

www.defra.gov.uk

Defra's Statement of Forthcoming Legislation 2009 and 2010

March 2009



SCOTTISH EXECUTIVE



Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR

Tel: 020 7238 6000
Website: www.defra.gov.uk

© Crown copyright 2008
Copyright in the typographical arrangement and design rests with the Crown.

This publication (excluding the royal arms and departmental logos) may be re-used free of charge in any format or medium provided that it is re-used accurately and not used in a misleading context. The material must be acknowledged as crown copyright and the title of the publication specified.

Information about this publication and copies are available from:

Delivery Transformation Programme
Admin Burden & Simplification
Area 1D, Nobel House
17 Smith Square,
London SW1A 2HH

This document is available on the Defra website at: www.defra.gov.uk

Published by the Department for Environment, Food and Rural Affairs

Statement of Forthcoming Legislation in 2009 and 2010

Table of Contents

Section A: Regulations to commence on the Common Commencement date of 6 April 2009	2
Environmental Protection	2
Farming.....	3
Plant Health	3
Wildlife and Countryside	3
Section B: Regulations to commence on the common commencement date of 1 October 2009	6
Animal Health and Welfare	6
Environmental Protection.....	8
Marine and Fisheries	9
Wildlife and Countryside	9
Section C: Sectoral Regulations commencing in 2009	12
Animal Health and Welfare	12
Environmental Protection.....	14
Exports and Trade	16
Farming.....	16
Food and Drink	17
Horticulture	18
Rural Affairs	19
Section D: EU Directives and Regulations commencing in 2009	21
Animal Health and Welfare	21
Environmental Protection.....	23
Horticulture	24
Plant Health	25
Marine and Fisheries	26
Section E: Other Regulations due to come into force in the first six months of 2009.....	27
Environmental Protection.....	27
Marine and Fisheries	28
Wildlife and Countryside	28

Section A: Regulations to commence on the Common Commencement date of 6 April 2009

Environmental Protection

6 April 2009 Hazardous Waste (England) (Amendment) Regulations 2009

Minor changes to some of the procedures for movements of hazardous waste.

Sectors affected

Agriculture, manufacturing, retail, commercial, public sector, waste management industries.

Further information

<http://www.defra.gov.uk/corporate/consult/hazardous-wasteregs/index.htm>

6 April 2009 The Waste Controls (England and Wales) Regulations 2009

These Regulations amend the waste carrier and broker registration system - the list of those exempt from registering and the list of details required in a waste transfer note. The Regulations will strengthen the powers available to enforcement authorities to stop, search and seize vehicles suspected of involvement in illegal waste activity.

Sectors affected

Any business which carries waste “normally and regularly”.

Further information

A consultation document was published on 13 November 2008. Further details can be found at:

<http://www.defra.gov.uk/corporate/consult/hazardous-wasteregs/consultation.pdf>

Farming

6 April 2009 Gangmasters (Licensing Conditions) (No.2) (Amendment) Rules 2009

The Gangmasters Licensing Authority will be amending the Rules 2008 to set 2009-10 fee levels and to make amendments to the conditions licenses are currently subjected to. The changes to the fee levels will apply to those applying or renewing a Gangmasters license for 2009-2010.

Sectors affected

Agriculture and Food Processing and Packaging.

Further information

A consultation ran from 17 November 2008 to 02 January 2009. Further information and guidance can be found on: www.gla.gov.uk

Plant Health

6 April 2009 Plant Health (England) (Amendment) Order 2009 (Working title)

Amendment of the Plant Health (England) Order 2005. Implementing technical changes to the Annexes of the EU Plant Health Directive.

Sectors affected

Horticultural industry, importers of plants and plant produce.

Further information

www.defra.gov.uk/planth/ph.htm

Wildlife and Countryside

6 April 2009 The Areas of Outstanding Natural Beauty (AONB), Conservation Boards (Amendment) Order 2008

Defra is legally obliged to produce a Code of Conduct for AONB Conservation Boards as required under section 14 of the establishment orders for existing boards. This Order will help to standardise Codes of Conduct for existing and possible future Conservation Boards throughout England.

Sectors affected

Areas of Outstanding Natural Beauty Conservation Boards.

