

# SL(5)437 – The Hazardous Waste (Wales) (Amendment) Regulations 2019

## Procedure

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These Regulations amend the Hazardous Waste (Wales) Regulations 2005 (“the 2005 Regulations”) in order to supplement Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants.

Regulation (EU) 2019/1021 replaces and repeals Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants.

Regulation 2 substitutes a new Schedule 8 to the 2005 Regulations in order to update references to Regulation (EU) 2019/1021.

## Procedure

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Negative.

## Technical Scrutiny

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No technical points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## Merits Scrutiny

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One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

### **1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly**

The Explanatory Memorandum to these Regulations states:

*“The Hazardous Waste (Wales) (Amendment) Regulations 2019 are made under the European Communities Act 1972 (ECA) section 2(2) enabling power. Section 2(2) of the European Communities Act 1972 offers a choice between negative and affirmative procedures. As these amendments are technical in nature and involve updating references to EU legislation and the discretion of the Welsh Ministers is limited over the content of the SI, the instrument is suitable for negative procedure.”*

## Implications arising from exiting the European Union

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Persistent Organic Pollutants (POPs) are substances identified as being toxic, persistent, bio-accumulative and long ranging. The EU Regulation implements the Stockholm Convention on POPs, which aim to eliminate or restrict the production and use of these substances. The UK will remain a party to this international Convention following EU exit.

## Government Response

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A government response is not required.



**Legal Advisers**  
**Constitutional and Legislative Affairs Committee**  
**29 July 2019**

