
STATUTORY INSTRUMENTS

2018 No. 1407

**EXITING THE EUROPEAN UNION
ENVIRONMENTAL PROTECTION**

**The Air Quality (Miscellaneous Amendment and Revocation
of Retained Direct EU Legislation) (EU Exit) Regulations 2018**

Sift requirements satisfied 10th December 2018

Made - - - - 18th December 2018

Laid before Parliament 21st December 2018

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred in section 8(1) of, and paragraph 21 of Schedule 7 to, of the European Union (Withdrawal) Act 2018⁽¹⁾.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018 and come into force on exit day.

PART 2

Amendment and revocation of retained direct EU legislation

Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register

2.—(1) Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register is amended as follows.

(2) In Article 1—

- (a) for “at Community level” substitute “for the United Kingdom”;
- (b) for “European” substitute “United Kingdom”.

(3) In Article 2—

- (a) in point (2), for “Member States” substitute “appropriate authority”;
- (b) in point (11), before “waste water” insert “urban”;
- (c) for point (13) substitute—

“(13) “waste” has the meaning given—

- (a) in relation to England and Wales, in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016⁽²⁾;
- (b) in relation to Scotland, in regulation 2(1) of the Pollution Prevention and Control (Scotland) Regulations 2012⁽³⁾;
- (c) in relation to Northern Ireland, in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013⁽⁴⁾;

(d) for point (14) substitute—

“(14) “hazardous waste” has the meaning given—

- (a) in relation to England and Wales, in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005⁽⁵⁾;
- (b) in relation to Scotland, in regulation 2(1) of the Pollution Prevention and Control (Scotland) Regulations 2012;
- (c) in relation to Northern Ireland, in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013⁽⁶⁾;

(e) for point (15) substitute—

“(15) “urban waste water” has the meaning given—

- (a) in relation to England and Wales, in regulation 2(1) of the Urban Waste Water Treatment (England and Wales) Regulations 1994⁽⁷⁾;
- (b) in relation to Scotland, in regulation 2(1) of the Urban Waste Water Treatment (Scotland) Regulations 1994⁽⁷⁾;
- (c) in relation to Northern Ireland, in regulation 2(1) of the Urban Waste Water Treatment Regulations (Northern Ireland) 2007⁽⁸⁾;

(2) [S.I. 2016/1154](#), relevant amending instrument [S.I. 2018/110](#).

(3) [S.S.I. 2012/360](#), to which there are amendments not relevant to these Regulations.

(4) [S.R. 2013 No.160](#).

(5) [S.I. 2005/894](#), last amended by [S.I. 2018/575](#).

(6) [S.I. 1994/2841](#), to which there are amendments not relevant to these Regulations.

(7) [S.S.I. 1994/2842](#).

(8) [S.R. 2007 No.187](#).

- (f) for point (16) substitute—
- “(16) “disposal” has the meaning given—
- (a) in relation to England and Wales, in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016;
 - (b) in relation to Scotland, in regulation 2(1) of the Waste Management Licensing (Scotland) Regulations 2011⁽⁹⁾;
 - (c) in relation to Northern Ireland, in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003⁽¹⁰⁾”;
- (g) for point (17) substitute—
- “(17) “recovery” has the meaning given—
- (a) in relation to England and Wales, in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016;
 - (b) in relation to Scotland, in regulation 2(1) of the Waste Management Licensing (Scotland) Regulations 2011;
 - (c) in relation to Northern Ireland, in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003”;
- (h) after point (17) insert—
- “(18) “appropriate authority” means—
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
- (19) A reference in Annex 3 to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.
- (4) In Article 3—
- (a) in the heading and in the words before point (a), for “European” substitute “United Kingdom”;
 - (b) in point (b), after the words “pollutants in” insert “urban”.
- (5) In Article 4—
- (a) in paragraph 1—
 - (i) for “Commission” substitute “Secretary of State”;
 - (ii) for “European” substitute “United Kingdom”;
 - (iii) omit point (c);
 - (iv) in point (g), after the words “pollutants in” insert “urban”;
 - (b) in paragraph 2, for “European” substitute “United Kingdom”;
 - (c) in paragraph 3—
 - (i) for “European” substitute “United Kingdom”;
 - (ii) omit point (a).

