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STATUTORY INSTRUMENTS

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**2018 No. 942**

**AGRICULTURE**

LIVESTOCK INDUSTRIES

**ANIMALS, ENGLAND**

ANIMAL HEALTH

**ENVIRONMENTAL PROTECTION**

**FOOD**

**FORESTRY, ENGLAND AND WALES**

**FREEDOM OF INFORMATION,**

**ENGLAND AND WALES**

**FREEDOM OF INFORMATION,**

**NORTHERN IRELAND**

**HEALTH AND SAFETY, ENGLAND AND WALES**

**MARINE MANAGEMENT**

**PESTICIDES**

**PLANT BREEDERS' RIGHTS**

**SEA FISHERIES**

CONSERVATION OF SEA FISH

SEA FISH INDUSTRY

**WASTE**

**WATER, ENGLAND AND WALES**

**WATER INDUSTRY, ENGLAND AND WALES**

**WATER RESOURCES, ENGLAND**

**WATER RESOURCES, SCOTLAND**

## The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018

*Made* - - - - *20th August 2018*  
*Laid before Parliament* *23rd August 2018*  
*Coming into force in accordance with regulation 1(2)*

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) section 2(2) of the European Communities Act 1972 (“the 1972 Act”)(**1**);
- (b) so far as relating to regulations [14](#), [19](#), [20\(2\)\(c\)](#), [23\(3\)\(b\)](#), [39\(a\)](#) and [54\(2\)](#), paragraph 1A of Schedule 2 to the 1972 Act(**2**);
- (c) so far as relating to regulation [35](#), sections 33A and 219(2)(f) of the Water Resources Act 1991(**3**).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the 1972 Act in relation to—

- (a) batteries and accumulators(**4**);
- (b) the common agricultural policy(**5**);
- (c) the environment(**6**);
- (d) materials providing or intended to provide nutrients for plants(**7**);
- (e) measures in the veterinary and phytosanitary fields for the protection of public health(**8**);
- (f) measures relating to biocides(**9**);
- (g) measures relating to Community plant variety rights(**10**);

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- (1) [1972 c. 68](#); section 2(2) was amended by the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#), section 27(1)(a) and the European Union (Amendment) Act [2008 \(c. 7\)](#), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act [2018 \(c. 16\)](#), section 1 from exit day (see section 20 of that Act). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by [S.I. 2002/794](#). Under section 57(1) of the Scotland Act [1998 \(c. 46\)](#), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act [2006 \(c. 32\)](#), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales.
  - (2) Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by the European Union (Amendment) Act 2008, the Schedule, Part 1 and [S.I. 2007/1388](#). It is prospectively repealed by the European Union (Withdrawal) Act 2018, section 1 from exit day (see section 20 of that Act).
  - (3) [1991 c. 57](#); section 33A was inserted by the Water Act [2003 \(c. 37\)](#), section 9. See section 221(1) for the definition of “the Ministers”.
  - (4) [S.I. 2007/3471](#).
  - (5) [S.I. 1972/1811](#), to which there are amendments not relevant to these Regulations. The designation in relation to the common agricultural policy extends to the common fisheries policy: under Article 38(1) of the Treaty on the Functioning of the European Union, the EU’s common agricultural policy includes its common fisheries policy (OJ No L 133, 29.5.2015, p 1).
  - (6) [S.I. 2008/301](#).
  - (7) [S.I. 2001/3919](#), to which there is an amendment not relevant to these Regulations.
  - (8) [S.I. 1999/2027](#).
  - (9) [S.I. 1999/2788](#), to which there are amendments not relevant to these Regulations.
  - (10) [S.I. 1995/751](#), to which there is an amendment not relevant to these Regulations.

- (h) measures relating to food (including drink) including the primary production of food(11);
- (i) measures relating to the description of, and other requirements relating to, spirit drinks(12);
- (j) measures relating to the prevention, reduction and elimination of pollution caused by waste(13);
- (k) measures relating to the recovery of payment of amounts, not being customs duties or refunds of such duties, payable on the import or export of agricultural products or goods resulting from the processing of agricultural products, including conditions attached to and relief allowed in respect of such payments(14);
- (l) the prevention and recovery of waste electrical and electronic equipment(15);
- (m) the prevention of waste from vehicles and forms of recovery of end of life vehicles and their components(16);
- (n) the restriction of the use of hazardous substances in electrical and electronic equipment(17).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for references to the following EU instruments to be construed as references to those instruments as amended from time to time—

- (a) Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures(18);
- (b) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products(19);
- (c) Commission Delegated Regulation (EU) 2017/670 supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the authorised production processes for obtaining aromatised wine products(20);
- (d) Commission Regulation (EU) No 1190/2012 concerning a Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in flocks of turkeys, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council(21).

There has been consultation, as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(22), during the preparation and evaluation of these Regulations so far as they relate to food.

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(11) S.I. 2003/2901, to which there are amendments not relevant to these Regulations.

(12) S.I. 1989/1327, to which there are amendments not relevant to these Regulations.

(13) S.I. 1992/2870, to which there are amendments not relevant to these Regulations.

(14) S.I. 1976/897, to which there are amendments not relevant to these Regulations.

(15) S.I. 2004/706, to which there are amendments not relevant to these Regulations.

(16) S.I. 2001/3495, to which there are amendments not relevant to these Regulations.

(17) S.I. 2004/706.

(18) OJ No L 353, 31.12.2008, p 1, as last amended by Commission Regulation (EU) 2017/776 (OJ No L 116, 5.5.2017, p 1).

(19) OJ No L 84, 20.3.2014, p 14, as corrected by a corrigendum (OJ No L 105, 8.4.2014, p 12).

(20) OJ No L 97, 8.4.2017, p 5.

(21) OJ No L 340, 13.12.2012, p 29, as corrected by a corrigendum (OJ No L 68, 13.3.2015, p 91).

(22) OJ No L 31, 1.2.2002, p 1, as last amended by Commission Regulation (EU) 2017/228 (OJ No L 35, 10.2.2017, p 10).

## PART 1

### Introduction

#### Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018.

(2) They come into force on 17th September 2018 except for the following regulations which come into force on 10th November 2018—

- (a) regulation 5(b);
- (b) regulation 7(2);
- (c) regulation 18;
- (d) regulation 20(2)(d);
- (e) regulations 33(b)(i) and 34(a).

(3) Subject to paragraphs (4) to (6), a provision that amends an enactment has the same extent and application as the enactment, or provision or part of the enactment, that it amends.

(4) Regulation 3 does not extend to Scotland.

(5) Regulation 10 does not apply insofar as the Welsh Ministers may make similar provision by virtue of section 58B of the Government of Wales Act 2006, read with sections 107 and 108A of, and paragraph 171 of Part 2 of Schedule 7A to, that Act(23).

(6) The following regulations do not apply in relation to Wales—

- (a) regulation 19;
- (b) regulation 30;
- (c) regulation 32;
- (d) regulation 35;
- (e) regulation 44.

