

UK MINISTERS ACTING IN DEVOLVED AREAS

189 – The Control of Mercury (Amendment) (EU Exit) Regulations 2020

Laid in the UK Parliament: 19 October 2020

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	NA
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	NA
Date sifting period ends in UK Parliament	NA
Written statement under SO 30C:	Paper 97
SICM under SO 30A (because amends primary legislation)	Not required
Scrutiny procedure	
Outcome of sifting	NA
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Background

These Regulations are proposed to be made by the UK Government pursuant to sections 8(1) and 8C(1) of and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018.

Summary

These Regulations repeal existing legislation on mercury and fills legislative gaps. The UK is a Party to the Minamata Convention on mercury, a United Nations treaty that intends to protect human health and the environment from the adverse effects of exposure to mercury. In order to enable the UK and other Member States to ratify the Convention, the EU and its Member States adopted Regulation (EU) 2017/852 (“the EU Regulation”) on mercury. The EU Regulation implements the commitments in the Minamata Convention, and goes further in a number of areas, including restrictions on the use of dental amalgam and export of mercury.

The purpose of these Regulations is to make the necessary corrections to the EU Regulation to enable its continued use as retained EU law after the Implementation Period Completion Date. These regulations also make amendments for the purposes of implementing the Ireland/ Northern Ireland Protocol.

The Control of Mercury (Enforcement) Regulations and the Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019 are amended by these Regulations. The Control of Mercury (Amendment)(EU Exit) Regulations 2019 are revoked.

Statement by Welsh Government

Legal Advisers agree with the statement laid by the Welsh Government dated 20 October regarding the effect of these Regulations.

Intergovernmental Agreement on the European Union (Withdrawal) Bill

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.