”.

Commencement Information

I25 Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

28. In Schedule 1 paragraph 3(4)(b), for “any obligations of the United Kingdom under the EU Treaties” substitute “retained EU obligations”.

Commencement Information

I26 Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019, PART 2.