Further information

<http://www.defra.gov.uk/wildlife-countryside/protected-areas/aonb.htm#cboard>

6 April 2009 Local Government and Housing Act 1989

This is a Statutory Instrument under S.13 (4)(g) Local Government and Housing Act 1989 which will confer voting rights on the non Local Authority members of the South Downs Joint Committee. The South Downs Joint Committee manages the East Hampshire and Sussex Downs Areas of Outstanding Natural Beauty.

Sectors affected

East Hampshire and Sussex Downs Areas of Outstanding Natural Beauty.

Further information

<http://www.defra.gov.uk/wildlife-countryside/access/prow/index.htm>

6 April 2009 The Control of Trade in Endangered Species (Fees) Regulations 2009

This is a Regulation to prescribe the fees to be paid to Animal Health Agency in connection with the issue of licenses allowing trade in CITES* listed species.

**Convention on International Trade in Endangered Species of Wild Fauna and Flora*

Sectors affected

Traders and other organisations that trade in or import/export CITES listed species.

Further information

<http://www.defra.gov.uk/wildlife-countryside/trade-crime/cites/index.htm>

6 April 2009 The Public Rights of Way (Combined Orders) (England) Amendment Regulations

These Regulations enable local authorities to divert, extinguish or create rights of way and alter the definitive map and statement by one order, rather than two as was previously the case. These amending Regulations modify the form of order (on advice from local authorities) to improve the administrative process.

Sectors affected

Surveying authorities only i.e. those local authorities responsible for maintaining the definitive map and statement (the local authority's legal record of public rights of way).

Further information

The combined order Regulations reduce the burden on surveying authorities by reducing the number of orders they need to make when diverting, extinguishing or creating public rights of way. The amending Regulations improve the form of order, at surveying authorities' request, following consultation with surveying authorities through a working group.

<http://www.defra.gov.uk/wildlife-countryside/access/prow/index.htm>

Section B: Regulations to commence on the common commencement date of 1 October 2009

Animal Health and Welfare

1 October 2009 The Pig Semen (England) Regulations

These Regulations aim to regulate and introduce proportionate controls regarding the production of semen based on risk.

Sectors affected

Pig and pig meat producers and enforcers.

Further information

<http://www.defra.gov.uk/farm/livestock/pigs/index.htm>

1 October 2009 Amendments to the Disease Control Order (England) Order 2003 (as amended) Description

Introduce measures to simplify the domestic movements' regime and to underpin an improved system of location identifiers. This will allow improved tracing of livestock movements – an important measure in disease control.

Sectors affected

Farmers.

Further information

<http://www.defra.gov.uk/animalh/id-move/index.htm>

1 October 2009 Poultrymeat Marketing Standards Statutory Instrument

This is a proposal for a Council Regulation to amend Regulation (EC) No. 234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat.

Sectors affected

Poultry Industry.

Further information

<http://www.defra.gov.uk/foodrin/poultry/trade/marketregs/poultrymarketregs.htm>

1 October
2009

The Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2009.

This Legislative Reform Order made under section 1 of the Legislative and Regulatory Reform Act 2006 will increase the duration of a Dangerous Wild Animals Act license from one year to two, valid from the date of issue and removes the mandatory requirement for an inspection on every renewal of a license. It also removes from the Act the requirement for animal welfare conditions to be satisfied in the granting of licenses - the welfare of animals is now governed by the Animal Welfare Act 2006.

Sectors affected

Private dangerous wild animal keepers and some farmers.

Further information:

Details of the consultation on proposed changes to the Act can be found via the following link:

<http://www.defra.gov.uk/corporate/consult/wildanimalsact/>

1 October
2009

The Animal By-Products Regulations 2009

This is re-making the 2005 Regulations to bring them up to date with recent EU legislation.

Sectors affected

By-products industry (e.g. composters, renderers, incinerators), laboratories sampling by-products.

Further information

Current legislation can be found at:

<http://www.defra.gov.uk/animalh/by-prods/legislation.htm>

1 October
2009

Animal Movements (England) Order 2009

This Order aims to regulate and introduce proportionate controls regarding the movement of animals based on risk.

Sectors affected

Businesses and enforcement bodies regarding the movement of animals between Devolved Administrations, the Islands¹ and with England.

