Draft Regulations laid before Parliament under paragraphs 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No. 0000

EXITING THE EUROPEAN UNION

ENVIRONMENTAL PROTECTION

The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020

Made - - - -	***
Coming into force - -	*31st December 2020*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8C(1) 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.

Citation and commencement

1.—(1) These Regulations may be cited as The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020.

(2) These Regulations come into force immediately before IP completion day.

Amendment of the Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019

2.—(1) The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019(**b**) are amended as follows.

(2) In regulation 1—

(a) for the heading, substitute "Citation, commencement and extent";

(b) number the existing provision as paragraph (1);

(c) after paragraph (1) insert—

"(2) Regulations 2 and 35 extend to Great Britain only.

(**a**) 2018 c. 16. Section 8C is inserted by section 21 of that Act. Paragraph 21 of Schedule 7 is amended by paragraph 53 of Schedule 5 to that Act.

(**b**) S.I. 2019/583.

(3) Regulation 35A extends to Northern Ireland only."

(3) In regulation 4—

(a) for paragraph (2) substitute—

"(2) After paragraph 3 insert—

"(3A) 'part of Great Britain' means, as the case may be, England, Scotland or Wales;

(3B) 'Scotland' is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998(**a**);

(3C) 'Wales' is to be construed in accordance with section 158(1), (3) and (4) of the Government of Wales Act 2006(**b**);

(3D) 'appropriate authority' means—

(a) in relation to England, the Secretary of State;

(b) in relation to Scotland, the Scottish Ministers;

(c) in relation to Wales, the Welsh Ministers;

(3E) 'appropriate regulator'—

(a) in relation to England, means the Environment Agency;

(b) in relation to Scotland, is to be read in accordance with Article 3A;

(c) in relation to Wales, is to be read in accordance with Article 3B;"."

(b) in paragraphs (3) and (5), for "the United Kingdom" substitute "Great Britain";

(c) for paragraphs (6) and (7), substitute—

"(6) In paragraph 18, for the words from "the customs territory of the Community" to the end substitute "Great Britain".

(7) In paragraph 19, for the words from "the customs territory of the Community" to the end substitute "Great Britain of substances, products and equipment covered by this Regulation;"."

(d) in paragraph (8)(a), for "the United Kingdom" substitute "Great Britain";

(e) in paragraph (9), after "Kingdom" insert "and for the purpose of Article 14 of this Regulation includes Northern Ireland".

(4) In regulation 7(4)—

(a) in subparagraph (b)—

(i) for "the United Kingdom", in both places it occurs, substitute "Great Britain";

(ii) for "134.3" substitute "130.4";

(b) in subparagraph (c)(ii)—

(i) for "the United Kingdom", in both places it occurs, substitute "Great Britain";

(ii) for "2.1" substitute "2.0".

(5) In regulation 8, for "the United Kingdom" substitute "Great Britain".

(6) In regulation 9—

(a) in paragraph (2)(c), for "the United Kingdom" substitute "Great Britain";

(b) in paragraph (6)(b), for "13.6" substitute "13.2".

(7) In regulation 13—

(a) in paragraph (2)(a), for "the United Kingdom" substitute "Great Britain";

(b) for paragraph (3)(a)(ii) substitute—

(**a**) 1998 c. 46.
(**b**) 2006 c. 32.

"(ii) for "the Member State concerned" substitute "Great Britain";";

(c) for paragraph (5)(c) substitute—

"(c) for "Community" substitute "Great Britain";".

(8) In regulation 14(3)—

(a) for subparagraph (a) substitute—

"(a) for "the customs territory of the Community", in each place it occurs, substitute "Great Britain";";

(b) in subparagraph (c), for "the United Kingdom" substitute "Great Britain".

(9) In regulation 15—

(a) in paragraph 2, for "the United Kingdom" substitute "Great Britain";

(b) in paragraph 3(a), for "the United Kingdom" substitute "Great Britain";

(c) in paragraph 3(c)—

(i) for "exit day" substitute "IP completion day";

(ii) for "2019" substitute "2021".

(10) For regulation 16(4)(b), substitute—

"(b) for "the customs territory of the Community" substitute "Great Britain";".

(11) For regulation 18(a)(ii), substitute—

"(ii) for "the customs territory of the Community" substitute "Great Britain";".