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(23) 2006 c. 32; section 58B was inserted by the Wales Act 2017 (c. 4), section 20(1). It is prospectively repealed by the European Union (Withdrawal) Act 2018, Schedule 3, paragraphs 27 and 34 from a date to be appointed. Section 107 was amended by the Wales Act 2017, section 2. Section 108A was substituted, for section 108 as originally enacted, by the Wales Act 2017, section 3(1), and is prospectively amended by the European Union (Withdrawal) Act 2018, section 12(3) from a date to be appointed. Schedule 7A was substituted, together with Schedule 7B, for Schedule 7 as originally enacted, by the Wales Act 2017, Schedule 1. Section 58B allows the Welsh Ministers to make secondary legislation using powers in section 2(2) of the European Communities Act 1972 as if they were a Minister of the Crown or government department designated by Order in Council under that provision, provided such legislation would otherwise be within the legislative competence of the National Assembly for Wales. Sections 107 and 108A of the Government of Wales Act 2006, together with paragraph 171 of Part 2 of Schedule 7A to that Act, allow the National Assembly for Wales to make laws in relation to public access to information held by the Assembly, the Assembly Commission, the Welsh Government or any Welsh Public Authority, unless supplied by a Minister of the Crown or government department and held in confidence. “Welsh Public Authority” has the meaning given by section 83 of the Freedom of Information Act 2000 (c. 36), but does not include a reserved authority within the meaning of paragraph 8 of Schedule 7B to the Government of Wales Act 2006.

## PART 2

### Amendments of legislation concerning the environment

#### CHAPTER 1

##### Amendments of primary legislation

###### **The Environmental Protection Act 1990**

2. In section 62A(1)(b) of the Environmental Protection Act 1990(24), at the end insert “, as last amended by Council Regulation (EU) 2017/997(25)”.

###### **The Environment Act 1995**

3. In section 41(1)(c) of the Environment Act 1995(26), after “[Directive 2008/98/EC](#)” insert “, as last amended by Council Regulation (EU) 2017/997,”.

###### **The Pollution Prevention and Control Act 1999**

4.—(1) The Pollution Prevention and Control Act 1999(27) is amended as follows.

(2) In section 1—

(a) for subsection (1)(a) substitute—

“(a) [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)(28);”;

(b) in subsection (3)(e), for “Council [Directive 96/61/EC](#)(29)” substitute “[Directive 2010/75/EU](#)”.

(3) In Schedule 1, in paragraph 20(2)—

(a) omit paragraphs (a) and (b) (together with the final “and”);

(b) in paragraph (c) omit “other”.

###### **The Natural Environment and Rural Communities Act 2006**

5. In section 43(3) of the Natural Environment and Rural Communities Act 2006(30)—

(a) in paragraph (c), at the end insert “, as last corrected by a corrigendum (OJ No L 280, 28.10.2017, p 57)”;

(b) in paragraph (d), at the end insert “, as last amended by Commission Regulation (EU) 2018/605(31)”.

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(24) [1990 c. 43](#); section 62A was inserted by [S.I. 2005/894](#) and subsection (1)(b) was amended by [S.I. 2015/1360](#).

(25) OJ No L 150, 14.6.2017, p 1.

(26) [1995 c. 25](#); section 41(1)(c) was substituted in relation to England by [S.I. 2005/894](#) and in relation to Wales by [S.I. 2005/1806 \(W. 138\)](#), and was amended by [S.I. 2011/988, 2013/755 \(W. 90\)](#).

(27) [1999 c. 24](#); section 1 was amended by the Regulatory Reform (Scotland) Act 2014 ([asp 3](#)), Schedule 3, Part 1, paragraph 7. Schedule 1, paragraph 20 was amended by [S.I. 2011/1043](#).

(28) OJ No L 334, 17.12.2010, p 17, as corrected by a corrigendum (OJ No L 158, 19.6.2012, p 25).

(29) OJ No L 257, 10.10.1996, p 26, as repealed by [Directive 2008/1/EC](#) of the European Parliament and of the Council (OJ No L 24, 29.1.2008, p 8).

(30) [2006 c. 16](#); section 43(3) was amended by [S.I. 2013/1506, 2017/304](#).

(31) OJ No L 101, 20.4.2018, p 33, as corrected by a corrigendum (OJ No L 111, 2.5.2018, p 10).

## **The Marine and Coastal Access Act 2009**

6. In section 75(5) of the Marine and Coastal Access Act 2009(32), after “waste” insert “, as last amended by Council Regulation (EU) 2017/997,”.

### **CHAPTER 2**

#### **Amendments of secondary legislation**

## **The Control of Pesticides Regulations 1986**

7.—(1) The Control of Pesticides Regulations 1986(33) are amended as follows.

(2) In regulation 2(1), in the definition of “Regulation 1107/2009”, for “and repealing Council Directives 79/117/EEC and 91/414/EEC” substitute “, as last amended by Commission Regulation (EU) 2018/605”.

(3) In regulation 8(6), for “the Environmental Information Regulations 1992(34)” substitute “the Environmental Information Regulations 2004(35)”.

## **The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999**

8.—(1) The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999(36) are amended as follows.

(2) In regulation 2(1) omit the definition of “EEA State”.

(3) In regulation 3(3), in the words before sub-paragraph (a)—

(a) omit “paragraphs (4) and (5) (in relation to England) and”;

(b) for “likely to have, or not to have,” substitute “not likely to have”.

(4) In regulation 3B—

(a) after paragraph (6) insert—

“(6A) Where a proposer applies for a grant from the appropriate forestry body or from the National Forest Company for the purposes of a proposed project of the kind described in paragraph (1)—

(a) the proposer is not required to send prior full notification to the appropriate forestry body in respect of the project to which the grant relates, and

(b) where the appropriate forestry body or the National Forest Company offers a grant to the proposer, the proposer may conclude that the project to which the grant relates is to be treated as being unlikely to have significant effects on the environment.”;

(b) in paragraph (7)(g), for “and repealing Council Regulation (EC) No 1698/2005” substitute “, as last amended by Commission Delegated Regulation (EU) 2018/162(37)”.

(5) In regulation 6, after paragraph (1A) insert—

“(1B) Where a proposer applies for a grant from the appropriate forestry body or the National Forest Company for the purposes of the project and the application is accompanied by the information referred to in regulation 5(2), the appropriate forestry body may treat that

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(32) 2009 c. 23; section 75(5) was inserted by S.I. 2011/405 and amended by S.I. 2016/738.

(33) S.I. 1986/1510; relevant amending instruments are S.I. 1997/188, 2011/2131.

(34) S.I. 1992/3240, revoked in relation to England and Wales by S.I. 2004/3391 and in relation to Scottish public authorities by S.S.I. 2004/520.

(35) S.I. 2004/3391, to which there are amendments not relevant to these Regulations.

(36) S.I. 1999/2228, amended by S.I. 2017/592.

(37) OJ No L 30, 2.2.2018, p 6.

grant application as an application for an opinion under regulation 5 and as an exceptional case for the purposes of paragraph (1A).”.

- (6) Schedule 2 is amended in accordance with paragraphs (7) to (10).
- (7) In the heading, for “likely” substitute “not likely”.
- (8) In paragraph 1A—
  - (a) in the heading, for “likely” substitute “not likely”;
  - (b) in sub-paragraph (1)—
    - (i) after “regulation 3(3),” insert “and subject to regulations 6(3) and 7(6),”;
    - (ii) for “likely to have, or not to have,” substitute “not likely to have”;
  - (c) in the table after sub-paragraph (2), omit rows 2, 3, 7, 8, 10, 11, 13, 14, 16, 17 and 19.
- (9) In the heading of paragraph 2, for “likely” substitute “not likely”.
- (10) For paragraph 2(1) substitute—

“(1) For the purposes of regulation 3(3), and subject to regulations 6(3) and 7(6), a project in Wales of a type specified in an entry in Column 1 in the Table that is below the threshold (if any) specified in Column 2 or 3 of the Table, whichever is appropriate to the land covered, or proposed to be covered, by that project is to be treated as being not likely to have a significant effect on the environment.”.

