
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [2004/35/EC](#) of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage.

They apply to damage to protected species, natural habitats, sites of special scientific interest, water and land (regulation 4).

They are enforced by the bodies specified in regulations 10 and 11.

They provide that, for certain economic activities, where there is an imminent risk of environmental damage, the operator must take steps to prevent it, and if it has occurred must prevent further damage. Where damage has occurred the enforcing authority must assess the damage and identify remedial measures. It must then serve a remediation notice on the responsible operator specifying what remediation is required (Part 3).

They make provision for enforcement (Part 4).

Breach of specified provisions of the Regulations is an offence punishable—

- (a) on summary conviction, with a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both; or
- (b) on conviction on indictment, with a fine or to imprisonment for a term not exceeding two years or both.

A regulatory impact assessment has been prepared and copies are available from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.