

2020 No. 1617

EXITING THE EUROPEAN UNION

CONSUMER PROTECTION

ENVIRONMENTAL PROTECTION

PUBLIC HEALTH

The Detergents (Amendment) (EU Exit) Regulations 2020

Made - - - - 17th December 2020

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8C of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

In accordance with paragraphs 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Part 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Detergents (Amendment) (EU Exit) Regulations 2020.

(2) Regulations 2 and 3, and this regulation, come into force immediately before IP completion day.

(3) Regulations 4 and 5 come into force on IP completion day.

(4) Regulation 4 extends to England and Wales and Scotland.

(5) Regulation 5 extends to Northern Ireland.

Part 2

Amendment of secondary legislation related to EU Exit

Amendment of the Detergents (Amendment) (EU Exit) Regulations 2019

- 2.—(1) The Detergents (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.
- (2) Omit regulation 2.
- (3) In regulation 5—
- (a) in paragraph (2), for the substituted paragraph 1, substitute—
- “1. This Regulation establishes technical standards and requirements in relation to detergents and surfactants for detergents designed to achieve the free movement of those products throughout Great Britain, and the free movement of those products classified as qualifying Northern Ireland goods from Northern Ireland to Great Britain, while, at the same time, ensuring a high degree of protection for human health and the environment.”;
- (b) in paragraph (3)(a), in the substituted text, for “detergents on the market” substitute “detergents on the Great Britain market”.
- (4) In regulation 6—
- (a) for paragraph (2), substitute—
- “(2) In paragraph 9—
- (a) for “Union”, in the first place it occurs, substitute “Great Britain”;
- (b) for “the Union customs territory”, substitute “Great Britain”.”;
- (b) in paragraph (3), for “United Kingdom” substitute “Great Britain”;
- (c) for paragraph (4) substitute—
- “(4) In paragraph 10, after “natural or legal person”, insert “, established in Great Britain or Northern Ireland, ”.”;
- (d) in paragraph (5), after inserted paragraph 15, insert—
- “16. ‘qualifying Northern Ireland goods’ has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.”.
- (5) In regulation 7(2)(b), in the first indent of the substituted text, for “the UK list” substitute “the GB list”.
- (6) After regulation 7, insert—
- “7A. After Article 3, insert—
- “Article 3A
- Qualifying Northern Ireland goods*
- (1) Where paragraph (2) applies, detergents and surfactants for detergents are to be treated as being in conformity with Article 3(1).
- (2) This paragraph applies where the detergent or surfactant for a detergent—
- (a) is in conformity with Article 3(1) of Regulation (EC) No 648/2004 as it has effect in EU law; and
- (b) is a qualifying Northern Ireland good.”.”.
- (7) For regulation 9(2)(b) substitute—
- “(b) in the third indent, for “the Community”, substitute “Great Britain”.”.
- (8) In regulation 12(4)(b), in the inserted text, omit the fourth indent.

(a) S.I. 2019/672.

(9) In regulation 21, in the inserted Article 18A—

- (a) in paragraph 1, omit the third indent;
- (b) for paragraph 3 substitute—

“3. In England and Wales, the county court may transfer appeal proceedings under this Regulation to the High Court.”.

Amendment of the Detergents (Safeguarding) (Amendment) (EU Exit) Regulations 2019

3.—(1) The Detergents (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 3—

- (a) in paragraph (3), in the substituted text, in the definition of ‘devolved authority’ omit the third bullet point;
- (b) in paragraph (4), in the inserted text—
 - (i) in paragraph 3, omit the fourth indent;
 - (ii) omit paragraphs 6 and 7.

Part 3

Amendment of the Detergents Regulations 2010

Amendment of the Detergents Regulations 2010: Great Britain

4.—(1) The Detergents Regulations 2010(b), as they extend to England and Wales and Scotland, are amended as follows.

(2) In regulation 2(1)—

- (a) before the definition of “authorised officer” insert—

““application for derogation” means a request for derogation made under Article 4(2) of Regulation 648/2004(c);”;
- (b) in the definition of “tier” and related expressions, for the words from ““tier”” to ““tiered approach””, substitute ““Tier 1”, “Tier 2” and “Tier 3””.

(3) Omit regulation 3.

