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WELSH STATUTORY INSTRUMENTS

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**2019 No. 1408 (W. 249)**

**ENVIRONMENTAL PROTECTION, WALES**  
**FOOD, WALES**

The Rural Affairs and Environment (Miscellaneous  
Amendments) (Wales) Regulations 2019

*Made - - - - 28 October 2019*  
*Laid before the National*  
*Assembly for Wales - - 30 October 2019*  
*Coming into force in accordance with regulation 1(2)*

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to the common agricultural policy of the European Union<sup>(2)</sup>, and the prevention and remedy of environmental damage<sup>(3)</sup>.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972.

There has been open and transparent public consultation during the preparation and evaluation of regulations 3 and 4 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<sup>(4)</sup>.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

**Title and commencement**

1.—(1) The title of these Regulations is the Rural Affairs and Environment (Miscellaneous Amendments) (Wales) Regulations 2019.

(2) These Regulations come into force 21 days after the day on which they are laid.

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (see section 20 of that Act).

(2) S.I. 2010/2690.

(3) S.I. 2014/1890.

(4) OJ No L 31, 1.2.2002, p. 1, last amended by Regulation (EU) No 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).

## **Amendment of the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009**

2. After regulation 18 of the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009(5) insert—

### **“Reporting by enforcing authorities**

**18A.**—(1) Where an enforcing authority has served a responsible operator with notification under regulation 18(1) after the coming into force of this regulation, the enforcing authority must, as soon as reasonably practicable, notify the Welsh Ministers of the relevant environmental damage.

(2) The notification provided to the Welsh Ministers under paragraph (1) must contain the following information—

- (a) the type of environmental damage, according to the categorisations set out in regulation 4(1)(a) to (d),
- (b) the date on which the environmental damage occurred or was discovered, and
- (c) the activity which caused the environmental damage, according to the list set out in Schedule 2, except in cases where regulation 5(2) applies.

(3) The Welsh Ministers may require an enforcing authority to provide such other information in relation to the environmental damage as the Welsh Ministers may reasonably request.”

## **Amendment of the Eggs and Chicks (Wales) Regulations 2010**

3.—(1) The Eggs and Chicks (Wales) Regulations 2010(6) are amended as follows.

(2) In regulation 3(6)(a), after “any provision of” insert “the Single CMO Regulation or”.

(3) In Schedule 1, in the table at Part 1, in row 1—

(a) for the entry in column 1 substitute—

“Article 116 of the Single CMO Regulation insofar as it relates to the marketing of eggs for hatching and chicks”;

(b) in the entry in column 2, omit “Article 116 of, and”.

(4) In Schedule 2, Part 1—

(a) for the table heading substitute—

“PART 1

### *PROVISIONS OF THE SINGLE CMO REGULATION OR REGULATION (EU) 2013”;*

(b) in the table—

(i) in the heading to column 1 substitute—

“Relevant provision of Regulation (EU) 2013 or where stipulated, the Single CMO Regulation”;

(ii) in the heading to column 2, omit “of Regulation (EU) 2013”;

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(5) [S.I. 2009/995 \(W. 81\)](#), amended by [S.I. 2015/1394 \(W. 138\)](#). There are other current and prospective amendments, none of which is relevant.

(6) [S.I. 2010/1671 \(W. 158\)](#), amended by [S.I. 2011/1043](#), [S.I. 2013/3270 \(W. 320\)](#) and [S.I. 2019/463 \(W. 111\)](#). [S.I. 2010/1671 \(W. 158\)](#) is also amended by [S.I. 2019/732 \(W. 137\)](#) with these amendments coming into force on exit day. There are other amending instruments but none is relevant.

(iii) in row 1, for the entry in column 1 substitute—

“Article 116 of the Single CMO Regulation, insofar as it relates to the marketing of eggs”.

(5) In Schedule 3, for the entry in column 2, row 3 substitute—

“Article 1(3) of, and point 4 of Part D of Annex II to, Regulation (EC) No 2160/2003, Article 116 of the Single CMO Regulation, Part VI of Annex VII to Regulation (EU) 2013 and Commission Regulation (EC) No 589/2008, insofar as they relate to Class B eggs”.

#### **Amendment of the Poultrymeat (Wales) Regulations 2011**

4.—(1) The Poultrymeat (Wales) Regulations 2011(7) are amended as follows.

(2) In Schedule 1, in the table at Part 1, in row 1—

(a) for the entry in column 1 substitute—

“Article 116 of the Single CMO Regulation, insofar as that provision relates to the marketing of poultrymeat”;

(b) for the entry in column 2 substitute—

“Part B(I)(2) and (3) and (III)(1) of Annex XIV to the Single CMO Regulation and the Commission Regulation”.

28 October 2019

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs, one of the Welsh Ministers

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(7) S.I. 2011/1719 (W. 195), amended by S.I. 2013/3270 (W. 320) and S.I. 2019/463 (W. 111). S.I. 2011/1719 (W. 195) is also amended by S.I. 2019/732 (W. 137) with these amendments coming into force on exit day.

*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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## EXPLANATORY NOTE

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

These Regulations make amendments to legislation relating to environmental protection and food.

Regulation 2 amends the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 ([S.I. 2009/995 \(W. 81\)](#)) (“the 2009 Regulations”). The amendments relate to the implementation of Article 3 of Regulation (EU) 2019/1010 of the European Parliament and of the Council on the alignment of reporting obligations in the field of legislation related to the environment (OJ No. L 170, 25.6.2019, p. 115). Regulation (EU) 2019/1010 amends Article 18 of, and replaces Annex 6 to, [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 (OJ No. L 143, 30.4.2004, p. 56). Regulation 2 inserts a new provision into the 2009 Regulations which requires enforcing authorities to report certain information relating to cases of environmental damage to the Welsh Ministers.

Regulation 3 amends the Eggs and Chicks (Wales) Regulations 2010 ([S.I. 2010/1671 \(W. 158\)](#)) (“the 2010 Regulations”), which make provision for the enforcement and execution of marketing standards applicable to eggs for hatching, farmyard poultry chicks, and eggs in shell for human consumption. Regulation 3(2) to (5) adjusts references to Regulation (EU) No 1308/2013 and Regulation ([EC](#)) No 1234/2007 in the enforcement provisions within the 2010 Regulations.

Regulation 4 amends the Poultrymeat (Wales) Regulations 2011 ([S.I. 2011/1719 \(W. 195\)](#)) (“the 2011 Regulations”), which make provision for the enforcement and execution of marketing standards applicable to poultrymeat. Regulation 4(2) adjusts references to Regulation (EU) No 1308/2013 and Regulation ([EC](#)) No 1234/2007 in the enforcement provisions within the 2011 Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.