Further information

<http://www.defra.gov.uk/animalh/id-move/legislation/index.htm>

¹ The Channel Islands and The Isle Of Man

1 October
2009

Working Title: “The Electronic Commerce Directive (Animal Welfare Act 2006) Regulations”

The purpose of the Regulations is to apply the Directive to those parts of the Act relating to offences of images of animal fights. The Directive protects Internet Service Providers from prosecution.

Sectors affected

Internet Service Providers.

Further information

The commencement date has been pushed back as the consultation period took longer than expected. Further information will be made available at:

www.defra.gov.uk

Environmental Protection

October/
November
2009

Producer Responsibility Obligations (Packaging Waste) Regulations 2009

Removal of the option of “individual compliance”:
all producers will have to join a compliance scheme. A number of technical changes, mainly brought forward by the Environment Agency and Scottish Environmental Protection Agency, to provide greater clarity and remove inconsistencies within the Regulations.

Sectors affected

Producers (including packaging industry and retailers),
Compliance schemes, Reprocessors/Exporters.

Further information

A consultation planned in May/June 2009. Further information is available at:

<http://www.defra.gov.uk/environment/waste/topics/packaging/index.htm>

1 October
2009

Pesticides (England and Wales) Regulations 2009

These Regulations are a consolidation of four sets of existing Pesticides Regulations into one and includes a new provision to make it a legal requirement for all professional users to keep a record of pesticide treatments that they carry out.

Sectors affected

Agrochemical companies, Agriculture, Horticulture, Forestry, Amenity.

Further information

www.pesticides.gov.uk/approvals.asp?id=2182

1 October
2009

Pesticides Fees Regulations 2009

These Regulations amend the fees charged to process applications for approval of pesticides.

Sectors affected

Agrochemical companies, Agriculture, Horticulture, Forestry, Amenity.

Further information

www.pesticides.gov.uk/approvals.asp?id=2182

Marine and Fisheries

1 October
2009

Order to set out fisheries to be included in the Environment Agency's licensing scheme

This Order will set out those fisheries for which an Environment Agency license is required. Fishers will need to seek an authorisation for any other (migratory or freshwater) fishery. This will ensure that those fisheries which have the potential to seriously impact fish stocks or the environment are subject to tighter controls.

Sectors affected

Fishers.

Further information

<http://www.defra.gov.uk/marine/freshwater/sffrev.htm>

Wildlife and Countryside

1 October
2009

**Commons (Deregistration of wrongly registered land) (Interim Arrangements) (England) Regulations 2009
The Commons Act 2006 (Commencement No. 6 and Transitional Provisions) (England) Order 2008**

Enabling deregistration of certain wrongly registered land in England, under paragraphs 6 and 8 of Schedule 2 to the Commons Act 2006. Implementation and timing is dependent on the review of the pilot implementation of Part 1 of the 2006 Act in 2008–2009.

Sectors affected

Agriculture, Landowners.

Further information

<http://www.defra.gov.uk/wildlife-countryside/protected-areas/common-land/implement.htm>

1 October
2009

The Non-Native Species Prohibition of Sale (England and Wales) Order 2008

This Order made under section 14ZA(3) of the Wildlife and Countryside Act 1981 will prohibit selling, offering or exposing for sale, or having in one's possession or transporting for the purpose of sale, live invasive non-native animals or plants listed in the Order, or anything from which those species can be reproduced or propagated.

Sectors affected

The species have been identified and will cover plant species plus animal species that are terrestrial and aquatic (both freshwater & marine).

Further information

Consultation paper published 8 November 2007.

www.defra.gov.uk/wildlife-countryside/non-native/index.htm

A full list of what is covered by Schedule 9 can be found at:

<http://www.naturenet.net/law/sched9.html>

1 October
2009

The Wildlife and Countryside Act 1981 (variation of Schedule 9) (England and Wales) Order 2008

Section 14 of the 1981 Act prohibits introduction into the wild of any animal of a kind not ordinarily resident in, or a regular visitor to, Great Britain in a wild state, or any species of animal or plant listed in Schedule 9. The Order will amend the species listed.

A consultation paper was published on 8 November 2007. Due to the number of species covered, questions asked and the complexity of the issues, progress on the follow up to this consultation has been slower than intended. It is planned that a summary of responses will be published during Spring of 2009.