(12) In regulation 19(2)(b), for "the United Kingdom" substitute "Great Britain".

(13) For regulation 23(2)(a), substitute—

"(a) for "the customs territory of the Community" substitute "Great Britain, to exports subsequent to imports already exempted";".

(14) In regulation 25, in the substituted text—

(a) in new Article 25—

(i) in paragraphs 1(a) and 2(a), after the semicolon insert "and";

(ii) in paragraphs 1(b) and 2(b), for "; and" substitute ".";

(iii) in paragraph 3(b), for the semicolon substitute a full stop;

(iv) omit paragraphs 1(c), 2(c) and 3(c);

(b) omit new Article 25C;

(c) in new Article 25D, omit paragraphs 3 and 7.

(15) For regulation 26(3)(a), substitute—

"(a) for "Each year by 30 June Member States" substitute "By 30 June 2022, and by 30 June of each year thereafter, the appropriate authority"".

(16) In regulation 27—

(a) for paragraph (2), substitute—

"(2) In paragraph 1, for the words from "Each year" to "concerned," substitute "By 31 March 2022, and by 31 March each year thereafter, each undertaking must communicate to the appropriate regulator".";

(b) in paragraphs (3), (4), and (5), for "the United Kingdom" substitute "Great Britain";

(c) in paragraph (6)—

(i) for subparagraph (a), substitute—

"(a) for the words from "Each year" to "concerned," substitute "By 31 March 2022, and by 31 March each year thereafter, each producer or importer which holds a licence under Article 10(6) must, for each substance for which an authorisation has been received, report to the appropriate regulator";";

(ii) in subparagraph (b), for "the United Kingdom" substitute "Great Britain".

(17) In the heading for Part 3 Section 1, after "legislation" insert "applying in England, Wales and Scotland".

(18) In regulation 35—

(a) in paragraph (1), after 2015, insert ", as they apply in England and Wales and Scotland,";

(b) after paragraph (1) insert—

"(1A) In regulation 1(2), after "1998" insert "or they deal with controls on gases, products and equipment traded between Great Britain and Northern Ireland";

(1B) Omit regulation 5.";

(c) for paragraph (2) substitute—

"(2) In regulation 6, for "the United Kingdom from outside the customs territory of the EU" substitute "Great Britain".";

(d) for paragraph (3) substitute—

"(3) In regulation 7(1), for "the United Kingdom from outside the territory of the EU" substitute "Great Britain".";

(e) for paragraph (5) substitute—

"(5) In regulation 28(1), for "the United Kingdom from outside the territory of the EU" substitute "Great Britain".".

(19) After regulation 35 insert—

"SECTION 1A

Amendment of subordinate legislation applying in Northern Ireland

The Fluorinated Greenhouse Gases Regulations 2015

35A.—(1) The Fluorinated Greenhouse Gases Regulations 2015(**a**), as they apply in Northern Ireland, are amended as follows.

(2) In regulation 1(2), after "1998" insert "or they deal with controls on gases, products and equipment traded between Great Britain and Northern Ireland".

(3) In regulation 6, for "the United Kingdom" substitute "Northern Ireland".

(4) In regulation 7(1), for "the United Kingdom" substitute "Northern Ireland".

(5) In regulation 28(1), for "the United Kingdom" substitute "Northern Ireland".

(20) In regulation 37—

(a) for paragraph (2) substitute—

"(2) After point (7) insert—

"(7A) 'part of Great Britain' means, as the case may be, England, Scotland or Wales;

(7B) 'Scotland' is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998(**b**);

(7C) 'Wales' is to be construed in accordance with section 158(1), (3) and (4) of the Government of Wales Act 2006(**c**);

(7D) 'appropriate authority' means—

(a) in relation to England, the Secretary of State;

(b) in relation to Scotland, the Scottish Ministers;

(**a**) S.I. 2015/310, amended by S.I. 2016/1105, 2018/98 and amended prospectively by 2019/583, but by virtue of this instrument the amendments made by that instrument will only apply in respect of England, Wales and Scotland

(**b**) 1998 c. 46.

(**c**) 2006 c. 32.