⁽⁹⁾ S.S.I. 2011/228; relevant amending instrument S.S.I. 2015/438.

⁽¹⁰⁾ S.R. 2003 No. 493; relevant amending instruments are S.R. 2011 No. 127 and S.R. 2016 No. 95.

- (6) In Article 5—
- (a) in the heading, after the words “by operators” insert “and competent authority duties”;
 - (b) in paragraph 1, in point (c), after the words “Annex II in” insert “urban”;
 - (c) in paragraph 5, for “Member State” substitute “appropriate authority”;
 - (d) after paragraph 5 insert—

“6. A competent authority must provide all necessary information to its appropriate authority to ensure that the obligations placed upon the appropriate authority in this Regulation can be met.”.
- (7) In Article 6, for “IIA to [Directive 75/442/EEC](#)” substitute “1 to [Directive 2008/98/EC\(11\)](#)”.
- (8) In Article 7—
- (a) in the heading and in paragraph 1, for “Member States” substitute “appropriate authorities”;
 - (b) in paragraph 2, for the words before point (a) substitute—

“2. Appropriate authorities outside England and the competent authority in England must provide all the data and information referred to in Article 5(1) and (2) to the Secretary of State in the format set out in Annex 3 and within the following time limits —”;
 - (c) in paragraph 3, for the words before point (a) substitute—

“3. The Secretary of State must incorporate the data and information reported by the appropriate authorities outside England and the information provided by the competent authority in England into the United Kingdom PRTR within the following time limits:”;
- (9) In Article 8(1)—
- (a) for “Commission, assisted by the European Environment Agency” substitute “Secretary of State”;
 - (b) for “European” substitute “United Kingdom”;
 - (c) for “Member States” substitute “appropriate authorities outside England or by the competent authority in England”.
- (10) Omit Article 9(3).
- (11) In Article 10—
- (a) in paragraph 1—
 - (i) for “Commission, assisted by the European Environment Agency” substitute “Secretary of State”;
 - (ii) for “European” substitute “United Kingdom”;
 - (iii) omit “in accordance with the timeframe set out in Article 7(3)”;
 - (b) in paragraph 2—
 - (i) at each place it occurs for “European” substitute “United Kingdom”;
 - (ii) omit “the Member State concerned and”;
 - (iii) for “Commission” substitute “appropriate authorities”.
- (12) In Article 11—
- (a) for “a Member State” substitute “an appropriate authority”;

- (b) after the words “on public access to environmental information” insert “in so far as that provision has been transposed into domestic law”;
 - (c) for “the Member State” substitute “the appropriate authority”.
- (13) In Article 12—
- (a) in the first paragraph—
 - (i) for “Commission” substitute “Secretary of State, with the assistance of the other appropriate authorities”;
 - (ii) for “European” substitute “United Kingdom”;
 - (b) in the third paragraph, for “Commission” substitute “appropriate authorities”.
- (14) Omit Articles 13 and 14.
- (15) In Article 15—
- (a) for “Commission and the Member States” substitute “Secretary of State”;
 - (b) at each place it occurs for “European” substitute “United Kingdom”.
- (16) Omit Articles 16, 17, 20, 21 and 22.
- (17) Before Annex 1, omit the words from “This Regulation” to “Member States”.
- (18) In the heading to Annex 3, for “by Member States to the Commission” substitute “to be provided to the Secretary of State”.

Decision 2004/279/EC concerning guidance for implementation of Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air

3.—(1) [Decision 2004/279/EC](#) concerning guidance for implementation of [Directive 2002/3/EC](#) of the European Parliament and of the Council relating to ozone in ambient air is amended as follows.