Sectors affected

The list of species on Schedule 9 covers plant species plus animal species that are terrestrial and aquatic (both freshwater & marine).

Further information

<http://www.defra.gov.uk/wildlife-countryside/wildlife-manage/non-native/index.htm>

A full list of what is covered by Schedule 9 can be found at:

<http://www.naturenet.net/law/sched9.html>

Section C: Sectoral Regulations commencing in 2009

Animal Health and Welfare

30 April 2009 The Veterinary Surgery (Wing and Web Tagging) Order 2009

Exemption Order under the Veterinary Surgeons Act 1966 - to fully implement the policy intention of the 2008 Mutilations Regulations made under the Animal Welfare Act 2006. This policy intention is to allow non-veterinarians to wing and web tag non-farmed birds for conservation and research.

Sectors affected

Conservation and research projects involving non-farmed birds.

Further information

Guidance on the legal status on wing and web tagging can be found at:

<http://www.defra.gov.uk/animalh/welfare/act/legal.htm> and

General information on the Veterinary Surgeons Act 1966 can be found here:

<http://www.defra.gov.uk/animalh/ahws/vservices/act.htm>

August 2009 Carcass Classification Regulations (England)

Implementation of Article 43 of Council Regulation (EC) No. 1234/2007 concerning the implementation of the Community scales for the classification of certain beef and pig carcasses.

Sectors affected

Those involved in the production, slaughter, trade, sale and purchase of animals / meat in the bovine and pig sector.

Further information

There has been a delay with these Regulations because of the late publication of EU implementing legislation in December 2008. A consultation is planned for April 2009.

Further information available on: www.defra.gov.uk

1 July 2009 **The Horse Passport Regulations 2009**

This Regulation will implement the provisions of Commission Regulation (EC) No 504/2008 of 6 June 2008 which implements Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of equidae.

It will revoke and supersede the Horse Passports (England) Regulations 2004 (SI No. 1397/2004).

Sectors affected

Owners and keepers of Equidae, Horse passport issuing bodies, Vets and Horse abattoirs.

Further information

The consultation period ran from 10 November 2008 until 2 February 2009. Full details available at:

<http://www.defra.gov.uk/corporate/consult/equine-id/index.htm>

31
December
2009

The Sheep and Goats (Records, Identification and Movement (England) Order 2009.

This Order will implement the electronic identification and individual recording provisions of Council Regulation (EC) 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC. It will revoke and supersede Sheep and Goats (Records, Identification and Movement) (England) Order 2007.

Sectors affected

Keepers of sheep and goats, Markets, abattoirs, collection centres and exporters.

Further information

New EU rules governing the electronic identification of sheep and individual recording of sheep and goats take effect from 31 December 2009. Consultation on the new Regulations will commence in Spring 2009.

Further information is available at:

<http://www.defra.gov.uk/animalh/id-move/sheep-goats/index.htm>

Environmental Protection

1 December 2009 **Alteration of the Boundary of the East Harling Internal Drainage District**

Internal Drainage Boards (IDBs)² are independent statutory bodies responsible for land drainage in areas of special drainage need that extends to 1.2 million hectares of lowland England.

Sectors affected

Internal Drainage Boards in England.

Further information: This Order confirms a Scheme submitted by the Environment Agency to the Secretary of State under section 3(1)(a) of the Land Drainage Act 1991. It extends the boundary of the board.

Further details regarding IDBs can be found at <http://www.defra.gov.uk/environ/fcd/policy/opauthsidb.htm> including Defra's Internal Drainage Board Review which is looking at moving Boards into a sub-catchment unit approach.

This is a sectoral specific, local Order which does not require laying; they are not cleared by Ministers, and are signed by the Deputy Director for Flood Management on behalf of the SoS.

June/July 2009

(previous delays due to legal drafting)

The Foss Internal Drainage Board Order 2009

See Footnote 2 for detailed information on Internal Drainage Boards (IDBs).

Sectors affected

Internal Drainage Boards in England.

Further information:

As above entry.