#### **The End-of-Life Vehicles Regulations 2003**

- 9.—(1) The End-of-Life Vehicles Regulations 2003(38) are amended as follows.
- (2) In regulation 2—
  - (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Directive (EU) 2017/2096(39)”;
  - (b) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.
- (3) In regulation 5, for “Article 8(2)(a) of [Directive 70/156/EEC](#)(40)” substitute “Article 23 of [Directive 2007/46/EU](#) of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles(41)”.

#### **The Environmental Information Regulations 2004**

10. In regulation 18(6) of the Environmental Information Regulations 2004, for the words from “applies to a decision notice” to the end substitute “does not apply”.

#### **The End-of-Life Vehicles (Producer Responsibility) Regulations 2005**

- 11.—(1) The End-of-Life Vehicles (Producer Responsibility) Regulations 2005(42) are amended as follows.
- (2) In regulation 2—

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(38) [S.I. 2003/2635](#); relevant amending instruments are [S.I. 2005/263](#), [2016/738](#).

(39) OJ No L 299, 16.11.2017, p 24.

(40) OJ No L 42, 23.2.1970, p 1, as repealed by [Directive 2007/46/EC](#) of the European Parliament and of the Council (OJ No L 263, 9.10.2007, p 1).

(41) OJ No L 263, 9.10.2007, p 1, as last amended by Commission Regulation (EU) 2017/2400 (OJ No L 349, 29.12.2017, p 1).

(42) [S.I. 2005/263](#), amended by [S.I. 2016/738](#); there are other amending instruments but none is relevant.

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Directive (EU) 2017/2096”;
- (b) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

(3) In regulation 5, for “the second indent of Article 4(1)(a) of [Directive 70/156/EEC](#)” substitute “Article 9(1)(b) of [Directive 2007/46/EU](#) of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles”.

### **The Marine Works (Environmental Impact Assessment) Regulations 2007**

**12.** In Schedule A1 to the Marine Works (Environmental Impact Assessment) Regulations 2007(**43**), in paragraph 15, after “Council on waste” insert “, as last amended by Council Regulation (EU) 2017/997,”.

### **The Batteries and Accumulators (Placing on the Market) Regulations 2008**

**13.** In regulation 26(2) of the Batteries and Accumulators (Placing on the Market) Regulations 2008(**44**), for the words “and repealing [Directive 91/157/EEC](#)(**45**)” substitute “, as last amended by [Directive 2013/56/EU](#) of the European Parliament and of the Council(**46**),”.

### **The Waste Batteries and Accumulators Regulations 2009**

**14.** In regulation 71(2) of the Waste Batteries and Accumulators Regulations 2009(**47**), for the words from “Council [Directive 67/548/EEC](#)(**48**)” to “dangerous substances” substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures”.

### **The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009**

**15.** In regulation 3 of the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009(**49**), for the words from “[Directive 96/82/EC](#)(**50**)” to the end substitute “[Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances(**51**)”.

### **The Marine Strategy Regulations 2010**

**16.** In regulation 2 of the Marine Strategy Regulations 2010(**52**), in the definition of “the Water Framework Directive”, for “amended” substitute “last amended by Commission [Directive 2014/101/EU](#)(**53**)”.

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(43) S.I. 2007/1518; relevant amending instruments are [S.S.I. 2017/115](#), [S.I. 2017/588](#).

(44) [S.I. 2008/2164](#), amended by [S.I. 2012/1139](#); there are other amending instruments but none is relevant.

(45) OJ No L 78, 26.3.1991, p 38, as repealed by [Directive 2006/66/EC](#) of the European Parliament and of the Council (OJ No L 266, 26.9.2006, p 1).

(46) OJ No L 329, 10.12.2013, p 5.

(47) [S.I. 2009/890](#), to which there are amendments not relevant to these Regulations.

(48) OJ No 196, 16.8.1967, p 1 (OJ/SE series I vol 1967 p 234), as repealed by Regulation (EC) No 1272/2008 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p 1).

(49) [S.I. 2009/1927](#), to which there are amendments not relevant to these Regulations.

(50) OJ No L 10, 14.1.1997, p 13, as repealed by [Directive 2012/18/EU](#) of the European Parliament and of the Council (OJ No L 197, 24.7.2012, p 1).

(51) OJ No L 197, 24.7.2012, p 1.

(52) [S.I. 2010/1627](#), to which there are amendments not relevant to these Regulations.

(53) OJ No L 311, 31.10.2014, p 32.



### **The Marine Licensing (Exempted Activities) Order 2011**

17. In article 3 of the Marine Licensing (Exempted Activities) Order 2011<sup>(54)</sup>, in the definition of “the Waste Framework Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

### **The Plant Protection Products Regulations 2011**

18. In regulation 2(1) of the Plant Protection Products Regulations 2011<sup>(55)</sup>, in the definition of “Regulation 1107/2009”, for “and repealing Council Directives 79/117/EEC and 91/414/EEC” substitute “, as last amended by Commission Regulation (EU) 2018/605”.

### **The Controlled Waste (England and Wales) Regulations 2012**

19. In Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012<sup>(56)</sup>, in paragraph 1, in the definition of “clinical waste”, in paragraph (c), for the words from “Council Directive” to the end substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, as amended from time to time.”.

### **The Plant Protection Products (Sustainable Use) Regulations 2012**

20.—(1) The Plant Protection Products (Sustainable Use) Regulations 2012<sup>(57)</sup> are amended as follows.

(2) In regulation 2(1)—

- (a) omit the definition of “[Directive 1999/45/EC](#)”;
- (b) in the definition of “the Directive”, after “pesticides” insert “, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council<sup>(58)</sup>”;
- (c) after the definition of “professional user” insert—

“‘Regulation 1272/2008’ means Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, as amended from time to time.”;
- (d) in the definition of “Regulation 1107/2009”, for “and repealing Council Directives 79/117/EEC and 91/414/EEC” substitute “, as last amended by Commission Regulation (EU) 2018/605”.

(3) In regulation 10—

- (a) in paragraph (2)(c)—
  - (i) after “water policy” insert “, as last amended by Commission [Directive 2014/101/EU](#)”;
  - (ii) for the words from “and Council” to the end insert “, as amended by Council [Directive 2013/17/EU](#)<sup>(59)</sup>, and Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora, as last amended by Council [Directive 2013/17/EU](#)<sup>(60)</sup>”;

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<sup>(54)</sup> S.I. 2011/409, amended by S.I. 2016/738; there are other amending instruments but none is relevant.

<sup>(55)</sup> S.I. 2011/2131, to which there are amendments not relevant to these Regulations.

<sup>(56)</sup> S.I. 2012/811, to which there are amendments not relevant to these Regulations.

<sup>(57)</sup> S.I. 2012/1657, to which there are amendments not relevant to these Regulations.

<sup>(58)</sup> OJ No L 189, 27.6.2014, p 1, as last amended by Regulation (EU) 2017/2393 of the European Parliament and of the Council (OJ No L 350, 29.12.2017, p 15).

<sup>(59)</sup> OJ No L 158, 10.6.2013, p 193.

<sup>(60)</sup> OJ No L 206, 22.7.1992, p 7.

