
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, implement the following Directives:—

- (a) Directive [2008/50/EC](#) of the European Parliament and of the Council on ambient air quality and cleaner air for Europe ; and
- (b) Directive [2004/107/EC](#) of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

Directive [2008/50/EC](#) replaces Council Directive [96/62/EC](#) on ambient air quality assessment and management, Council Directive [1999/30/EC](#) relating to limit values for sulphur dioxide, nitrogen dioxide, oxides of nitrogen, particulate matter and lead in ambient air, Directive [2000/69/EC](#) of the European Parliament and of the Council relating to limit values for benzene and carbon monoxide in ambient air, Directive [2002/3/EC](#) of the European Parliament and of the Council relating to ozone in ambient air, and Council Decision [97/101/EC](#) of 27 January 1997 establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States.

The Regulations also incorporate requirements imposed by Directive [2003/35/EC](#) of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives [85/337/EEC](#) and [96/61/EC](#).

These Regulations replace the Air Quality Standards (Scotland) Regulations 2007 ([S.S.I. 2007/182](#)), which are revoked (regulation 29).

Part 1 of the Regulations provides for definitions and designates the Scottish Ministers as a competent authority for the purposes of Directives [2008/50/EC](#) and [2004/107/EC](#).

Part 2 of the Regulations provides for the assessment of ambient air quality. Chapter 1 relates to the assessment of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter, lead benzene and carbon monoxide. Chapter 2 relates to the assessment of ozone, and Chapter 3 relates to the assessment of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons.

Part 3 of the Regulations sets out the duties of the Scottish Ministers in relation to the limit values, target values, long-term objectives, information and alert thresholds and critical levels for the protection of vegetation, all of which are set out in Schedules 2 to 6.

Part 4 of the Regulations provides for requirements in relation to PM_{2.5} in addition to the limit value and target value for this pollutant. The national exposure reduction target and average exposure indicators for PM_{2.5} are set by the Secretary of State in accordance with Part IV of the Air Quality Standard Regulations 2010 ([S.I. 2010/1001](#)).

Part 5 of the Regulations imposes requirements on the Scottish Ministers to draw up air quality plans in relation to limit values and target values and short-term action plans in relation to alert thresholds. Short-term action plans may also be used in relation to limit values and target values.

Part 6 of the Regulations relates to public information.

Schedule 1 to the Regulations sets out the requirements for the siting of sampling points for the assessment of sulphur dioxide, nitrogen dioxide, oxides of nitrogen, particulate matter, lead, benzene and carbon monoxide.

Status: This is the original version (as it was originally made).

Schedules 2 to 6 set out limit values, target values, long term objectives for ozone, information and alert thresholds, and critical levels for the protection of vegetation.

Schedule 7 sets out the information to be included in air quality plans.

Schedule 8 sets out the public information to be provided where information or alert thresholds are exceeded or are predicted to be exceeded.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Air, Noise and Nuisance Team, Rural Affairs, Environment and Services Directorate, Victoria Quay, Edinburgh EH6 6QQ.