² They are long established bodies operating predominantly under the Land Drainage Act 1991 and have permissive powers to undertake work to secure drainage and water level management of their districts. They may also undertake flood defense works on ordinary watercourses within their districts (i.e. watercourses other than 'main river'). Much of their work involves the improvement and maintenance of rivers, drainage channels and pumping stations

1 April 2009 **The North Level District Internal Drainage District and the South Holland Internal Drainage District (Alteration of Boundaries Order) 2009**

See Footnote 2 for detailed information on Internal Drainage Boards (IDBs).

Sectors affected

Internal Drainage Boards in England.

Further information:

As above entry.

December 2009 **Abolition of Scotter Internal Drainage Board**
See Footnote 2 for detailed information on Internal Drainage Boards (IDBs).

Sectors affected

Internal Drainage Boards in England.

Further information:

As above entry.

September /October 2009 **The Reconstitution of Witham Fourth Internal Drainage Board Order 2009.**

See Footnote 2 for detailed information on Internal Drainage Boards (IDBs).

Sectors affected

Internal Drainage Boards in England.

Further information:

As above entry.

Exports and Trade

Spring 2009 **The Spirit Drinks Regulations 2009 (SDRs) and The Scotch Whisky Regulations 2009 (SWRs)**

The SDRs will provide for the enforcement in the UK of the EC Regulation (110/2008) on spirit drinks of 15% alcohol and above. The SWRs will introduce extra protection for Scotch Whisky (a protected geographical indication under the EC Regulation) through the introduction of new categories of Scotch Whisky, requirements that Single Malt Scotch Whisky be bottled in Scotland and banning the export of Scotch Whisky unless in inert containers to prevent further maturation outside Scotland.

Sectors affected

UK spirit drinks sector.

Further information

<http://www.defra.gov.uk/exports/default.htm>

Farming

March 2009 **Organic Products Regulation 2009 and the Organic Products (Imports from Third Countries) (Amendment) Regulations 2009**

These will provide for enforcing Council Regulation 834/2007 and Commission Regulations 889/2008 and 1235/2008

The first of these Regulations will provide for certain designations required for the purposes of Council Regulation 834/2007 as well as providing measures to enable the Council Regulation to be enforced. The second of these Regulations will simply amend references to EU legislation. By agreement with the Devolved Administrators both of these Regulations will apply to the UK.

Sectors affected

The organic sector (farmers, growers, processors, importers etc).

Further information

For general information on Organic Farming see: <http://www.defra.gov.uk/farm/organic/imports/index.htm>

Food and Drink

August 2009 **The Wine Regulations 2009**

These Regulations will provide necessary powers in England for the application and enforcement of aspects of the 2008 Reform of the EU Wine Regime that first come into effect on 1 August 2009. These specifically concern arrangements for the production, labeling and quality of EU wines.

Sectors affected

The Wine Sector.

Further information

<http://www.defra.gov.uk/foodrin/wine/index.htm>

August 2009 **Implementation of the 2008 Reform of the EU Wine Regime**

This has been staggered with rules concerning the making, labelling and quality of policies controlling wines coming into effect on 1 August 2009. The Wine Regulations 2009 will provide the necessary powers for application and enforcement of these rules in England.

Sectors affected:

The Wine Sector.

Further information

<http://www.defra.gov.uk/foodrin/wine/index.htm>

Horticulture

1 July 2009 The European Community Marketing of Fresh Horticultural Produce (England) Regulations 2009

The Regulations will merge all those powers and offences contained within The Agriculture and Horticulture Act 1964 and subsequent amending SIs, which are currently utilized by Defra's enforcement body, the Rural Payments Agency Inspectorate. They also contain additional powers to allow for effective inspections and enforcement, especially in relation to the new requirements for distance contracts, and to address any weaknesses in the existing powers. The Regulations will allow for the enforcement of the EC Marketing Standards for fresh fruit and vegetables. By consolidating them into one new set of Regulations much more clarity for industry and the enforcement body will be provided.

The Regulations will also prescribe the form of labels which are used by officers in the enforcement of these EC Marketing Standards. These are currently contained in a 1982 amending SI and need to be changed to reflect the new Marketing Standards as well as updating references made to pre-devolution territorial departments.

Sectors affected

The edible horticultural sector: principally importers, packers, producers, retail outlets and others involved in the distribution/wholesale of horticultural produce.