- (2) In Article 1—
- (a) in paragraph 1—
 - (i) from the words “The guidance with” to “shall be as” substitute “Appropriate authorities must have regard to the guidance”;
 - (ii) after “this Decision” insert “, in so far as relevant to the area in question”;
 - (b) in paragraph 2—
 - (i) for “Member States shall” substitute “an appropriate authority must”;
 - (ii) omit “in accordance with Article 7(3) of [Directive 2002/3/EC](#)”;
 - (c) in paragraph 3—
 - (i) at the beginning insert “When developing and implementing a short-term action plan, an appropriate authority must consider”;
 - (ii) omit the words from “accordance with Article” to “set out in”.
- (3) For Article 2, substitute—
- “2.—(1) In this Decision—
- “appropriate authority” means—
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;

- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
“short-term action plan” means—
 - (a) in relation to England, a plan drawn up in accordance with regulation 27(3) of the Air Quality Standards Regulations 2010⁽¹²⁾;
 - (b) in relation to Wales, a plan drawn up in accordance with regulation 21(3) of the Air Quality Standards (Wales) Regulations 2010⁽¹³⁾;
 - (c) in relation to Scotland, a plan drawn up in accordance with regulation 25(3) of the Air Quality Standards (Scotland) Regulations 2010⁽¹⁴⁾;
 - (d) in relation to Northern Ireland, a plan drawn up in accordance with regulation 26(3) of the Air Quality Standards Regulations (Northern Ireland) 2010⁽¹⁵⁾.”.
- (4) In Annex 1—
 - (a) in the heading—
 - (i) omit “BY MEMBER STATES”;
 - (ii) omit “IN ACCORDANCE WITH ARTICLE 7 OF DIRECTIVE 2002/3/EC”;
 - (b) omit the first paragraph that begins “Article 7 of Directive”;
 - (c) in the second paragraph, omit “With regard to EU long-term policy”;
 - (d) in paragraph 3 (Short-term versus long-term measures), omit from “all over the EU” to the end of that sub-paragraph.
- (5) In Annex 3—
 - (a) in the heading, omit “ACCORDING TO ARTICLE 9(3) OF DIRECTIVE 2002/3/EC”;
 - (b) in the first paragraph—
 - (i) for “Member States” substitute “Appropriate authorities”;
 - (ii) omit “by Article 9(3) of Directive 2002/3/EC”;
 - (iii) omit the second sentence;
 - (iv) in the third sentence—
 - (aa) omit “Annex VI of Directive 2002/3/EC further states that”;
 - (bb) omit “such”;
 - (c) in point 1.1 (Recommendations for the location of the mandatory measuring station), for “Each Member State” substitute “Appropriate authorities”.

Decision 2011/850/EU laying down rules for Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council as regards the reciprocal exchange of information and reporting on ambient air quality

4.—(1) Decision 2011/850/EU laying down rules for Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council as regards the reciprocal exchange of information and reporting on ambient air quality is amended as follows.

- (2) In Article 1—

(12) S.I. 2010/1001, to which there are amendments not relevant to these Regulations.
 (13) S.I. 2010/1433 (W.126), to which there are amendments not relevant to these Regulations.
 (14) S.S.I. 2010/204, to which there are amendments not relevant to these Regulations.
 (15) S.R. 2010 No. 188, to which there are amendments not relevant to these Regulations.