- (b) in paragraph (3)—
  - (i) for “[Directive 1999/45/EC](#)” substitute “Regulation 1272/2008”;
  - (ii) for “as referred to in Article 16(3) of” substitute “listed in Annex 10 to”;
- (c) in paragraph (4)(b), for “[Directive 1999/45/EC](#)” substitute “Regulation 1272/2008”.
- (4) In Schedule 1, in paragraph 1(c), for “[Directive 1999/45/EC](#)” substitute “Regulation 1272/2008”.

### **The Climate Change Agreements (Eligible Facilities) Regulations 2012**

**21.** In regulation 2 of the Climate Change Agreements (Eligible Facilities) Regulations 2012(**61**), in the definition of “the Waste Framework Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”.

### **The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012**

**22.** In regulation 2 of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(**62**)—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Commission Delegated Directive (EU) 2017/1011(**63**)”;
- (b) in the definition of “harmonised standard”—
  - (i) for the words from “Annex I” to “services” substitute “Annex 1 to Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation(**64**)”;
  - (ii) for “Article 6 of that Directive” substitute “Article 10 of that Regulation”.

### **The Waste Electrical and Electronic Equipment Regulations 2013**

**23.**—(1) The Waste Electrical and Electronic Equipment Regulations 2013(**65**) are amended as follows.

- (2) In regulation 2—
  - (a) in the definition of “the Waste Directive”, at the end insert “, as last amended by Council Regulation (EU) 2017/997”;
  - (b) omit the definition of “dangerous substance or mixture”;
  - (c) in the definition of “producer”, for the words from “[Directive 97/7/EC](#)(**66**)” to “distance contracts” substitute “[Directive 2011/83/EU](#) of the European Parliament and of the Council on consumer rights(**67**)”.
- (3) In regulation 24—
  - (a) in paragraph (2)(b), for “substances and mixtures” substitute “substance or mixture”;
  - (b) after paragraph (3) insert—

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(61) [S.I. 2012/2999](#), amended by [S.I. 2016/738](#); there are other amending instruments but none is relevant.

(62) [S.I. 2012/3032](#), to which there are amendments not relevant to these Regulations.

(63) OJ No L 153, 16.6.2017, p 25.

(64) OJ No L 316, 14.11.2012, p 12, as last amended by Directive (EU) 2015/1535 of the European Parliament and of the Council (OJ No L 241, 17.9.2015, p 1).

(65) [S.I. 2013/3113](#); relevant amending instruments are [S.I. 2014/1771](#), [2016/738](#).

(66) OJ No L 144, 4.6.1997, p 19, as repealed by [Directive 2011/83/EU](#) of the European Parliament and of the Council (OJ No L 304, 22.11.2011, p 64).

(67) OJ No L 304, 22.11.2011, p 64, as last amended by Directive (EU) 2015/2302 of the European Parliament and of the Council (OJ No L 326, 11.12.2015, p 1).

“(4) In paragraph (2)(b), “dangerous substance or mixture” means any substance or mixture which fulfils the criteria for any of the following hazard classes or categories set out in Annex 1 to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, as amended from time to time—

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (c) hazard class 4.1;
- (d) hazard class 5.1.”.

### **The Environmental Damage (Prevention and Remediation) (England) Regulations 2015**

24. In Schedule 2 to the Environmental Damage (Prevention and Remediation) (England) Regulations 2015(68), in paragraph 3(1)(e) omit “, as last amended by Council Regulation (EU) 2017/997”.

### **The Landfill Tax (Qualifying Fines) (No. 2) Order 2015**

25. In article 2 of the Landfill Tax (Qualifying Fines) (No. 2) Order 2015(69), in the definition of “hazardous waste”, for “European Parliament and Council Directive 2008/98/EC” substitute “Directive 2008/98/EC of the European Parliament and of the Council on waste, as last amended by Council Regulation (EU) 2017/997”.

### **The Packaging (Essential Requirements) Regulations 2015**

26. In regulation 2(1) of the Packaging (Essential Requirements) Regulations 2015(70), in the definition of “the Waste Directive”, for “and repealing certain Directives” substitute “, as last amended by Council Regulation (EU) 2017/997”.

### **The Renewables Obligation Order 2015**

27. In article 2(1) of the Renewables Obligation Order 2015(71), in paragraph (b) of the definition of “Solid Recovered Fuel”, after “Council on waste” insert “, as last amended by Council Regulation (EU) 2017/997”.

### **The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017**

28. In Schedule 1 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(72), in paragraph 9, for “of 19 November 2008 on waste” substitute “on waste, as last amended by Council Regulation (EU) 2017/997”.

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(68) S.I. 2015/810, amended by S.I. 2018/575; there are other amending instruments but none is relevant.

(69) S.I. 2015/1385.

(70) S.I. 2015/1640.

(71) S.I. 2015/1947, to which there are amendments not relevant to these Regulations.

(72) S.I. 2017/572, to which there are amendments not relevant to these Regulations.

## PART 3

### Amendments of legislation concerning water

#### CHAPTER 1

##### Amendment of primary legislation

#### **The Water Resources Act 1991**

**29.** In section 93(7) of the Water Resources Act 1991(**73**), after “water policy” insert “, as last amended by Commission [Directive 2014/101/EU](#)”.

#### CHAPTER 2

##### Amendments of secondary legislation

#### **The Urban Waste Water Treatment (England and Wales) Regulations 1994**

**30.**—(1) The Urban Waste Water Treatment (England and Wales) Regulations 1994(**74**) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “the Directive”, after “treatment,” insert “as last amended by Regulation ([EC](#)) No [1137/2008](#) of the European Parliament and of the Council(**75**),”;

(b) in the words after the definition of “Wales”, after “used” insert “in these Regulations and”.

(3) In Schedule 1, in Part 1, in sub-paragraph (b), for the words from “the concentration” to “Member States” substitute “50 mg/l of nitrates in 95% of the samples”.

#### **The Water Supply (Water Fittings) Regulations 1999**

**31.** In regulation 4(2)(a) of the Water Supply (Water Fittings) Regulations 1999(**76**), for “and repealing Council [Directive 89/106/EEC\(77\)](#)” substitute “, as last amended by Commission Delegated Regulation (EU) No 574/2014(**78**)”.

#### **The Drinking Water (Undertakings) (England and Wales) Regulations 2000**

**32.** In regulation 2 of the Drinking Water (Undertakings) (England and Wales) Regulations 2000(**79**), after “human consumption)” insert “, as last amended by Commission Directive (EU) 2015/1787(**80**)”.

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(73) [1991 c. 57](#); subsections (5) to (7) were substituted, for subsection (5) as originally enacted, by [S.I. 2009/3104](#).

(74) [S.I. 1994/2841](#), amended by [S.I. 2013/755 \(W. 90\)](#); there are other amendments but none is relevant.

(75) OJ No L 311, 21.11.2008, p 1, as last amended by [Directive 2014/32/EU](#) of the European Parliament and of the Council (OJ No L 96, 29.3.2014, p 149).

(76) [S.I. 1999/1148](#), amended by [S.I. 2013/1387](#); there are other amending instruments but none is relevant.

(77) OJ No L 40, 11.2.1989, p 12, as repealed by Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ No L 88, 4.4.2011, p 5).

(78) OJ No L 159, 28.5.2014, p 41.

(79) [S.I. 2000/1297](#), amended by [S.I. 2010/996](#); there are other amending instruments but none is relevant.

(80) OJ No L 260, 7.10.2015, p 6.