Further information

The consultation on the revised Marketing Standards, including the new Regulations was launched on 27th February 2009.

Further information is available at:

<http://www.defra.gov.uk/corporate/consult/fruitandveg/index.htm>

Rural Affairs

March 2009 **Hill Farm Allowance Regulations 2009**

These Regulations will lay down the rules as to payment and entitlement for the Hill Farm Allowance, which provides dedicated support to beef and sheep producers who farm the Severely Disadvantaged Areas within the English Less Favoured Areas.

Sectors affected

Beef and Sheep Farmers in the Severely Disadvantaged Areas within the English Less Favoured Areas.

Further information

www.defra.gov.uk/rural/uplands/default.htm

June 2009 **Commencement order for Part 2 of the Commons Act 2006 and the Commons Councils (Standard Constitution) (England) Regulations 2009**

These Regulations will allow for the establishment of statutory commons councils with powers to manage the agriculture, vegetation and exercise of commoners' rights on common land. Commons councils can only be established where there is substantial local support for setting one up. The Commons Councils (Standard Constitution) (England) Regulations 2009 will provide standard terms for the constitution and administration of commons councils.

An establishment order will be required to set-up each individual commons council once the powers have been commenced.

Sectors affected

Commoners and landowners.

Further information

<http://www.defra.gov.uk/wildlife-countryside/protected-areas/common-land/implement.htm>

Late
Summer
2009

The Control of Trade in Endangered Species (Designation of Ports of Entry and Exit) Regulations

This is an amending Regulation to designate UK ports of entry and exit where *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)* listed species can be imported into or exported from the European Union.

Sectors affected

Traders and other organisations who may import or export CITES listed species, sea and air freight companies, UK ports that currently or are proposed to be designated, HMRC and UKBA.

Further information

<http://www.defra.gov.uk/wildlife-countryside/trade-crime/cites/index.htm>

Section D: EU Directives and Regulations commencing in 2009

Animal Health and Welfare

Summer
2009

The Transmissible Spongiform Encephalopathies (England) Regulations 2009

These Regulations consolidate amendments made since the TSE (England) Regulations 2008 came into force and makes further amendments with regard to restrictions on the use of fishmeal in ruminant feed, restrictions on the use of milk from herds and flocks where TSE is suspected or confirmed, increase in the age at which vertebral column must be removed from the carcasses of cattle slaughtered for human consumption, and changes in the Animal By-Products Regulations.

Sectors affected

Livestock Industry.

Further information

A consultation is planned for the Spring 2009 and information is available at: <http://www.defra.gov.uk/animalh/bse/index.html>

1 July
2009

Commission Regulation (EC) No 504/2008 of 6 June 2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of equidae.

New Regulation on the Identification of Equidae requiring foals born after 1 July 2009 to be uniquely identified - microchips being the preferred method. The microchip provides a permanent link between the horse and the information stored on the passport. Older horses not correctly identified by the deadline under existing passport law will also need a microchip when first issued with a passport.

Sectors affected

Horse Industry / horse owners.

Further information

http://www.defra.gov.uk/animalh/id-move/horses/horses_qa.htm

1 May 2009

The Product of Animal Origin (Third Country Import) (Amendment) Regulations 2009

This Regulation is updated to implement all the relevant new EC legislation that lays down the import requirements of Products of Animal Origin from Third Countries.

Sectors affected

Importing products of animal origin from third countries - including meat, meat products, milk and dairy products, wild game meat, meat preparations, genetic material, fishery products and animal by-products etc.

Further information

<http://www.defra.gov.uk/animalh/index.htm>

Products of Animal Origin (Third Country Imports):
http://www.opsi.gov.uk/si/si2006/uksi_20062841_en.pdf

http://www.opsi.gov.uk/si/si2007/pdf/uksi_20071605_en.pdf

Estimate:
1 December
2009

Working Title: “Animal and Animal Products of Animal Origin”

An amalgamation and revision of existing Regulations covering the domestic implementation of Regulations that control the trade in animal and animal products and products of animal origin being imported and exported to the EC and to Third Countries.

Sectors affected

All businesses, services and enforcers involved with trade in animal and animal products and products of animal origin being imported and exported to the EC and to Third Countries.