- (a) in the words before point (a), omit “implementing Directives [2004/107/EC](#) and [2008/50/EC](#)”;
 - (b) in point (a), for “Member States” substitute “appropriate authorities”;
 - (c) in point (b)—
 - (i) in each place where it occurs, for “Member States” substitute “appropriate authorities”;
 - (ii) after “information” insert “between each other”.
- (3) In Article 2—
- (a) omit point (9);
 - (b) in point (10)—
 - (i) omit the words from “, linked to the ambient” to “European Environment Agency,”;
 - (ii) for “Member States” substitute “appropriate authorities”;
 - (c) after point (12), insert the following—
 - “(13) “appropriate authority” means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
 - (14) For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.
- (4) Omit the subheading to Chapter 2.
- (5) In Article 3—
- (a) in the heading, omit “portal and”;
 - (b) in paragraph 1—
 - (i) for “The Commission, assisted by the European Environment Agency” substitute “Each appropriate authority”;
 - (ii) omit the words from “and make it accessible” to the end;
 - (c) for paragraph 2, substitute—
 - “(2) The appropriate authority must include in its data repository information and data in accordance with Article 5.”.
 - (d) omit paragraphs 3, 5 and 6.
- (6) Omit Article 4.
- (7) In Article 5—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “The appropriate authority”;
 - (ii) for “to the” substitute “in its”;
 - (iii) omit the second sentence;
 - (b) omit paragraphs 2, 3, 4 and 5.
- (8) In the heading for Chapter 3, omit “Member States”.

- (9) In Article 6—
- (a) in paragraph 1—
 - (i) from the words “In accordance with” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (ii) omit the second subparagraph;
 - (b) in paragraph 2—
 - (i) at each place that it occurs, for “Member States” substitute “The appropriate authority”;
 - (ii) for “shall make” substitute “must include in its data repository”;
 - (iii) for “available to the Commission” substitute “by”;
 - (c) in paragraph 3, for “Member States shall inform the Commission thereof” substitute “appropriate authority must update its data repository accordingly and by”.
- (10) In Article 7—
- (a) in paragraph 1, for the words from “In accordance”, in the first place where the words appear, to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2—
 - (i) for “Member States shall make” substitute “The appropriate authority must include in its data repository”;
 - (ii) for “available to the Commission” substitute “by”;
 - (iii) in the second sentence, for “Member States” substitute “The appropriate authority”.
- (11) In Article 8—
- (a) in paragraph 1, for the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2—
 - (i) for “Member States shall make” substitute “The appropriate authorities must include in their data repository”;
 - (ii) omit “available to the Commission”.
- (12) In Article 9—
- (a) in paragraph 1, for the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2—
 - (i) for “Member States shall make” substitute “The appropriate authorities must include”;
 - (ii) omit “available to the Commission”;
 - (c) in paragraph 7
 - (i) at the first place that it occurs, for “Member States” substitute “The appropriate authority”;
 - (ii) at the second place that it occurs, for “Member States” substitute “appropriate authority”.
- (13) In Article 10—
- (a) in paragraph 1—

- (i) for the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (ii) omit “as indicated by Member States”;
 - (iii) in the second subparagraph—
 - (aa) omit “Member States shall make available”;
 - (bb) insert at the end “must be included”;
 - (b) in paragraph 2, for “made available to the Commission” substitute “included in the data repository”;
 - (c) in paragraph 3—
 - (i) for “Member States shall” substitute “The appropriate authority must”;
 - (ii) for “make available” substitute “include in its data repository”;
 - (d) in paragraph 4—
 - (i) for “Member States shall also make available” substitute “The appropriate authority must include in its data repository”;
 - (ii) in both places where it occurs, omit “by the Member States”;
 - (iii) omit “and for the additional pollutants listed on the portal for that purpose”;
 - (e) in paragraph 5—
 - (i) for “Member States shall also make available” substitute “The appropriate authority must include in its data repository”;
 - (ii) omit “by the Member States”;
 - (iii) omit the words from “and for the” to “for that purpose”;
 - (f) in paragraph 6, for “made available to the Commission” substitute “included in the data repository”;
 - (g) in paragraph 8, for “Member States” substitute “The appropriate authority”.
- (14) Omit Article 11.
- (15) In Article 12—
- (a) in paragraph 1, for the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2, for “made available to the Commission” substitute “included in the data repository”;
 - (c) in paragraph 4, omit the words from “and the aggregated” to the end.
- (16) In Article 13—
- (a) in paragraph 1, in the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2, for “made available to the Commission” substitute “included in the data repository”.
- (17) In Article 14—
- (a) in paragraph 1, in the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2, for “made available to the Commission” substitute “included in the data repository”.
- (18) Omit Articles 15, 16 and 17.

