

2007 No. 2247

**ENVIRONMENTAL PROTECTION, ENGLAND AND
WALES**

**The Pollution Prevention and Control (Designation of
Directives) (England and Wales) Order 2007**

Made - - - - *26th July 2007*

Coming into force - - *18th August 2007*

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(a) and it appears to the Secretary of State and the Welsh Ministers that it is expedient for the references to the Community instruments in article 3 to be construed as references to those provisions as amended from time to time.

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(b) and paragraph 1A of Schedule 2 to the European Communities Act 1972(c).

Citation, commencement and extent

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Directives)(England and Wales) Order 2007 and comes into force on 18th August 2007.

(2) This Order extends to England and Wales.

(3) For the purposes of this article—

- (a) England and Wales includes the sea adjacent to England and Wales out as far as the seaward boundary of the territorial sea; and
- (b) the sea adjacent to Wales has the same meaning as in section 158 of the Government of Wales Act 2006(d).

Revocation

2.—(1) The following Orders are revoked—

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- (a) 1972 c.68.
 - (b) 1999 c.24. Functions of the Secretary of State under or in relation to section 2 of that Act (except in relation to offshore and gas exploration) so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958). Those functions were then transferred to the Welsh Ministers by virtue of section 162 of and paragraphs 26 and 30 of Schedule 11 to the Government of Wales Act 2006, c.32.
 - (c) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 c. 51.
 - (d) 2006 c.32 (“the Act”); the boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 of 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 Act, S.I. 1999/672 continues to have effect.

- (a) the Pollution Prevention and Control (Designation of Landfill Directive) Order 2001(a);
- (b) the Pollution Prevention and Control (Designation of Council Directives on Large Combustion Plants, Incineration of Waste and National Emission Ceilings) Order 2002(b); and
- (c) the Pollution Prevention and Control (Designation of Council Directive on Solvent Emissions) Order 2003(c).

Designation

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

- (a) Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos(d);
- (b) 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(e);
- (c) 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(f);
- (d) 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(g);
- (e) Council Directive 1999/31/EC on the landfill of waste(h);
- (f) Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles(i);
- (g) Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste(j);
- (h) 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);
- (i) Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants(l);
- (j) Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)(m);
- (k) Directive 2006/12/EC of the European Parliament and of the Council on waste(n);
- (l) 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(o) .

(a) S.I. 2001/3585.

(b) S.I. 2002/2528.

(c) S.I. 2003/948.

(d) OJ No. L 85, 28.3.1987, p40, as last amended by Council Regulation (EC) No. 807/2003, OJ No. L 122,16.5.2003, p36.

(e) OJ No. L 409, 31.12.1992, p11. There is a relevant corrigendum, OJ No. L 48, 26.2.1993, p68.

(f) OJ No. L 365, 31.12.1994, p24, as amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council, OJ No L 284, 31.10.2003, p1.

(g) OJ No. L 85, 29.3.1999, p1 as last amended by Directive 2004/42/EC of the European Parliament and of the Council, OJ No L 143, 30.4.2004, p87.

(h) OJ No. L 182, 16.7.1999, p1 as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council, OJ No. L 284, 31.10.2003, p1.

(i) OJ No. L 269, 21.10.2000, p34, as last amended by Council Decision 2005/673/EC, OJ No. L 254, 20.9.2005, p69.

(j) OJ No. L 332, 28.12.2000, p91.

(k) OJ No. L 309, 27.11.2001, p1.

(l) OJ No. L 309, 27.11.2001, p22.

(m) OJ No. L 37, 13.2.2003, p24, as amended by Directive 2003/108/EC of the European Parliament and of the Council, OJ No. L 345, 31.12.2003, p106.

(n) OJ No. L 114, 27.4.2006, p9.

(o) OJ No. L 266, 29.9.2006, p1. There is a relevant corrigendum, OJ No. L 311, 10.11.2006, p. 58.

(2) For the purposes of this Order, the references to the Directives in paragraph (1) are references to those Directives as amended from time to time.

Signed on behalf of the Welsh Ministers

Jane Davidson

26th July 2007 Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

Joan Ruddock

Parliamentary Under Secretary

23rd July 2007

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates certain Directives as relevant directives for the purposes of paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999. This Order extends to England and Wales only.

It revokes and remakes, with amendments, the current designations made in respect of the following directives—

- (a) Council Directive 1999/31/EC on the landfill of waste (S.I. 2001/3585);
- (b) Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste, 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 and Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants (S.I. 2002/2528);
- (c) 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 (S.I. 2003/948).

It designates the following Directives as relevant directives for the purposes of paragraph 20(2)(c)—

- (a) Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos;
- (b) 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) 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) Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles;
- (e) Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE);
- (f) Directive 2006/12/EC of the European Parliament and of the Council on waste;
- (g) 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.

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

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