Further information

Information is available at:

<http://www.defra.gov.uk/animalh/by-prods/default.htm>

Environmental Protection

30 March 2009
(Provisional) **The Environmental Permitting Regulations (England and Wales)(Amendment) Regulations 2009**

These Regulations transpose the Mining Waste Directive through the common environment permitting platform covering waste, pollution prevention and control.

Sectors affected

Extractive Industries: mining and quarrying.

Further information

<http://www.defra.gov.uk/environment/waste/management/index.htm>

5 May 2009 **Batteries and Accumulators Regulations**

These are BERR Regulations to transpose the Implementation of the Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC). Defra is preparing the part of the Regulations which will set up a Producer Responsibility system for portable batteries across the UK.

Sectors affected

Batteries and Electronic and Electric Equipment Manufacturers, Importers; Retailers [selling batteries], Waste Treatment Facilities and Local Government.

Further information

<http://www.defra.gov.uk/environment/waste/topics/batteries/index.htm> or
<http://www.berr.gov.uk/consultations/page43278.html>

June 2009 **The Environment Noise (England) (Amendment) (No.2) Regulations 2009**

These Regulations amend the Environmental Noise (England) Regulations 2006 and require quiet areas in first round agglomerations to be identified in the actions plans. They also require that from 2011 onwards, noise sources listed in Regulation 3 are identified by publishing maps.

Sectors affected

Public and Businesses.

Further information

A consultation was launched on 16 February 2009

Details are available at:

<http://www.defra.gov.uk/corporate/consult/envirnoice-regs2006/index.htm>

By 26
November
2009
(timetable
depends on
transposition
vehicle
adopted)

Transposition of the EU Floods Directive

As lead department, Defra is coordinating the UK-wide transposition and implementation of the EU Floods Directive. In England, Ministers are considering whether to transpose the Directive as part of the announced Floods and Water Bill, with a copy-out statutory instrument held in reserve. If transposed as part of the Bill the transposition deadline would be missed but all reporting requirements would be met.

The Directive requires member states to submit provisional flood risk assessments to the Commission by 2011 indicating areas at significant risk of flooding. For these identified areas, flood risk and hazard maps must be submitted by 2013 and flood risk management plans, setting out measures to reduce flood risk, by 2015. Thereafter there is a 6-year reporting cycle.

Sectors affected

The Environment Agency and local authorities who will be responsible for mapping national and local flood risk respectively. Water companies and other drainage stakeholders, as well as highways authorities, are likely to feed into this process.

Further information

<http://www.defra.gov.uk/environ/fcd/default.htm>

Horticulture

1 July 2009

Regulation on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

These Regulations relate to the chemical analysis necessary to categorise a type of olive oil.

The Olive Oil (Marketing standards) (Amendment) Regulations 2008

These Regulations relate to the packaging, labelling and selling of olive oil in Great Britain.

Sectors affected

Olive oil retailers and bottlers in Great Britain

Further information:

These Regulations can be dealt with under one SI and will be subject to a 12 week consultation process, which is expected in May. They were due to come into force last year, but EU Commission delays meant that they are scheduled to apply from 1 July 2009. The SI is being drafted by lawyers in the Rural Payments Agency.

30 June 2009 **Amendment of The Seeds (National List of Varieties) Regulations 2001 as amended and amendment of the Marketing Regulations (England) 2002 as amended for fodder, cereals, beet and oil & fibre implementing Commission Directive 2008/62/EC**

These Regulations facilitate and promote the sustainable use of agricultural conservation varieties (those varieties naturally adapted to local and regional conditions and threatened by genetic erosion) by providing limited derogations from general acceptance and marketing requirements i.e. providing for less rigorous listing and marketing regimes in respect of such varieties.

Sectors affected

Seed Industry.

Further information:

<http://www.defra.gov.uk/corporate/consult/conservation-varieties/index.htm>

Plant Health

30 June 2009 **Seed Potatoes (England) (Amendment) Regulations 2009 (Working title)**

Amendment of the Seed Potatoes (England) Regulations 2006 implementing Commission Directive 2008/62.

Facilitates and promotes the sustainable use of agricultural conservation varieties (those varieties naturally adapted to local and regional conditions and threatened by genetic erosion) by providing limited derogations from general acceptance and marketing requirements i.e. providing for less rigorous listing and marketing regimes in respect of such varieties.

