

2019 No. 304

ENVIRONMENTAL PROTECTION

**The Regulatory Reform (Specification of EU Instruments)
(Scotland) Order 2019**

Made - - - - - *24th September 2019*
Laid before the Scottish Parliament *26th September 2019*
Coming into force - - - *11th October 2019*

The Scottish Ministers make the following Order in exercise of the powers conferred by paragraph 30 of schedule 2 of the Regulatory Reform (Scotland) Act 2014(a) and all other powers enabling them to do so.

Citation and Commencement

1. This Order may be cited as the Regulatory Reform (Specification of EU Instruments) (Scotland) Order 2019, and comes into force on 11 October 2019.

Specification

2. Each EU instrument referred to in the schedule is specified, for the purposes of paragraph 22(1)(b) of schedule 2 of the Regulatory Reform (Scotland) Act 2014, as an EU instrument that is or contains an EU obligation relating to protecting and improving the environment.

ROSEANNA CUNNINGHAM
A member of the Scottish Government

St Andrew's House,
Edinburgh
24th September 2019

(a) 2014 asp 3. Section 18(2) of the Regulatory Reform (Scotland) Act 2014 provides that Part 2 of schedule 2, which includes paragraph 30, has effect for supplementing Part 1 of that schedule. By virtue of section 18(1), the Scottish Ministers may by regulations make provision for any of the purposes specified in Part 1 of schedule 2.

SCHEDULE

Article 2

Specified EU Instruments

Council Directive 91/271/EEC concerning urban waste water treatment**(a)**.

Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources**(b)**.

European Parliament and Council Directive 94/62/EC on packaging and packaging waste**(c)**.

Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)**(d)**.

Council Directive 1999/31/EC on the landfill of waste**(e)**.

Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles**(f)**.

Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy**(g)**.

Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise**(h)**.

Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC**(i)**.

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**(j)**.

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- (a) OJ L 135, 30.5.1991, p.40, as relevantly amended by Commission Directive 98/15/EC (OJ L 67, 7.3.1998, p.29), Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1) and Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p.1). Commission Directive 98/15/EC was corrected by Corrigendum (OJ L 139, 2.6.1999, p.34) and Corrigendum (OJ L 189, 17.7.2015, p.41).
- (b) OJ L 375, 31.12.1991, p.1, as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1) and Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p.1).
- (c) OJ L 365, 31.12.1994, p.10, as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1), Directive 2004/12/EC (OJ L 47, 18.2.2004, p.26), Directive 2005/20/EC (OJ L 70, 16.3.2005, p.17), Regulation (EC) No 219/2009 (OJ L 87, 31.3.2009, p.109), Commission Directive 2013/2/EU (OJ L 37, 8.2.2013, p.10), Directive (EU) 2015/720 (OJ L 115, 6.5.2015, p.11) and Directive (EU) 2018/852 (OJ L 150, 14.6.2018, p.141).
- (d) OJ L 243, 24.9.1996, p.31, as amended by Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p.14).
- (e) OJ L 182, 16.7.1999, p.1, as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1), Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p.1), Council Directive 2011/97/EU (OJ L 328, 10.12.2011, p.49) and Directive (EU) 2018/850 (OJ L 150, 14.6.2018, p.100).
- (f) OJ L 269, 21.10.2000, p.34, as amended by Commission Decision 2002/525/EC (OJ L 170, 29.6.2002, p.81), Commission Decision 2005/63/EC (OJ L 25, 28.1.2005, p.73), Commission Decision 2005/438/EC (OJ L 152, 15.6.2005, p.19), Council Decision 2005/673/EC (OJ L 254, 30.9.2005, p.69), Directive 2008/33/EC (OJ L 81, 20.3.2008, p.62), Commission Decision 2008/689/EC (OJ L 225, 23.8.2008, p.10), Directive 2008/112/EC (OJ L 345, 23.12.2008, p.68), Commission Decision 2010/115/EU (OJ L 48, 25.2.2010, p.12), Commission Directive 2011/37/EU (OJ L 85, 31.3.2011, p.3), Commission Directive 2013/28/EU (OJ L 135, 22.5.2013, p.14), Commission Directive (EU) 2016/774 (OJ L 128, 19.5.2016, p.4), Commission Directive (EU) 2017/2096 (OJ L 299, 16.11.2017, p.24) and Directive (EU) 2018/849 (OJ L 150, 14.6.2018, p.93).
- (g) OJ L 327, 22.12.2000, p.1, as relevantly amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p.1), Directive 2008/32/EC (OJ L 81, 20.3.2008, p.60), Directive 2008/105/EC (OJ L 348, 24.12.2008, p.84), Directive 2009/31/EC (OJ L 140, 5.6.2009, p.114), Directive 2013/39/EU (OJ L 226, 24.8.2013, p.1) and Commission Directive 2014/101/EU (OJ L 311, 31.10.2014, p.32).
- (h) OJ L 189, 18.7.2002, p.12, as amended by Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p.1) and Commission Directive (EU) 2015/996 (OJ L 168, 1.7.2015, p.1). Commission Directive (EU) 2015/996 was corrected by Corrigendum (OJ L 5, 10.1.2018, p.35).
- (i) OJ L 64, 4.3.2006, p.37, as relevantly amended by Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p.14).
- (j) OJ L 266, 26.9.2006, p.1, as amended by Directive 2008/12/EC (OJ L 76, 19.3.2008, p.39), Directive 2008/103/EC (OJ L 327, 5.12.2008, p.7), Directive 2013/56/EU (OJ L 329, 10.12.2013, p.5) and Directive (EU) 2018/849 (OJ L 150, 14.6.2018, p.93), and as corrected by Corrigendum (OJ L 311, 10.11.2006, p.58).

Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration(**a**).

Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe(**b**).

Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives(**c**).

Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council(**d**).

Commission Directive 2009/90/EC laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status(**e**).

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(**f**).

Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)(**g**).

Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products(**h**).

Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals(**i**).

Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(**j**).

Directive (EU) 2015/2193 of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants(**k**).

Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008(**l**).

Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment(**m**).

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- (a) OJ L 372, 27.12.2006, p.19, as amended by Commission Directive 2014/80/EU (OJ L 182, 21.6.2014, p.52).
- (b) OJ L 152, 11.6.2008, p.1, as amended by Commission Directive (EU) 2015/1480 (OJ L 226, 29.8.2015, p.4). Commission Directive (EU) 2015/1480 was corrected by Corrigendum (OJ L 72, 14.3.2019, p.141).
- (c) OJ L 312, 22.11.2008, p.3, as amended by Commission Regulation (EU) No 1357/2014 (OJ L 365, 19.12.2014, p.89), Commission Directive (EU) 2015/1127 (OJ L 184, 11.7.2015, p.13), Council Regulation (EU) 2017/997 (OJ L 150, 14.6.2017, p.1) and Directive (EU) 2018/851 (OJ L 150, 14.6.2018, p.109). Commission Directive (EU) 2015/1127 was corrected by Corrigendum (OJ L 297, 13.11.2015, p.9) and Commission Regulation (EU) No 1357/2014 was corrected by Corrigendum (OJ L 42, 18.2.2017, p.43).
- (d) OJ L 348, 24.12.2008, p.84, as amended by Directive 2013/39/EU (OJ L 226, 24.8.2013, p.1).
- (e) OJ L 201, 1.8.2009, p.36.
- (f) OJ L 285, 31.10.2009, p.36, as amended by Commission Directive 2014/99/EU (OJ L 304, 23.10.2014, p.89).
- (g) OJ L 334, 17.12.2010, p.17, as corrected by Corrigendum (OJ L 158, 19.6.2012, p.25).
- (h) OJ L 167, 27.6.2012, p.1, as amended by Commission Delegated Regulation (EU) No 736/2013 (OJ L 204, 31.7.2013, p.25), Commission Delegated Regulation (EU) No 837/2013 (OJ L 234, 3.9.2013, p.1) and Regulation (EU) No 334/2014 of the European Parliament and of the Council (OJ L 103, 5.4.2014, p.22) and as corrected by Corrigendum (OJ L 280, 28.10.2017, p.57).
- (i) OJ L 201, 27.7.2012, p.60, as amended by Commission Delegated Regulation (EU) No 1078/2014 (OJ L 297, 15.10.2014, p.1), Commission Delegated Regulation (EU) 2015/2229 (OJ L 317, 3.12.2015, p.13), Commission Delegated Regulation (EU) 2018/172 (OJ L 32, 6.2.2018, p.6) and Commission Delegated Regulation (EU) 2019/330 (OJ L 59, 27.2.2019, p.1). Commission Delegated Regulation (EU) No 1078/2014 was corrected by Corrigendum (OJ L 363, 18.12.2014, p.185).
- (j) OJ L 197, 24.7.2012, p.38, as amended by Directive (EU) 2018/849 (OJ L 150, 14.6.2018, p.93).
- (k) OJ L 313, 28.11.2015, p.1.
- (l) OJ L 137, 24.5.2017, p.1.
- (m) OJ L 155, 12.6.2019, p.1.

Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants^(a).

^(a) OJ L 169, 25.6.2019, p.45.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the following EU instruments as EU instruments that are or contain EU obligations relating to protecting and improving the environment for the purposes of paragraph 22(1)(b) of schedule 2 of the Regulatory Reform (Scotland) Act 2014 (the “2014 Act”)—

- (a) Council Directive 91/271/EEC concerning urban waste water treatment,
- (b) Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources,
- (c) European Parliament and Council Directive 94/62/EC on packaging and packaging waste,
- (d) Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT),
- (e) Council Directive 1999/31/EC on the landfill of waste,
- (f) Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles,
- (g) Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy,
- (h) Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise,
- (i) Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC,
- (j) 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,
- (k) Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration,
- (l) Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe,
- (m) Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives,
- (n) Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council,
- (o) Commission Directive 2009/90/EC laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status,
- (p) 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,
- (q) Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control),
- (r) Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products,
- (s) Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals,
- (t) Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE),
- (u) Directive (EU) 2015/2193 of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants,
- (v) Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008,

- (w) Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment,
- (x) Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants.

Schedule 2 of the 2014 Act specifies particular purposes for which provision may be made by way of regulations under section 18 of the 2014 Act for the purposes of protecting and improving the environment. Paragraph 22(1)(b) enables the making of 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 an EU obligation relating to protecting or improving the environment. Paragraph 30 allows the Scottish Ministers, for the purposes of paragraph 22(1)(b), to specify an EU instrument as one that is or contains an EU obligation mentioned in paragraph 22(1)(b).

The effect of the specification is to enable the powers in the 2014 Act to be used for the purposes of those EU instruments.

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.

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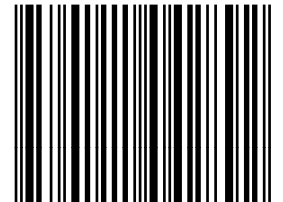
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