(4) In regulation 4—

- (a) omit paragraph (4);
- (b) in paragraph (5)—
 - (i) in sub-paragraph (a), for “regulation 3(1)”, substitute “Articles 8 and 15(1) of Regulation 648/2004”;
 - (ii) in sub-paragraph (b), for “regulation 3(2)”, substitute “Article 9(3) of that Regulation”.

(5) Omit regulation 6.

(6) In regulation 7, for paragraph (1) substitute—

“(1) Any manufacturer who places on the Great Britain market a controlled product which does not conform with Article 3(1) of Regulation 648/2004 is guilty of an offence.”.

(7) In regulation 8—

- (a) omit paragraphs (1) and (2);

(a) S.I. 2019/671.

(b) S.I. 2010/740, amended by S.I. 2013/1244 and 2016/1165.

(c) EUR 2004/648.

- (b) in paragraph (3), for “competent authority” substitute “Secretary of State”.
- (8) In regulation 11—
 - (a) in paragraph (1), for “regulation 6 or 7 or of a directly applicable”, substitute “regulation 7 or a”;
 - (b) in paragraph (4)(b), for “the United Kingdom” in each place that it occurs, substitute “Great Britain”.
- (9) In regulation 12(1), for “regulations 6 or 7 or a directly applicable”, substitute “regulation 7 or a”.
- (10) In regulation 13, for “regulations 6 or 7 or of a directly applicable”, substitute “regulation 7 or a”.
- (11) Omit regulation 16.
- (12) In regulation 17, for “14, 15 or 16” substitute “14 or 15”.
- (13) In regulation 18—
 - (a) in paragraph (1), for “14, 15 or 16” substitute “14 or 15”;
 - (b) omit paragraph (3).
- (14) In regulation 24, omit paragraph (2)(b)(iii).
- (15) Omit regulation 29.
- (16) In Schedule 2, in the table—
 - (a) omit the sixth column;
 - (b) in the entry for Article 3, in the second column, omit “and (2)”;
 - (c) in the entry for Article 11(5), in the second column, for “the national language of the member State” substitute “English”.

Amendment of the Detergents Regulations 2010: Northern Ireland

5.—(1) The Detergents Regulations 2010, as they extend to Northern Ireland, are amended as follows.

- (2) In regulation 2(1), in the definition of “port health authority”—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “that Act” substitute “the Public Health (Control of Disease) Act 1984(a)”.
- (3) In regulation 3—
 - (a) in paragraph (1) for “is the Secretary of State” substitute “, in relation to Northern Ireland, is the Department of Agriculture, Environment and Rural Affairs”;
 - (b) in paragraph (2)—
 - (i) for “Secretary of State” substitute “Department of Agriculture, Environment and Rural Affairs”;
 - (ii) for “the United Kingdom” substitute “Northern Ireland”.
- (4) In regulation 4, omit paragraphs (1), (2) and (3).
- (5) In regulation 5(1), for “Secretary of State” substitute “Department of Agriculture, Environment and Rural Affairs”.
- (6) In regulation 11(4)(b), for “the United Kingdom”, in each place that it occurs, substitute “Northern Ireland”.
- (7) Omit regulations 14 and 15.

(a) 1984 c. 22.

(8) In regulation 17, for “regulation 14, 15 or 16 (as the case may be)” substitute “regulation 16”.

(9) In regulation 18—

(a) in paragraph (1), for “regulation 14, 15 or 16 (as the case may be)” substitute “regulation 16”;

(b) omit paragraph (2).

(10) In regulation 19(3) and (4), for “Secretary of State”, in each place that it occurs, substitute “Department of Agriculture, Environment and Rural Affairs”.

(11) In regulation 24(2)(b), omit paragraphs (i) and (ii).

(12) Omit regulations 27 and 28.

(13) Omit regulation 31.

(14) In Schedule 2, in the table, omit the third, fourth and fifth columns.

Rebecca Pow

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

17th December 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union. They are also made in exercise of the powers conferred by section 8C of that Act, to deal with matters arising out of or related to the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.

The Regulations amend subordinate legislation relating to detergents. Part 2 amends previous EU Exit Regulations. In Part 3, regulation 4 amends the Detergents Regulations 2010 as they apply in Great Britain, and regulation 5 amends those Regulations as they apply in Northern Ireland.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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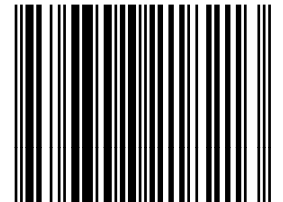
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