(19) In Annex 1—

- (a) in paragraph (A)(5), after the table, in the second subparagraph that begins “Valid annual”, for “Member State” substitute “appropriate authorities and the appropriate authorities in Wales, Scotland and Northern Ireland and the competent authority in England must cooperate with the Secretary of State to ensure the Secretary of State is able”;
- (b) in paragraph (C), omit the second sentence.

(20) In Annex 2—

- (a) in paragraph (C), omit point (17);
- (b) omit paragraph (F).

Decision 2012/115/EU laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions

5.—(1) Decision 2012/115/EU laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions is amended as follows.

(2) For Article 1 substitute—

“Article 1

Interpretation

In this Decision “transitional national plan” means the plan prepared under Article 32 of Directive 2010/75/EU by the Secretary of State and submitted to the European Commission on 20th October 2015, as amended from time to time.”.

(3) Omit Articles 2, 3 and 4.

(4) In Article 5—

- (a) omit paragraph 1;
- (b) in paragraph 2—
 - (i) for the words from “For the purposes” to “the Commission of” substitute “The Secretary of State must publish, in such manner as the Secretary of State thinks fit, information on”;
 - (ii) before “plan” insert “transitional national”.

(5) In Article 6—

- (a) for the heading substitute “Reporting”;
- (b) omit paragraphs 1 and 2;
- (c) in paragraph 3—
 - (i) for the words from “Member States implementing” to “the Commission” substitute “The Secretary of State must publish, in such manner as the Secretary of State thinks fit”;
 - (ii) omit “listed in Article 72(3) of Directive 2010/75/EU”;
 - (iii) before “plan” insert “transitional national”.

(6) Omit Article 7.

(7) In the Annex—

- (a) omit paragraphs 1, 2 and 3;
- (b) in paragraph 4—

- (i) in the first subparagraph that begins “Member States shall”, for “Member States shall inform the Commission at least” substitute “The Secretary of State must publish information”;
 - (ii) omit point (a), including the indent marked “Note:” immediately below it;
 - (iii) in point (c), omit “and which would therefore fall under Chapter IV of [Directive 2010/75/EU](#)”;
 - (iv) omit the indent marked “Note:” immediately below point (c);
 - (v) in the second subparagraph that begins “For the purpose of”, for the words from “For the purpose” to “the Commission” substitute “The Secretary of State does not have an obligation to publish”;
 - (vi) omit the last paragraph that begins “Changes affecting”.
- (c) Omit Appendices A, B, C and D.

Decision 2012/134/EU establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the manufacture of glass

6.—(1) [Decision 2012/134/EU](#) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.
2. In this Decision—

“BAT conclusions” means a document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;

“best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole.
3. In relation to paragraph 2—

“available techniques” means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the United Kingdom, as long as they are reasonably accessible;

“best” means most effective in achieving a high general level of protection of the environment as a whole;

“emission levels associated with the best available techniques” means the range of emission levels obtained under normal operating conditions using a best available technique or a combination of best available techniques, as described in BAT conclusions, expressed as an average over a given period of time, under specified reference conditions;

“emission limit value” means the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during one or more periods of time;

“techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned.

4. In the Annex, references to “Member States” are to be read as if the United Kingdom were a Member State.

5. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

Decision 2012/135/EU establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for iron and steel production

7.—(1) [Decision 2012/135/EU](#) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for iron and steel production is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).”.

Decision 2012/249/EU concerning the determination of start-up and shut-down periods for the purposes of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions

8.—(1) [Decision 2012/249/EU](#) concerning the determination of start-up and shut-down periods for the purposes of [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions is amended as follows.

