

## **EXPLANATORY MEMORANDUM TO**

### **Air Quality Standards (Amendment) Regulations (Northern Ireland) 2017**

#### **SR 2017 No. 2**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Regulations make amendments to Schedule 1 of the Air Quality Standards Regulations (Northern Ireland) 2010. These amendments are made to transpose Council Directive 2015/1480 which amends existing air quality Directives 2008/50/EC and 2004/107/EC. A further amendment is made to Schedule 1 to correct a drafting error of the Air Quality Standards (NI) Regulations.

#### **3. Background**

- 3.1. The existing air quality Directives 2008/50/EC and 2004/107/EC are transposed into Northern Ireland law by the Air Quality Standards Regulations (Northern Ireland) 2010. Directive 2015/1480 has made a number of amendments to technical annexes in Directives 2008/50/EC and 2004/107/EC. These amendments, where applicable, are required to be carried through into existing transposing legislation. Therefore amendments are required to a technical annex (Schedule 1) of the Air Quality Standards (Northern Ireland) Regulations 2010. In addition, these amendment regulations correct a drafting error that has been identified in Schedule 1 of the Air Quality Standards (Northern Ireland) Regulations 2010.

#### **4. Consultation**

- 4.1. ++The regulations only provide technical updates to a technical Schedule of the Air Quality Standards Regulations. They do not alter existing policy or introduce any new policy. Therefore no consultation was undertaken.

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

- 5.1. The Regulations were screened for Equality Impact Assessment (EQIA); no EQIA was found to be necessary for the regulations.

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

- 6.1. The Regulations do not result in any costs or savings, or set any fees. The Regulations do not affect external stakeholders. Therefore, there has been no Regulatory Impact Assessment carried out.

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

- 7.1. There are no financial implications arising from the Regulations.

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

- 8.1. The Regulations deal with air quality and do not have any human rights implications, nor are they incompatible with EU law. They are in compliance with Section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. The Regulations transpose certain requirements of EU Directive 2015/1480. EU Directive 2015/1480 updates technical annexes to Directives 2008/50/EC and 2004/107/EC, which are transposed by the Air Quality Standards Regulations (NI) 2010. In addition, the Regulations correct a drafting error identified in the Air Quality Standards Regulations (NI) 2010. No new policy has been introduced. A transposition note is not necessary.

## **10. Parity or Replicatory Measure**

- 10.1. The Regulations amend a technical annex to the Air Quality Standards Regulations (NI) 2010. In doing so, they maintain parity with corresponding legislation in other UK devolved administrations.

## **11. Additional Information**

- 11.1. Not applicable.