

## **EXPLANATORY MEMORANDUM TO**

### **The Pollution Prevention and Control (Amendment No.2) Regulations (Northern Ireland) 2003**

#### **SR 2011 No. 402**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 4 of the Environment (Northern Ireland) Order 2002 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The purpose of the Statutory Rule is to transpose Article 3 of Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations, commonly known as the PVR II Directive. The Department is also taking this opportunity to amend the regulations to allow a permit to temporarily remain in force in the event of a permit holders death, to remove the burning of waste from Section 1.1 (*COMBUSTION*) of Schedule 1, and to deregulate the odouring of gas where it is not connected to another Part A activity.

#### **3. Background**

- 3.1. The PVR II Directive requires that vapours displaced from a vehicles petrol tank during refuelling be recovered and thus prevented from escaping to the atmosphere at certain service stations.

#### **4. Consultation**

- 4.1. The consultation produced 9 positive responses welcoming the proposed amendments. There were no negative responses.

#### **5. Equality Impact**

- 5.1. An equality screening assessment was undertaken and determined that there was no need for an equality impact assessment.

#### **6. Regulatory Impact**

- 6.1. A regulatory impact assessment was carried out as part of the consultation exercise.

#### **7. Financial Implications**

- 7.1. As detailed in the Regulatory Impact Assessment

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Statutory Rule complies with the provisions set out in Section 24.

#### **9. EU Implications**

- 9.1. Transposition of EU Directive.

**10. Parity or Replicatory Measure**

- 10.1. Equivalent measures have been taken in Great Britain to implement the PVRII Directive by similar amendments to their relevant legislation

**11. Additional Information**

- 11.1. Not applicable