### **The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004**

**33.** In Schedule 1 to the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004(**81**)—

- (a) in paragraph 3(2), for the words from “Council [Directive 80/778/EC](#)(**82**)” to the end substitute “Council [Directive 98/83/EC](#) on the quality of water intended for human consumption(**83**)”;
- (b) in paragraph 14A(1)—
  - (i) after “on the market”, in the first place it occurs, insert “, as last amended by Commission Regulation (EU) 2018/605,”;
  - (ii) at the end, insert “, as last corrected by a corrigendum”.

### **The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017**

**34.** In regulation 23(1) of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(**84**)—

- (a) after “on the market”, in the first place it occurs, insert “, as last amended by Commission Regulation (EU) 2018/605,”;
- (b) at the end, insert “, as last corrected by a corrigendum”.

### **The Water Abstraction and Impounding (Exemptions) Regulations 2017**

**35.**—(1) The Water Abstraction and Impounding (Exemptions) Regulations 2017(**85**) are amended as follows.

(2) In regulation 2(1)—

- (a) for the definition of “the 2010 Regulations” substitute—

““the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017(**86**)”;
- (b) in the definition of “conservation site”—
  - (i) in paragraph (a), for “regulation 10(5) of the 2010 Regulations” substitute “regulation 12(5) of the 2017 Regulations”;
  - (ii) in paragraph (b), for “regulation 11 of the 2010 Regulations” substitute “regulation 13 of the 2017 Regulations”;
  - (iii) in paragraph (c), for “regulations 12A and 12B, respectively, of the 2010 Regulations” substitute “regulations 15 and 16, respectively, of the 2017 Regulations”;
- (c) in the definition of “protected species”, in paragraph (a), for “regulation 40(1) of, and Schedule 2 to, the 2010 Regulations” substitute “regulation 42(1) of, and Schedule 2 to, the 2017 Regulations”.

(3) In regulation 14(1)(b), for “regulation 99(2) of the 2010 Regulations” substitute “regulation 102(2) of the 2017 Regulations”.

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(81) [S.I. 2004/99](#), amended by [S.I. 2016/139](#); there are other amending instruments but none are relevant.

(82) OJ No L 229, 30.8.1980, p 11, as repealed by Council [Directive 98/83/EC](#) (OJ No L 330, 5.12.1998, p 32).

(83) OJ No L 330, 5.12.1998, p 32, as amended by Commission Directive (EU) 2015/1787 (OJ No L 260, 7.10.2015, p 6).

(84) [S.I. 2017/407](#).

(85) [S.I. 2017/1044](#).

(86) [S.I. 2017/1012](#).

## PART 4

### Amendments of legislation concerning food etc.

#### The Preserved Sardines (Marketing Standards) Regulations 1990

**36.**—(1) The Preserved Sardines (Marketing Standards) Regulations 1990<sup>(87)</sup> are amended as follows.

(2) In regulation 2(1), in the definition of “the Council Regulation”, at the end insert “and trade descriptions for preserved sardines and sardine-type products, as last amended by [Commission Regulation \(EC\) No 1345/2008](#)<sup>(88)</sup>”.

(3) In the Schedule, after item 7 in the table insert—

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“8. Article 7a	Requirements relating to the marketing of preserved sardine-type products”
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#### The Scotch Whisky Regulations 2009

**37.** In regulation 3(2) of the Scotch Whisky Regulations 2009<sup>(89)</sup>, in the definition of “Blended Malt Scotch Whisky”, for the words from “that have been distilled” to the end substitute “distilled at more than one distillery, or a blend of single malt whisky distillates produced in accordance with the requirements of paragraph (1)(a) and (b) and to which paragraph (1)(c) to (i) will subsequently apply”.

#### The Beef and Veal Labelling Regulations 2010

**38.**—(1) The Beef and Veal Labelling Regulations 2010<sup>(90)</sup> are amended as follows.

(2) In regulation 2(1)—

- (a) in sub-paragraph (a), at the end insert “, as last amended by Regulation (EU) No 653/2014 of the European Parliament and of the Council<sup>(91)</sup>”;
- (b) in sub-paragraph (c), for the words from “Part I” to “1234/2007” substitute “Part 1 of Annex 7 to, Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products<sup>(92)</sup>”;
- (c) in sub-paragraph (d), at the end insert “, as last amended by Commission Implementing Regulation (EU) 565/2013<sup>(93)</sup>”.

(3) In regulation 4—

- (a) in paragraph (1)—
  - (i) omit sub-paragraphs (a)(vii) and (viii);
  - (ii) in sub-paragraph (c), in the words before paragraph (i), for the words from “the Regulation” to “1234/2007” substitute “Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products”;

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<sup>(87)</sup> [S.I. 1990/1084](#), to which there are amendments not relevant to these Regulations.

<sup>(88)</sup> OJ No L 348, 24.12.2008, p 76.

<sup>(89)</sup> [S.I. 2009/2890](#).

<sup>(90)</sup> [S.I. 2010/983](#), amended by [S.I. 2013/3235](#); there is another amending instrument but it is not relevant.

<sup>(91)</sup> OJ No L 189, 27.6.2014, p 33.

<sup>(92)</sup> OJ No L 347, 20.12.2013, p 671, as last amended by Regulation (EU) 2017/2393 of the European Parliament and of the Council (OJ No L 350, 29.12.2017, p 15).

<sup>(93)</sup> OJ No L 167, 18.6.2013, p 26.

- (b) in paragraph (2), for the words from “point IV(2)” to “1234/2007” substitute “point 4(2) of Part 1 of Annex 7 to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products”.

### **The Wine Regulations 2011**

**39.** In regulation 2(2) of the Wine Regulations 2011<sup>(94)</sup>, in the definition of “the European Regulations”—

- (a) for paragraph (a) substitute—
  - “(a) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products,
  - (aa) Commission Delegated Regulation (EU) 2017/670 supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the authorised production processes for obtaining aromatised wine products,”;
- (b) in paragraph (b), for the words from “the Regulation” to “time,” substitute “Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products”.

## **PART 5**

### **Amendments and revocations of legislation concerning agriculture**

#### **The Hops Certification Regulations 1979**

**40.**—(1) The Hops Certification Regulations 1979<sup>(95)</sup> are amended as follows.

(2) In regulation 1—

- (a) for the definition of “the EU provisions” substitute—
  - ““the EU provisions” means—
  - (a) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (“Regulation EU No 1308/2013”);
  - (b) [Commission Regulation \(EC\) No 1850/2006](#) laying down detailed rules for the certification of hops and hop products (“[Commission Regulation \(EC\) No 1850/2006](#)”)<sup>(96)</sup>;
  - (c) [Commission Regulation \(EC\) No 1295/2008](#) on the importation of hops from third countries (“[Regulation \(EC\) 1295/2008](#)”)<sup>(97)</sup>;
- (b) in the definition of “hop products”, for “Article 1 of [Council Regulation \(EEC\) No. 1696/71](#)”<sup>(98)</sup> substitute “Articles 1 and 3(1) of Regulation (EU) No 1308/2013”.

(3) In regulation 3—

- (a) in paragraph (1)—

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<sup>(94)</sup> [S.I. 2011/2936](#), amended by [S.I. 2013/3235](#); there are other amending instruments but none is relevant.

<sup>(95)</sup> [S.I. 1979/1095](#), amended by [S.I. 1991/2198](#), [2011/1043](#).

<sup>(96)</sup> OJ No L 355, 15.12.2006, p 72, as last amended by [Commission Regulation \(EU\) No 519/2013](#) (OJ No L 158, 10.6.2013, p 74).

<sup>(97)</sup> OJ No L 340, 19.12.2008, p 45, as last amended by Commission Implementing Regulation (EU) 2015/2000 (OJ No L 292, 10.11.2015, p 4).