(2) In Article 2—

(a) in the heading, after “Definitions” insert “and interpretation”;

(b) after point (2) insert—

“(3) For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

(3) Omit Article 10.

Decision 2013/84/EU establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the tanning of hides and skins

9.—(1) [Decision 2013/84/EU](#) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the tanning of hides and skins is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.
2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).
3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

Decision 2013/163/EU establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the production of cement, lime and magnesium oxide

10.—(1) [Decision 2013/163/EU](#) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the production of cement, lime and magnesium oxide is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.
2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).
3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.
4. In the Annex, references to “Member States” are to be read as if the United Kingdom were a Member State.”.

Decision 2013/732/EU establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, for the production of chlor-alkali

11.—(1) [Decision 2013/732/EU](#) establishing the best available techniques (BAT) conclusions, under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions, for the production of chlor-alkali is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.
2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

Decision 2014/687/EU establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of pulp, paper and board

12.—(1) [Decision 2014/687/EU](#) establishing the best available techniques (BAT) conclusions, under [Directive 2010/75/EU](#) of the European Parliament and of the Council, for the production of pulp, paper and board is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.
2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

Decision 2014/738/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, for the refining of mineral oil and gas

13.—(1) Decision 2014/738/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, for the refining of mineral oil and gas is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.
2. In this Decision—
 - “BAT conclusions” has the meaning given in Article 2 of Decision 2012/134/EU (“Decision 2012/134/EU”) establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the manufacture of glass;
 - “best available techniques” has the meaning given in Article 2 of Decision 2012/134/EU.
3. In the Annex, references to “Member States” are to be read as if the United Kingdom were a Member State.”.

Decision 2014/768/EU establishing the type, format and frequency of information to be made available by the Member States on integrated emissions management techniques applied in mineral oil and gas refineries, pursuant to Directive 2010/75/EU of the European Parliament and of the Council

14.—(1) Decision 2014/768/EU establishing the type, format and frequency of information to be made available by the Member States on integrated emissions management techniques applied in mineral oil and gas refineries, pursuant to Directive 2010/75/EU of the European Parliament and of the Council is amended as follows.

(2) In Article 1—

- (a) in the heading omit “by Member States”;
- (b) in the first paragraph, for “Member States shall make available to the Commission” substitute “The appropriate authority must publish”;
- (c) in paragraph 2—
 - (i) for “shall be made available to the Commission” substitute “must be published”;
 - (ii) omit the words from “using the” to the end.
- (d) after paragraph 2 insert—

“(3) For the purposes of this Decision the “appropriate authority” means—

- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.
- (3) Omit Article 2.
- (4) In the Annex, in the heading for “made available to the Commission” substitute “published”.

Decision 2015/6674/EU establishing a common format for the submission of Member State reports on the implementation of Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products

15.—(1) Decision 2015/6674/EU establishing a common format for the submission of Member State reports on the implementation of Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products is amended as follows.

(2) For Article 1 substitute—

“Article 1

For the purpose of the programme referred to in regulation 7 of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012⁽¹⁶⁾, the Annex to this Decision details the information that the Secretary of State must compile as part of that programme.”.

(3) For Article 2 substitute—

“Article 2

1. The Secretary of State must publish the information required in accordance with Article 1 before 1 July 2021, and at least once every 5 years thereafter.

2. For the purpose of Article 1, the Secretary of State may require that an appropriate authority provide certain data for their area.

3. Where an appropriate authority is provided with a request in accordance with paragraph 2, the appropriate authority must comply with the request within any reasonable time frame specified in the request.

4. In this Decision the “appropriate authority” means—

- (a) in relation to Wales, the Welsh Ministers;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(4) In the Annex, in the heading for the words “the report referred to in Article 7 of Directive 2004/42/EC” substitute “information in accordance with the programme referred to in regulation 7 of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012”.

