



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Control of Mercury (Amendment) (EU Exit) Regulations 2018**

DATE **12 November 2018**

BY **Julie James AM, Leader of the House and Chief Whip**

The Control of Mercury (Amendment) (EU Exit) Regulations 2018

The [retained EU] Law which is being amended

EU Directly Applicable Legislation

- Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008
- Commission Implementing Decision (EU) 2017/2287 specifying the forms to be used in relation to the import of mercury and of certain mixtures of mercury pursuant to Regulation (EU) 2017/852

Domestic Legislation

- Control of Mercury (Enforcement) Regulations 2017/1200

EU

- EEA Agreement

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

The SI relating to the Control of Mercury is within devolved competence. However, in these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principle is that it is appropriate that in the particular circumstance of exiting the EU, the UK Government can legislate on our behalf in a large number of statutory instruments.

The purpose of the amendments

The Control Mercury (Amendment) (EU Exit) Regulations 2018 are to be introduced by Department for Environment Food and Rural Affairs (DEFRA) and are all negative procedure

SIs. The purpose of the **Control Mercury (Amendment) (EU Exit) Regulations 2018** is to make the necessary amendments to the regime, which controls mercury and compounds of mercury that may be released into the environment as a result of human activities. Due to the on-going international requirements under the Minamata Convention, it is necessary to amend the retained EU law to ensure the UK is meeting its international obligations.

Without the amendments contained in the EU Exit SI, the legislation would contain a number of deficiencies, which could create legal uncertainty for those required to comply with the obligations.

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.

The SIs and accompanying Explanatory Memorandums, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>