Sectors affected

Potato producers.

Further information

The consultation period ran from 30 September until 23 December 2008 and details can be found at: <http://www.defra.gov.uk/corporate/consult/conservation-varieties/index.htm>

30 June 2009 **Plant Health (England) (Amendment) Order 2009 (Working title)**

Amendment of the Plant Health (England) Order 2005 implementing changes to the EU Plant Health Directive.

Sectors affected

Horticultural industry, importers of plants and plant produce.

Further information

Further information available at: www.defra.gov.uk/planth/ph.htm

Marine and Fisheries

1 July 2009 **Council Regulation No 1100/2007 establishing measures for the recovery of European Eel Stock**

The Eel Regulation aims to return the European eel stock to sustainable levels of adult abundance and glass eel recruitment. Member States are required to produce and submit Management Plans, by 31 December 2008, with the aim to achieve an escapement of silver eel to the spawning population that equals or exceeds a target set at 40% of the potential biomass that would be produced under conditions with no anthropogenic disturbance due to fishing, water quality or barriers to migration. The measures outlined in plans, approved by the European Commission, will need to be implemented by 1 July 2009.

Sectors affected

Eel fisheries, fishers.

Further information

<http://www.defra.gov.uk/marine/freshwater/fishman.htm#EELS>

Section E: Other Regulations due to come into force in the first six months of 2009

March 2009 The Wine Regulations 2009

These Regulations provide necessary powers for the principal enactment and initial application and enforcement of the 2008 EU Wine Reform in England. Implementation delayed pending in depth review of implementation of EU requirements into domestic SI.

Sectors affected

Wine Sector.

Further information

<http://www.defra.gov.uk/foodrin/wine/index.htm>

Environmental Protection

Earliest June 2009 Ministerial Direction for reservoir flood plans

The Water Act 2003, in amending the Reservoirs Act 1975, provided for the Secretary of State to direct undertakers to prepare reservoir flood plans setting out how they would reduce the risk and respond to an uncontrolled release of water.

Officials are now working with the Environment Agency and off-site emergency responders to determine the required content of reservoir flood plans. Work is also underway to map the inundation zones of all 2,100 reservoirs in England and Wales that are regulated by the Reservoirs Act. These will be made available to Local Resilience Fora by the end of 2009 to assist in their off-site planning. The maps will also be provided to reservoir undertakers to ensure consistency and to reduce the potential considerable cost of preparing such maps.

Sectors affected

Reservoir Undertakers (owners or operators), Water Companies and Private Landowners, Fishing Clubs etc. Environment Agency as the enforcement authority.

Further information:

As part of the Floods and Water Bill, in April 2009 we will consult on whether and when a Direction should be issued. If the response is positive we may consult on the Direction from August 2009.

Marine and Fisheries

30 June
2009

Order to address the free passage of fish

This order will address the need to improve the access of migratory and freshwater fish to breeding, nursery and feeding grounds in England and Wales. Existing legislation requiring the introduction of fish passes in obstructions and screens for abstractions will be extended.

Sectors affected

Owners and/or developers of new and existing obstructions; including the Environment Agency, British Waterways, water companies, Network Rail, Highways Agency and local councils.

Screening provisions would also affect some fish farms and other businesses that abstract or discharge to watercourses; in particular the water supply and power generation industries.

Further information:

A consultation was launched on 16 January. Further information is available at:

<http://www.defra.gov.uk/corporate/consult/fisheries-legislation/>

Wildlife and Countryside

April 2010

The Non-Native Species Prohibition of Sale (England and Wales) Order 2008

This Order made under section 14ZA(3) of the Wildlife and Countryside Act 1981 will prohibit selling, offering or exposing for sale, or having in one's possession or transporting for the purpose of sale, live invasive non-native animals or plants listed in the Order, or anything from which those species can be reproduced or propagated.

Sectors affected

The species have been identified and will cover plant species plus animal species that are terrestrial and aquatic (both freshwater & marine).

Further information

Consultation paper published 8 November 2007.

<http://www.defra.gov.uk/wildlife-countryside/wildlife-manage/non-native/index.htm>