Decision 2015/2119/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of wood-based panels

16.—(1) Decision 2015/2119/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of wood-based panels is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

(16) S.I. 2012/1715, to which there are amendments not relevant to these Regulations.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).”.

Decision 2016/902/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for common waste water and waste gas treatment/management systems in the chemical sector

17.—(1) [Decision 2016/902/EU](#) establishing best available techniques (BAT) conclusions, under [Directive 2010/75/EU](#) of the European Parliament and of the Council, for common waste water and waste gas treatment/management systems in the chemical sector is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

Decision 2016/1032/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the non-ferrous metals industries

18.—(1) [Decision 2016/1032/EU](#) establishing best available techniques (BAT) conclusions, under [Directive 2010/75/EU](#) of the European Parliament and of the Council, for non-ferrous metals industries is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.

4. In the Annex, references to “Member States” are to be read as if the United Kingdom were a Member State.”.

Decision 2017/302/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs

19.—(1) [Decision 2017/302/EU](#) establishing best available techniques (BAT) conclusions, under [Directive 2010/75/EU](#) of the European Parliament and of the Council, for the intensive rearing of poultry or pigs is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

Decision 2017/1442/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for large combustion plants

20.—(1) [Decision 2017/1442/EU](#) establishing best available techniques (BAT) conclusions, under [Directive 2010/75/EU](#) of the European Parliament and of the Council, for large combustion plants is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.

4. In the Annex, references to “Member States” are to be read as if the United Kingdom were a Member State.”.

Decision 2017/2117/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of large volume organic chemicals

21.—(1) Decision 2017/2117/EU establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of large volume organic chemicals is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of Decision 2012/134/EU (“Decision 2012/134/EU”) establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of Decision 2012/134/EU.

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

Decision 2018/1135/EU establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions

22.—(1) Decision 2018/1135 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions is amended as follows.

(2) In Article 1—

(a) in the first and second paragraph—

(i) at both places it occurs, for “Member States” substitute “appropriate authorities”;

(ii) at both places it occurs, for “make available to the Commission” substitute “prepare”;

(iii) omit the third paragraph.

(3) In Article 2—

(a) in the first and second paragraph, at each place that it occurs, for “submitted” substitute “prepared”;

(b) omit the third paragraph.

(4) After Article 2, insert—

“Article 3

1. An appropriate authority may publish a summary of the information prepared in accordance with this Decision in such manner as the appropriate authority considers appropriate including by indicating where that information is already publicly available.

2. Where a competent authority holds information covered by this Decision, it must provide it promptly to the relevant appropriate authority so that the appropriate authority can meet its obligations to prepare that information.

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.

4. In this Decision—

“appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“competent authority” means the national authority or authorities, or any other competent body or bodies, designated by the appropriate authority.”.

(5) In Annex 1, omit the indent marked “Note:” immediately below the subheading.

Decision 2018/1147/EU establishing best available techniques (BAT) conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council

23.—(1) [Decision 2018/1147/EU](#) establishing best available techniques (BAT) conclusions for waste treatment, under [Directive 2010/75/EU](#) of the European Parliament and of the Council, is amended as follows.

(2) For Article 2 substitute—

“Article 2

Application and Interpretation

1. The BAT conclusions referred to in Article 1 apply in the United Kingdom.

2. In this Decision—

“BAT conclusions” has the meaning given in Article 2 of [Decision 2012/134/EU](#) (“[Decision 2012/134/EU](#)”) establishing the best available techniques (BAT) conclusions under [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions for the manufacture of glass;

“best available techniques” has the meaning given in Article 2 of [Decision 2012/134/EU](#).

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.

Decision 2018/1522 laying down a common format for national air pollution control programmes under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants

24. Decision 2018/1522 laying down a common format for national air pollution control programmes under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants, is amended as follows.

