

**2019 No. (W.)**

**EXITING THE EUROPEAN  
UNION**

**ENVIRONMENTAL  
PROTECTION, WALES**

The Environmental Noise (Wales)  
(Amendment) (EU Exit)  
Regulations 2019

**EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018 (c. 16), in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to the Environmental Noise (Wales) Regulations 2006.

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.

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*Sift requirements satisfied*      7 January 2019

*Made*      11 February 2019

*Laid before the National Assembly for Wales*  
13 February 2019

*Coming into force in accordance with  
regulation 1*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018(1).

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

**Title and commencement**

**1.**—(1) The title of these Regulations is the Environmental Noise (Wales) (Amendment) (EU Exit) Regulations 2019 and they come into force on exit day.

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(1) 2018 c. 16.

## **Amendment of the Environmental Noise (Wales) Regulations 2006**

2.—(1) The Environmental Noise (Wales) Regulations 2006<sup>(1)</sup> are amended as follows.

(2) In regulation 2—

- (a) in paragraph (2), in the definition of “Directive”, for “as last amended by Commission Directive (EU) 2015/996” substitute “, as it had effect immediately before exit day”; and
- (b) after paragraph (2) insert—

“(3) For the purposes of these Regulations, the Directive is to be read as if a reference to one or more member States were a reference to the Welsh Ministers.”.

(3) In regulation 4, after paragraph (6) insert—

“(7) For the purposes of paragraph (2)(a), a reference to Annex I to the Directive is to be read as if, in paragraph 1, in the fourth indent that begins “the day is 12 hours”, the words from “The Member States” to the end were omitted.”.

(4) For regulation 15(1)(a) substitute—

- “(a) aim to prevent and reduce environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health;
- (aa) aim to preserve environmental noise quality where it is good;”.

(5) In regulation 22—

- (a) in paragraph (2)(b), for “the Directive” substitute “relevant retained EU law<sup>(2)</sup>”; and
- (b) in paragraph (3), for “Article 4 of the Directive” substitute “the relevant retained EU law”.

(6) In regulation 26(4)(b)—

- (a) in paragraph (i) omit “or”; and
- (b) omit paragraph (ii).

(7) In Schedule 1—

- (a) in paragraph 1—
  - (i) the existing text is renumbered as subparagraph (1); and

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(1) S.I. 2006/2629 (W. 225), amended by S.I. 2009/47 (W. 15).  
(2) Relevant retained EU law includes the Environmental Noise (England) Regulations 2006 (S.I. 2006/2629), the Environmental Noise (Scotland) Regulations 2006 (S.S.I. 2006/465) and the Environmental Noise Regulations (Northern Ireland) 2006 (S.R. 2006 No. 387).

(ii) after the new sub-paragraph (1), insert—

“(2) For the purposes of sub-paragraph (1), the reference to paragraphs 1.5, 1.6 and 2.6 of Annex VI of the Directive is to be read with the following modifications—

- (a) in paragraph 1.5, as if the reference in that paragraph to “major roads”, “major railways” and “major airports” as defined in Article 3 of the Directive was to “major road” (“prif ffordd”), “major railway” (“prif reilffordd”) and “major airport” (“prif faes awyr”) as defined in regulation 2(2) of these Regulations; and
  - (b) in paragraphs 1.6 and 2.6, as if the words from “These data” to the end were omitted.”;
- (b) in paragraph 2, after sub-paragraph (2) insert—

“(3) For the purposes of sub-paragraph (1)(a), a reference to Annex IV of the Directive is to be read as if the following were omitted—

- (a) in paragraph 4, the first indent;
- (b) in paragraph 5, the words from “concerning” to “Commission”; and
- (c) paragraph 9.”

*Lesley Griffiths*

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

11 February 2019