<sup>(98)</sup> OJ No L 175, 4.8.1971, p 1, as repealed by Council Regulation (EC) No 1952/2005 (OJ No L 314, 30.11.2005, p 1).

- (i) in sub-paragraph (c), for the words from “either” to the end substitute “the attestation of equivalence provided for in Article 190 of Regulation (EU) No 1308/2013”;
  - (ii) in sub-paragraphs (d) and (e), for “Article 5(2) of [Council Regulation \(EEC\) No. 1696/71](#)” substitute “Article 190 of Regulation (EU) No 1308/2013”;
  - (iii) in sub-paragraph (e), for “Article 1(1)(a) of [Council Regulation \(EEC\) No. 1784/77\(99\)](#)” substitute “Article 1(3)(a) of [Commission Regulation \(EC\) No 1850/2006](#)”;
- (b) after paragraph (1) insert—
- “(1A) Paragraph (1)(c) does not apply insofar as Article 10 of Regulation (EC) [1295/2008](#) provides otherwise.”.
- (4) Omit regulation 4.
- (5) In regulation 6A(a), for “Article 8a(3) of Commission Regulation ([EEC\) No. 890/78\(100\)](#)” substitute “Article 12(1) of [Commission Regulation \(EC\) No 1850/2006](#)”.
- (6) In regulation 7—
- (a) in paragraph (1)—
    - (i) for the words from “article 10(a) of” to “1784/77” substitute “Article 20(1) of [Commission Regulation \(EC\) No 1850/2006](#) to send to the competent certification authority referred to in Article 21 of that Regulation”;
    - (ii) for “the said Article 10(a)” substitute “Article 20(1)”;
  - (b) in paragraph (2), for the words from “by article 10(b)” to “Council Regulation” substitute “to send to the competent certification authority referred to in Article 21 of [Commission Regulation \(EC\) No 1850/2006](#)”.
- (7) In regulation 9(2), for the words from “Article 5(2)” to the end substitute “Article 190 of Regulation (EU) No 1308/2013”.

### **The Bovine Embryo (Collection, Production and Transfer) Regulations 1995**

- 41.**—(1) The Bovine Embryo (Collection, Production and Transfer) Regulations 1995(**101**) are amended as follows.
- (2) In regulation 1(a), after “species” insert “, as last amended by Council [Directive 2008/73/EC\(102\)](#)”.
- (3) Omit regulation 2(3).
- (4) In regulation 10(e)—
- (a) omit “deep-frozen”;
  - (b) at the end insert “, as last amended by Commission Implementing [Decision 2011/629/EU\(103\)](#)”.
- (5) In regulation 12(c), after “88/407/EEC” insert “, as last amended by Commission Implementing [Decision 2011/629/EU](#)”.
- (6) In regulation 21(5)—
- (a) omit sub-paragraph (b);
  - (b) for sub-paragraph (c) substitute—

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(99) OJ No L 200, 8.8.1977, p 1, as repealed by [Commission Regulation \(EC\) No 1850/2006](#).

(100) OJ No L 117, 29.4.1978, p 43, as repealed by [Commission Regulation \(EC\) No 1850/2006](#).

(101) S.I. 1995/2478, amended by S.I. 1996/3124.

(102) OJ No L 219, 14.8.2008, p 40, as last amended by Council [Decision 2009/436/EC](#) (OJ No L 145, 10.6.2009, p 43).

(103) OJ No L 247, 24.9.2011, p 22.



- “(c) imported into—
- (i) England in accordance with the provisions of the Trade in Animals and Related Products Regulations 2011(**104**) or any Regulations which they supersede;
  - (ii) Wales in accordance with the provisions of the Trade in Animals and Related Products (Wales) Regulations 2011(**105**) or any Regulations which they supersede;
  - (iii) Scotland in accordance with the provisions of the Trade in Animals and Related Products (Scotland) Regulations 2012(**106**) or any Regulations which they supersede;”.

### **The Seeds (National Lists of Varieties) Regulations 2001**

**42.**—(1) The Seeds (National Lists of Varieties) Regulations 2001(**107**) are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “the Deliberate Release Directive”, for the words from “amended by” to the end substitute “last amended by Directive (EU) 2015/412 of the European Parliament and of the Council(**108**)”;
- (b) in the definition of “the Equivalence Decision”, for “and amending [Decision 2003/17/EC](#)” substitute “, as last amended by Council Regulation (EU) 517/2013(**109**)”;
- (c) in the definition of “the Food and Feed Regulation”, at the end insert “, as last amended by Regulation ([EC](#)) No 298/2008 of the European Parliament and of the Council(**110**)”;
- (d) for the definition of “the Novel Foods Regulation” substitute—

““the Novel Foods Regulation” means Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods(**111**)”;
- (e) for the definition of “the Seeds Marketing Directives” substitute—

““the Seeds Marketing Directives” means—

  - (a) the Vegetable Seed Marketing Directive;
  - (b) Council [Directive 66/401/EEC](#) on the marketing of fodder plant seed(**112**);
  - (c) Council [Directive 66/402/EEC](#) on the marketing of cereal seed(**113**);
  - (d) Council [Directive 2002/54/EC](#) on the marketing of beet seed(**114**);
  - (e) Council [Directive 2002/56/EC](#) on the marketing of seed potatoes(**115**); and
  - (f) Council [Directive 2002/57/EC](#) on the marketing of seed of oil and fibre plants(**116**)”;

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(**104**) S.I. 2011/1197, to which there are amendments not relevant to these Regulations.

(**105**) S.I. 2011/2379 (W. 252), to which there are amendments not relevant to these Regulations.

(**106**) S.S.I. 2012/177, to which there are amendments not relevant to these Regulations.

(**107**) S.I. 2001/3510, amended by S.I. 2004/2949, 2011/464; there are other amending instruments but none is relevant.

(**108**) OJ No L 68, 13.3.2015, p 1.

(**109**) OJ No L 158, 10.6.2013, p 1, as last amended by Regulation (EU) 2016/1076 of the European Parliament and of the Council (OJ No L 185, 8.7.2016, p 1).

(**110**) OJ No L 97, 9.4.2008, p 64.

(**111**) OJ No L 327, 11.12.2015, p 1.

(**112**) OJ No 125, 11.7.1966, p 2298, as last amended by Commission Implementing Directive (EU) 2016/2109 (OJ No L 327, 2.12.2016, p 59).

(**113**) OJ No 125, 11.7.1966, p 2309, as last amended by Commission Implementing Directive (EU) 2016/317 (OJ No L 60, 5.3.2016, p 72).

(**114**) OJ No L 193, 20.7.2002, p 12, as last amended by Commission Implementing Directive (EU) 2016/317.

(**115**) OJ No L 193, 20.7.2002, p 60, as last amended by Commission Implementing Directive (EU) 2016/317.

(**116**) OJ No L 193, 20.7.2002, p 74, as last amended by Commission Implementing Directive (EU) 2016/317.