- (1) Omit Article 1.
- (2) For Article 2, substitute—

“Article 2

Format

The Secretary of State must use the format laid down in the Annex when publishing a national air pollution control programme in accordance with regulation 9(1) of the National Emission Ceilings Regulations 2018⁽¹⁷⁾.”

- (3) Omit Article 3.
- (4) In the Annex—
 - (a) in the heading before paragraph 1, omit “pursuant to Article 6 of Directive (EU) 2016/2284”;
 - (b) at each place that it occurs, omit “Member State”;
 - (c) at each place that it occurs, for “Member States” substitute “The Secretary of State”;
 - (d) at each place that it occurs, omit “EU”;
 - (e) at each place that it occurs, for “EUR” substitute “£”;
 - (f) at each place that it occurs, omit “and Union”;
 - (g) in paragraph 2.2.7, for “Member States” substitute “member States (where relevant)”;
 - (h) in paragraph 2.6, omit the subheading that begins “The information required”;
 - (i) in paragraph 2.6.4, in the table in point B(1), omit the words from “Without prejudice to” to “of the Council”;
 - (j) in paragraph 2.7.2, in the table, for “Member States” substitute “member States (where applicable).”

Revocations and amendment of Annex 20 to EEA agreement

25.—(1) The retained direct EU legislation listed in Schedule 1 is revoked.

(2) In Annex 20 to the EEA agreement so far as it forms part of domestic law (see section 3(2)(b) of the European (Withdrawal) Act 2018), in Chapters 1 and 3, omit the references to the EU legislation listed in Schedule 2.

Thérèse Coffey
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

18th December 2018

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 25(1)

Revocations

Decisions

1. [Decision 2002/529/EC](#) concerning a questionnaire for Member States reports on the implementation of [Directive 1999/13/EC](#) on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations.
2. [Decision 2006/61/EC](#) on the conclusion, on behalf of the European Community, of the UN-ECE Protocol on Pollutant Release and Transfer Registers.
3. [Decision 2010/205/EU](#) concerning the reporting questionnaire relating to Regulation (EC) No. 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register.
4. [Decision 2010/681/EC](#) concerning a questionnaire for Member States reports on the implementation of [Directive 1999/13/EC](#) on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations during the period 2011-2013.
5. [Decision 2010/693/EU](#) establishing a common format for the second report of Member States on the implementation of [Directive 2004/42/EC](#) of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds.
6. Decision 2011/C 146/03 establishing a forum for the exchange of information pursuant to Article 13 of the [Directive 2010/75/EU](#) on industrial emissions.
7. [Decision 2012/119/EU](#) laying down rules concerning guidance on the collection of data and on the drawing up of BAT reference documents and on their quality assurance referred to in [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions.
8. [Decision 2013/761/EU](#) on the notification by the United Kingdom of Great Britain and Northern Ireland of a transitional national plan referred to in Article 32 of [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions.
9. Decision C(2015) 9317 on the notification by the United Kingdom of Great Britain and Northern Ireland of a transitional national plan referred to in Article 32 of [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions.

SCHEDULE 2

Regulation 25(2)

Removal of references

EEA agreement references

1. [Decision 2010/205/EU](#) concerning the reporting questionnaire relating to Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register.
2. [Decision 2010/681/EU](#) concerning a questionnaire for Member States reports on the implementation of Council [Directive 1999/13/EC](#) on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations during the period 2011-2013.

3. [Decision 2012/119/EU](#) laying down rules concerning guidance on the collection of data and on the drawing up of BAT reference documents and on their quality assurance referred to in [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions.

4. [Decision 2012/795/EU](#) establishing the type, format and frequency of information to be made available by Member States for the purposes of reporting on the implementation of [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures in retained direct EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (d) and (g) of section 8(2) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of air quality. Part 2 amends and revokes retained direct EU legislation and removes certain references made to that legislation in an annex to the EAA agreement.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.