

2013 No. 123

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2013

Made - - - - *17th January 2013*

Coming into force - - *10th February 2013*

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make this Order in exercise of the powers conferred by paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999(a).

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2013 and comes into force on 10th February 2013.

(2) This Order extends to England and Wales.

(3) This Order applies to the sea adjacent to England and Wales out as far as the seaward boundary of the territorial sea; and for that purpose—

- (a) the sea adjacent to England is so much of the sea adjacent to Great Britain as is not the sea adjacent to Wales or the sea adjacent to Scotland;
- (b) the sea adjacent to Wales has the same meaning as it has by virtue of section 158(3) or (4) of the Government of Wales Act 2006(b); and
- (c) the sea adjacent to Scotland has the same meaning as the internal waters and territorial sea of the United Kingdom adjacent to Scotland has by virtue of section 126(2) of the Scotland Act 1998(c).

(a) 1999 c. 24. Paragraph 9A was inserted by S.I. 2005/925. Paragraph 21A was inserted by section 38 of the Waste and Emissions Trading Act 2003 (c. 33). Paragraph 24 was amended by S.I. 2005/925. Paragraph 25 was amended by section 105(1)(a) and (b) of the Clean Neighbourhoods and Environment Act 2005 (c. 16). Functions of the Secretary of State under section 2 (except in relation to offshore oil and gas exploration and exploitation), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of S.I. 2005/1958. Those functions were then transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(b) 2006 c. 32. Section 158(3) was inserted by the Marine and Coastal Access Act 2009 (c. 23), section 43(1), (3)-; the boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 and Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 26 of Schedule 11 to, the 2006 Act, S.I. 1999/672 continues to have effect.

(c) 1998 c. 46; the boundaries between waters which are to be treated as internal waters or territorial sea of the United Kingdom adjacent to Scotland and those which are not are set out in the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126).

Designation

2. The following Directives are designated as relevant directives for the purposes of paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999—

- (a) Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances(a);
- (b) Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos(b);
- (c) Council Directive 92/112/EEC on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry(c);
- (d) European Parliament and Council Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(d);
- (e) Council Directive 96/29/EURATOM(e) laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation;
- (f) 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(f);
- (g) Council Directive 1999/31/EC on the landfill of waste(g);
- (h) Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles(h);
- (i) Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(i);
- (j) Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste(j);
- (k) Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants(k);
- (l) Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants(l);

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- (a) OJ No L 20, 26.1.1980, p 43, as last amended by Council Directive 91/692/EEC (OJ No L 377, 31.12.1991, p 48). This Directive is prospectively repealed by Directive 2000/60/EC of the European Parliament and of the Council (OJ No L 327, 22.12.2000, p 1).
 - (b) OJ No L 85, 28.3.1987, p 40, as last amended by Council Regulation (EC) No 807/2003 (OJ No L 122, 16.5.2003, p 36).
 - (c) OJ No L 409, 31.12.1992, p 11. There is a relevant corrigendum, OJ No L 48, 26.2.1993, p 68. This Directive is prospectively repealed by Directive 2010/75/EU of the European Parliament and of the Council (OJ No L 334, 17.12.2010, p 17).
 - (d) OJ No L 365, 31.12.1994, p 24, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p 1).
 - (e) OJ No L 159, 29.6.1996, p 1.
 - (f) OJ No L 85, 29.3.1999, p 1, as last amended by Directive 2008/112/EC of the European Parliament and of the Council (OJ No L 345, 23.12.2008, p 72). There is a relevant corrigendum, OJ No L 240, 10.9.1999, p 24. This Directive is prospectively repealed by Directive 2010/75/EU of the European Parliament and of the Council (OJ No L 334, 17.12.2010, p 17).
 - (g) OJ No L 182, 16.7.1999, p 1, as last amended by Council Directive 2011/97/EU (OJ No L 328, 10.12.2011, p 49).
 - (h) OJ No L 269, 21.10.2000, p 34, as last amended by Commission Directive 2011/37/EU (OJ No L 85, 31.3.2011, p 3).
 - (i) O.J. No L 327, 22.12.2000, p 1, as last amended by Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide (OJ No L 140, 5.6.2009, p 114).
 - (j) OJ No L 332, 28.12.2000, p 91, as amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p 1). There is a relevant corrigendum, OJ No L 145, 31.5.2001, p 52. This Directive is prospectively repealed by Directive 2010/75/EU of the European Parliament and of the Council (OJ No L 334, 17.12.2010, p 17).
 - (k) OJ No L 309, 27.11.2001, p 1, as last amended by Directive 2009/31/EC of the European Parliament and of the Council (OJ No L 140, p 114, 5.6.2009). There is a relevant corrigendum, OJ No L 319, 23.11.2002, p 30. This Directive is prospectively repealed by Directive 2010/75/EU of the European Parliament and of the Council (OJ No L 334, 17.12.2010, p 17).
 - (l) OJ No L 309, 27.11.2001, p 22, as last amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council (OJ No L 87, 31.3.2009, p 109).

- (m) Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment(a);
- (n) Council Directive 2003/122/EURATOM(b) on the control of high-activity sealed radioactive sources and orphan sources;
- (o) Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries and amending Directive 2004/35/EC(c);
- (p) Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC(d);
- (q) Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration(e);
- (r) Directive 2008/1/EC of the European Parliament and of the Council concerning integrated pollution prevention and control(f);
- (s) Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives(g);
- (t) Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337 EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006(h);
- (u) Directive 2009/126/EC of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations(i);
- (v) Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)(j).

Revocation

3. The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2011(k) is revoked.

15th January 2013

De Mauley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

17th January 2013

John Griffiths
Minister for Environment and Sustainable Development
one of the Welsh Ministers

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- (a) OJ No L 37, 13.2.2003, p 24, as last amended by Directive 2008/112/EC of the European Parliament and of the Council (OJ No L 345, 23.12.2008, p 68).
 - (b) OJ No L 346, 31.12.2003, p 57.
 - (c) OJ No L 102, 11.4.2006, p 15, as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p 14).
 - (d) OJ No L 266, 26.9.2006, p 1, as last amended by Directive 2008/103/EC of the European Parliament and of the Council (OJ No L 327, 5.12.2008, p 7). There is a relevant corrigendum, OJ No L 311, 10.11.2006, p 58.
 - (e) OJ No L 372, 27.12.2006, p 19.
 - (f) OJ No L 24, 29.1.2008, p 8, as last amended by Directive 2009/31/EC of the European Parliament and of the Council (OJ No L 140, 5.6.2009, p 114). This Directive is prospectively repealed by Directive 2010/75/EU of the European Parliament and of the Council (OJ No L 334, 17.12.2010, p 17).
 - (g) OJ No L 312, 22.11.2008, p 3.
 - (h) OJ No L 140, 5.6.2009, p 114.
 - (i) OJ No L 285, 31.10.2009, p 36.
 - (j) OJ No L 334, 17.12.2010, p 17.
 - (k) S.I. 2011/1505.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates 22 Directives as relevant directives for the purposes of paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999 (c. 24).

The effect of this Order is that regulations may be made under that Act making provision which corresponds or is similar to any provision made, or capable of being made, under section 2(2) of the European Communities Act 1972 (c. 68) in connection with any of the relevant directives.

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

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