(c) in relation to Wales, the Welsh Ministers;

(7E) 'appropriate regulator'—

(a) in relation to England, means the Environment Agency;

(b) in relation to Scotland, is to be read in accordance with Article 2A;

(c) in relation to Wales, is to be read in accordance with Article 2B.".";

(b) in paragraph (4), for "the United Kingdom" substitute "Great Britain";

(c) after paragraph (4), insert—

"(4A) After point (30), insert—

"(30A) 'imports' means gases, products and equipment covered by this Regulation that enter Great Britain;

(30B) 'exports' means gases, products and equipment covered by this Regulation that exit Great Britain;".".

(21) In regulation 43(6), in the substituted text, for "the United Kingdom", in the second place it occurs, substitute "Great Britain".

(22) In regulation 47(2)(b) and (3), for "the United Kingdom" substitute "Great Britain".

(23) In regulation 48—

(a) in paragraph (2)—

(i) in subparagraph (a)(iii) and (iv), for "2017" substitute "2019";

(ii) in subparagraph (b), in the substituted text, for "the United Kingdom", in each place it occurs, substitute "Great Britain";

(b) in paragraph (4)—

(i) in subparagraph (a)(i), for "2020" substitute "2023";

(ii) in subparagraph (a)(iii), for "2019" substitute "2021";

(c) in paragraph (5)(a)(ii), for "2019" substitute "2021".

(24) In regulation 49(2)(a)(i), for "29 March 2019" substitute "IP completion day".

(25) In regulation 50—

(a) for paragraph (2) substitute—

"(2) In paragraph 1, for "the Union"—

(a) in the first place it occurs substitute "Great Britain";

(b) in the second place it occurs substitute "the United Kingdom";";

(b) in paragraph (3)(a), in the inserted text—

(i) for "exit day" substitute "IP completion day";

(ii) for "the United Kingdom" in each place it occurs substitute "Great Britain".

(26) In regulation 51(3) and (4)(a)(i), for "2020" substitute "2022".

(27) In regulation 53—

(a) for paragraph (3)(b) substitute—

"(b) omit the second paragraph;";

(b) for paragraphs (4) to (6) substitute—

"(4) Omit paragraphs 3 to 6.".

(28) In regulation 56, in the substituted text—

(a) in new Article 24—

(i) in paragraphs 1(a) and 2(a), after the semicolon insert "and";

(ii) in paragraphs 1(b) and 2(b), for "; and" substitute ".";

(iii) in paragraph 3(b), for the semicolon substitute a full stop;

(iv) omit paragraphs 1(c), 2(c) and 3(c);

(b) omit new Article 24C;

(c) omit new Article 24H.

(29) In regulation 59—

(a) in paragraph (a), for "the United Kingdom" substitute "Great Britain";

(b) in paragraph (c)(iii), for "2017" substitute "2019";

(c) in paragraph (e), in the inserted text, for "the United Kingdom" substitute "Great Britain".

(30) In regulation 60, for "the United Kingdom" substitute "Great Britain".

(31) In regulation 65(5)(b), in the substituted text, for "the United Kingdom" substitute "Great Britain".

(32) For regulation 66(4) substitute—

"(4) In the Annex—

"(a) for "the Union", in each place it occurs, substitute "Great Britain";

(b) in Section 2, in the third paragraph, for the last sentence substitute—

All imports shall be reported, except imports for transit through the territory of Great Britain or imports under other procedures that allow for a temporary movement of the goods on the territory of Great Britain provided that in the latter case the goods remain no longer than 45 days on the territory of Great Britain.".".

(33) In regulation 70(2)—

(a) for subparagraph (a), substitute—

"(a) in point (a), for "the Union" substitute "Great Britain";";

(b) in subparagraph (b)—

(i) in paragraph (i), for "the United Kingdom" substitute "Great Britain";

(ii) in paragraph (ii), substitute—

"(ii) for "the Union" substitute "Great Britain".".

(34) In regulation 71(2), for "the United Kingdom" substitute "Great Britain".

Name
Parliamentary Under Secretary of State
Date Department for Environment, Food and Rural Affairs

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)) 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.

These Regulations amend the Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/583) for the purpose of implementing the Northern Ireland Protocol, and to account for amendments to retained direct EU legislation that have been adopted at the EU level after those Regulations were made.

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

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