- (f) in the definition of “the Seeds Marketing Regulations”—
- (i) in paragraph (a)(ii), for “the Seed Potatoes (England) Regulations 2006(**117**)” substitute “the Seed Potatoes (England) Regulations 2015(**118**)”;
  - (ii) for paragraphs (b)(i) to (v) substitute—
    - “(i) in relation to beet seed, cereal seed, fodder plant seed, oil and fibre plant seed and vegetable seed, the Seed Marketing (Wales) Regulations 2012(**119**)”;
  - (iii) for paragraphs (d)(i) to (v) substitute—
    - “(i) in relation to beet seed, cereal seed, fodder plant seed, oil and fibre plant seed and vegetable seed, the Seed Marketing Regulations (Northern Ireland) 2016(**120**)”;
  - (iv) in paragraph (d)(vi), for “the Seed Potatoes Regulations (Northern Ireland) 2010(**121**)” substitute “the Seed Potatoes Regulations (Northern Ireland) 2016(**122**)”;
- (g) in the definition of “standard seed”—
- (i) in paragraph (b), for “the Vegetable Seed (Wales) Regulations 2005(**123**)” substitute “Part 5 of Schedule 2 to the Seed Marketing (Wales) Regulations 2012”;
  - (ii) in paragraph (d), for “the Vegetable Seeds Regulations (Northern Ireland) 2009(**124**)” substitute “Part 5 of Schedule 2 to the Seed Marketing Regulations (Northern Ireland) 2016”;
- (h) in the definition of “the Vegetable Seed Marketing Directive”, for “the Food and Feed Regulation” substitute “Commission Implementing Directive (EU) 2016/317(**125**)”.
- (3) In regulation 3(2), in the words after sub-paragraph (b)—
- (a) for “the Vegetable Seed (Wales) Regulations 2005” substitute “Part 5 of Schedule 2 to the Seed Marketing (Wales) Regulations 2012”;
  - (b) for “the Vegetable Seeds Regulations (Northern Ireland) 2009” substitute “Part 5 of Schedule 2 to the Seed Marketing Regulations (Northern Ireland) 2016”.
- (4) In regulation 5(3)(e), for the words from “or a food ingredient” to “or food ingredient” substitute “within the definition of “novel food” in Article 3(2)(a) of the Novel Foods Regulation, the food”.
- (5) In regulations 14(4)(c) and 15(2)(e), for “article 2(1)” substitute “Article 2(2)(b)”.

### **The Plant Breeders’ Rights (Naming and Fees) Regulations 2006**

- 43.** In regulation 3(2) of the Plant Breeders’ Rights (Naming and Fees) Regulations 2006(**126**)—
- (a) in sub-paragraph (a)—
    - (i) omit “of 27 July 1994”;

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(117) S.I. 2006/1161, revoked by S.I. 2015/1953.

(118) S.I. 2015/1953, to which there are amendments not relevant to these Regulations.

(119) S.I. 2012/245 (W. 39), to which there are amendments not relevant to these Regulations.

(120) S.R. 2016 No. 244.

(121) S.R. 2010 No. 350, revoked by S.R. 2016 No. 190.

(122) S.R. 2016 No. 190, to which there are amendments not relevant to these Regulations.

(123) S.I. 2005/3035 (W. 223), revoked by SI 2012/245 (W. 39).

(124) S.R. 2009 No. 387, revoked by S.R. 2016 No. 244.

(125) OJ No L 60, 5.3.2016, p 72.

(126) S.I. 2006/648, to which there are amendments not relevant to these Regulations.

- (ii) for the words from “as last amended” to “29 April 2004;” substitute “, as last amended by Council Regulation (EC) No 15/2008(127),”;
- (b) in sub-paragraph (b), for the words from “Commission Regulation (EC) No 930/2000(128)” to the end substitute “Commission Regulation (EC) No 637/2009 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species(129)”.

#### **The EC Fertilisers (England and Wales) Regulations 2006**

44. In regulation 2(1) of the EC Fertilisers (England and Wales) Regulations 2006(130), in the definition of “the Community Regulation”, after “fertilisers” insert “, as last amended by Commission Regulation (EU) 2016/1618(131)”.

#### **The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015**

45.—(1) The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015(132) are amended as follows.

(2) In regulation 2(1), in the definition of “the Direct Payments Regulation”, at the end insert “, as last amended by Commission Delegated Regulation (EU) 2018/162(133)”.

(3) In regulation 8—

- (a) in paragraph (a), at the end insert “, as last amended by Regulation (EU) 2017/2393 of the European Parliament and of the Council(134)”;
- (b) in paragraph (b), at the end insert “, as last amended by Commission Delegated Regulation (EU) 2018/162”.

#### **Revocations**

46. The following provisions are revoked—

- (a) the Butter Subsidy (Protection of Community Arrangements) Regulations 1984(135);
- (b) the Agricultural Levies (Export Control) Regulations 1988(136);
- (c) the Agricultural Levies (Terms of Payment) Regulations 1990(137);
- (d) regulation 3(3) and (6) of the Abolition of the Intervention Board for Agricultural Produce (Consequential Provisions) (Scotland) Regulations 2001(138);
- (e) regulation 7(5) and (8) of the Intervention Board for Agricultural Produce (Abolition) Regulations 2001(139).

(127) OJ No L 8, 11.1.2008, p 2.

(128) OJ No L 108, 5.5.2000, p 3, as repealed by Commission Regulation (EC) No 637/2009 (OJ No L 191, 23.7.2009, p 10).

(129) OJ No L 191, 23.7.2009, p 10, as last amended by Commission Implementing Regulation (EU) No 763/2013 (OJ No L 213, 8.8.2013, p 16).

(130) S.I. 2006/2486, amended by S.I. 2011/1043.

(131) OJ No L 242, 9.9.2016, p 24.

(132) S.I. 2015/1896, amended by S.I. 2016/1076.

(133) OJ No L 30, 2.2.2018, p 6.

(134) OJ No L 350, 29.12.2017, p 15.

(135) S.I. 1984/1739, amended by the Criminal Justice Act 1988 (c. 33), sections 51 and 52.

(136) S.I. 1988/2135, amended by S.I. 2001/3686, S.S.I. 2001/390.

(137) S.I. 1990/1185, amended by S.I. 2001/3686, S.S.I. 2001/390.

(138) S.S.I. 2001/390, to which there are amendments not relevant to these Regulations.

(139) S.I. 2001/3686, to which there are amendments not relevant to these Regulations.

## PART 6

### Amendments of legislation concerning fisheries

#### The Sea Fish (Specified Manx Waters) Licensing Order 1990

47. In article 2 of the Sea Fish (Specified Manx Waters) Licensing Order 1990(140), in the definition of “length”, for the words from “Article 2(1)” to the end substitute “Article 2(1) of Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels(141)”.

#### The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 1991

48. In article 5 of the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 1991(142)—

- (a) in paragraph (1)—
  - (i) omit “Subject to paragraph (2) below.”;
  - (ii) for the words from “Commission Regulation” to the end substitute “[Commission Regulation \(EC\) No 517/2008](#) laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets(143)”;
- (b) omit paragraph (2).

#### The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001

49.—(1) The Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001(144) is amended as follows.

- (2) In article 2(1)—
  - (a) in the definition of “the Council Regulation” as it extends to England and Wales, for “as last amended by Council Regulation (EC) No 973/2001(145)” substitute “, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council(146)”;
  - (b) in the definition of “the Council Regulation” as it extends to Northern Ireland, for “of 30th March 1998” to the end substitute “for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council”;
  - (c) for the definition of “Regulation 2108/84” substitute—
    - ““Regulation 517/2008” means [Commission Regulation \(EC\) No 517/2008](#) laying down detailed rules for the implementation of the Council Regulation.”.
- (3) In article 5—
  - (a) in the words before paragraph (a), for “Regulation 2108/84” substitute “Regulation 517/2008”;
  - (b) in paragraph (a), for the words from “Articles 2(1)” to the end substitute “Article 10 of Regulation 517/2008 shall not be used”;

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(140) S.I. 1990/2051.

(141) OJ No L 169, 30.6.2017, p 1.

(142) S.I. 1991/1380, amended by S.S.I 2000/227; there are other amending instruments but none is relevant.

(143) OJ No L 151, 11.6.2008, p 5.

(144) S.I. 2001/649, as amended by S.I. 2003/1560.

(145) OJ No L 137, 19.5.2001, p 1, as repealed by Council Regulation (EC) No 520/2007 (OJ No L 123, 12.5.2007, p 3).

(146) OJ No L 133, 29.5.2015, p 1, as corrected by a corrigendum (OJ No L 319, 4.12.2015, p 21).

- (c) omit paragraph (b).

### **The Shrimp Fishing Nets Order 2002**

**50.**—(1) The Shrimp Fishing Nets Order 2002(**147**) is amended as follows.

(2) In article 2(2), for “Commission Regulation (EEC) No. 2108/84(**148**)” to the end substitute “[Commission Regulation \(EC\) No 517/2008](#) laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets”.

(3) In article 3(1)(d)—

- (a) omit “of 30 March 1998”;
- (b) for the words from “as last amended” to the end substitute “, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council”.

### **The Prohibition of Fishing with Multiple Trawls Order 2003**

**51.** In article 2(1) of the Prohibition of Fishing with Multiple Trawls Order 2003(**149**), in the definition of “net”, for the words from “as last amended” to the end substitute “, as last amended by Regulation (EU) 2015/812 of the European Parliament and of the Council”.

### **The Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) Scheme 2012**

**52.** In paragraph 2 of the Fishing Boats (Satellite-Tracking Devices and Electronic Reporting) (England) Scheme 2012(**150**)—

- (a) in the definition of “the Control Regulation”, at the end insert “, as last corrected by a corrigendum(**151**)”;
- (b) in the definition of “the Implementing Regulation”, at the end insert “, as last amended by Commission Implementing Regulation (EU) 2015/1962(**152**)”.

## **PART 7**

### **Amendment of legislation concerning animal health**

#### **The Zoonoses (Monitoring) (England) Regulations 2007**

**53.** In regulation 6(2) of the Zoonoses (Monitoring) (England) Regulations 2007(**153**), for “the Poultry Breeding Flocks and Hatcheries (England) Order 2007(**154**)” substitute “the Control of Salmonella in Poultry Order 2007(**155**)”.

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(147) [S.I. 2002/2870](#).

(148) OJ No L 194, 24.7.1984, p 22, repealed by [Commission Regulation \(EC\) No 129/2003](#) (OJ No L 22, 25.1.2003, p 5).

(149) [S.I. 2003/1559](#).

(150) [S.I. 2012/1375](#), to which there are amendments not relevant to these Regulations.

(151) OJ No L 149, 16.6.2015, p 23.

(152) OJ No L 287, 31.10.2015, p 6.

(153) [S.I. 2007/2399](#), to which there is an amendment not relevant to these Regulations.

(154) [S.I. 2007/405](#), revoked by [S.I. 2007/3574](#).

(155) [S.I. 2007/3574](#), to which there are amendments not relevant to these Regulations.

### **The Control of Salmonella in Turkey Flocks Order 2009**

54.—(1) The Control of Salmonella in Turkey Flocks Order 2009(156) is amended as follows.

(2) For article 2(2)(a) substitute—

“(a) Regulation (EU) No 1190/2012 is a reference to [Commission Regulation \(EU\) No 1190/2012](#) concerning a Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in flocks of turkeys, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council.”.

(3) In article 3(a), for “Regulation (EC) No 584/2008” substitute “Regulation (EU) No 1190/2012”.

(4) In article 4(1)—

(a) for “Regulation (EC) No 584/2008” substitute “Regulation (EU) No 1190/2012”;

(b) for “point 3.1” substitute “point 2.2.4”.

(5) In article 7, for “Regulation (EC) No 584/2008” substitute “Regulation (EU) No 1190/2012”.

### **The Transmissible Spongiform Encephalopathies (England) Regulations 2018**

55. In Schedule 2 to the Transmissible Spongiform Encephalopathies (England) Regulations 2018(157), in paragraph 9(1), in the words before paragraph (a), after “under” insert “these Regulations”.

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

20th August 2018

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(156) S.I. 2009/3271, to which there are amendments not relevant to these Regulations.  
(157) S.I. 2018/731.

## EXPLANATORY NOTE

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

These Regulations make amendments to a number of pieces of legislation within the remit of the Department for Environment, Food and Rural Affairs.

Several provisions (regulations 2, 3, 6, 9(2)(b), 11(2)(b), 12, 17, 21, 23(2)(a) and 25 to 28) reflect an amendment to Annex 3 to [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste (OJ No L 312, 22.11.2008, p 3).

Regulations 5(b), 7(2), 18, 20(2)(d), 33(b)(i) and 34(a) amend references to Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ No L 309, 24.11.2009, p 1) in pesticides and water legislation, to come into force in November 2018. This is to reflect the amendment of that Regulation by Commission Regulation (EU) 2018/605 amending Annex 2 to Regulation (EC) No 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties (OJ No L 101, 20.4.2018, p 33).

Regulation 8 makes a number of amendments to the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (S.I. 1999/2228). Regulation 3 and Schedule 2 are amended to remove ambiguity as to when a forestry project of a certain size and type is to be treated as not likely to have a significant effect on the environment. Regulations 3B and 6 are amended to provide for projects that are grant funded by either the Forestry Commission or the National Forest Company to be treated as exceptional cases for the purposes of regulation 5.

Regulation 10 amends regulation 18(6) of the Environmental Information Regulations 2004 (S.I. 2004/3391) to end the application of section 53 of the Freedom of Information Act 2000 (c. 32) (exception from duty to comply with decision notice or enforcement notice) to those Regulations. This follows the ruling of the Supreme Court in *R (on the application of Evans) and another v Attorney General* [2015] UKSC 21 that the issuing of any certificate under regulation 18(6) in respect of environmental information is incompatible with Article 6 of [Directive 2003/4/EC](#) of the European Parliament and of the Council on public access to environmental information (OJ No L 41, 14.2.2003, p 26).

Regulation 24 amends an incorrect reference to [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste.

Regulation 37 amends the definition of “Blended Malt Scotch Whisky” in the Scotch Whisky Regulations 2009 (S.I. 2009/2890). The amendments to the Scotch Whisky technical file, which sets out the amended definition, have been notified in draft to the European Commission in accordance with Regulation (EC) 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (OJ No L 39, 13.2.2008, p 16). The amendments to the technical file are made at the time of submission to the Commission. The Commission has a 12 month period following submission to carry out scrutiny of the amendments and confirm that the amended technical file continues to comply with Regulation (EC) 110/2008.

Regulation 38 amends the Beef and Veal Labelling Regulations 2010 (S.I. 2010/983) to reflect provisions in Regulation (EU) No 653/2014 of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and labelling of beef (OJ No L 189, 27.6.2014, p 33).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Regulation 55 makes a minor correction to the Transmissible Spongiform Encephalopathies (England) Regulations 2018 (S.I. 2018/731).

Finally, the Regulations make other miscellaneous minor amendments to legislation in the fields of agriculture, animal health, environmental protection, fertilisers, food, forestry, marine management, pesticides, plant breeders' rights, sea fisheries, waste and water, in particular amending out of date references to domestic legislation and to EU instruments.

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.