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STATUTORY INSTRUMENTS

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**2018 No. 1407**

**The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018**

**PART 2**

Amendment and revocation of retained direct EU legislation

**Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register**

2.—(1) Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register is amended as follows.

(2) In Article 1—

- (a) for “at Community level” substitute “for the United Kingdom”;
- (b) for “European” substitute “United Kingdom”.

(3) In Article 2—

- (a) in point (2), for “Member States” substitute “appropriate authority”;
- (b) in point (11), before “waste water” insert “urban”;
- (c) for point (13) substitute—

“(13) “waste” has the meaning given—

- (a) in relation to England and Wales, in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016(1);
- (b) in relation to Scotland, in regulation 2(1) of the Pollution Prevention and Control (Scotland) Regulations 2012(2);
- (c) in relation to Northern Ireland, in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(3);”;

(d) for point (14) substitute—

“(14) “hazardous waste” has the meaning given—

- (a) in relation to England and Wales, in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005(4);
- (b) in relation to Scotland, in regulation 2(1) of the Pollution Prevention and Control (Scotland) Regulations 2012;
- (c) in relation to Northern Ireland, in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013;”;

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(1) S.I. 2016/1154, relevant amending instrument S.I. 2018/110.

(2) S.S.I. 2012/360, to which there are amendments not relevant to these Regulations.

(3) S.R. 2013 No.160.

(4) S.I. 2005/894, last amended by S.I. 2018/575.

- (e) for point (15) substitute—
- “(15) “urban waste water” has the meaning given—
- (a) in relation to England and Wales, in regulation 2(1) of the Urban Waste Water Treatment (England and Wales) Regulations 1994<sup>(5)</sup>;
  - (b) in relation to Scotland, in regulation 2(1) of the Urban Waste Water Treatment (Scotland) Regulations 1994<sup>(6)</sup>;
  - (c) in relation to Northern Ireland, in regulation 2(1) of the Urban Waste Water Treatment Regulations (Northern Ireland) 2007<sup>(7)</sup>”;
- (f) for point (16) substitute—
- “(16) “disposal” has the meaning given—
- (a) in relation to England and Wales, in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016;
  - (b) in relation to Scotland, in regulation 2(1) of the Waste Management Licensing (Scotland) Regulations 2011<sup>(8)</sup>;
  - (c) in relation to Northern Ireland, in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003<sup>(9)</sup>”;
- (g) for point (17) substitute—
- “(17) “recovery” has the meaning given—
- (a) in relation to England and Wales, in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2016;
  - (b) in relation to Scotland, in regulation 2(1) of the Waste Management Licensing (Scotland) Regulations 2011;
  - (c) in relation to Northern Ireland, in regulation 1(3) of the Waste Management Licensing Regulations (Northern Ireland) 2003”;
- (h) after point (17) insert—
- “(18) “appropriate authority” means—
- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers;
  - (c) in relation to Scotland, the Scottish Ministers;
  - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.
- (19) A reference in Annex 3 to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.”.
- (4) In Article 3—
- (a) in the heading and in the words before point (a), for “European” substitute “United Kingdom”;
  - (b) in point (b), after the words “pollutants in” insert “urban”.
- (5) In Article 4—

(5) [S.I. 1994/2841](#), to which there are amendments not relevant to these Regulations.

(6) [S.S.I. 1994/2842](#).

(7) [S.R. 2007 No.187](#).

(8) [S.S.I. 2011/228](#); relevant amending instrument [S.S.I. 2015/438](#).

(9) [S.R. 2003 No. 493](#); relevant amending instruments are [S.R. 2011 No. 127](#) and [S.R. 2016 No. 95](#).

- (a) in paragraph 1—
  - (i) for “Commission” substitute “Secretary of State”;
  - (ii) for “European” substitute “United Kingdom”;
  - (iii) omit point (c);
  - (iv) in point (g), after the words “pollutants in” insert “urban”;
- (b) in paragraph 2, for “European” substitute “United Kingdom”;
- (c) in paragraph 3—
  - (i) for “European” substitute “United Kingdom”;
  - (ii) omit point (a).
- (6) In Article 5—
  - (a) in the heading, after the words “by operators” insert “and competent authority duties”;
  - (b) in paragraph 1, in point (c), after the words “Annex II in” insert “urban”;
  - (c) in paragraph 5, for “Member State” substitute “appropriate authority”;
  - (d) after paragraph 5 insert—

“6. A competent authority must provide all necessary information to its appropriate authority to ensure that the obligations placed upon the appropriate authority in this Regulation can be met.”.
- (7) In Article 6, for “IIA to [Directive 75/442/EEC](#)” substitute “1 to [Directive 2008/98/EC](#)(10)”.
- (8) In Article 7—
  - (a) in the heading and in paragraph 1, for “Member States” substitute “appropriate authorities”;
  - (b) in paragraph 2, for the words before point (a) substitute—

“2. Appropriate authorities outside England and the competent authority in England must provide all the data and information referred to in Article 5(1) and (2) to the Secretary of State in the format set out in Annex 3 and within the following time limits—”;
  - (c) in paragraph 3, for the words before point (a) substitute—

“3. The Secretary of State must incorporate the data and information reported by the appropriate authorities outside England and the information provided by the competent authority in England into the United Kingdom PRTR within the following time limits:”;
- (9) In Article 8(1)—
  - (a) for “Commission, assisted by the European Environment Agency” substitute “Secretary of State”;
  - (b) for “European” substitute “United Kingdom”;
  - (c) for “Member States” substitute “appropriate authorities outside England or by the competent authority in England”.
- (10) Omit Article 9(3).
- (11) In Article 10—
  - (a) in paragraph 1—
    - (i) for “Commission, assisted by the European Environment Agency” substitute “Secretary of State”;

- (ii) for “European” substitute “United Kingdom”;
  - (iii) omit “in accordance with the timeframe set out in Article 7(3)”;
- (b) in paragraph 2—
  - (i) at each place it occurs for “European” substitute “United Kingdom”;
  - (ii) omit “the Member State concerned and”;
  - (iii) for “Commission” substitute “appropriate authorities”.
- (12) In Article 11—
  - (a) for “a Member State” substitute “an appropriate authority”;
  - (b) after the words “on public access to environmental information” insert “in so far as that provision has been transposed into domestic law”;
  - (c) for “the Member State” substitute “the appropriate authority”.
- (13) In Article 12—
  - (a) in the first paragraph—
    - (i) for “Commission” substitute “Secretary of State, with the assistance of the other appropriate authorities”;
    - (ii) for “European” substitute “United Kingdom”;
  - (b) in the third paragraph, for “Commission” substitute “appropriate authorities”.
- (14) Omit Articles 13 and 14.
- (15) In Article 15—
  - (a) for “Commission and the Member States” substitute “Secretary of State”;
  - (b) at each place it occurs for “European” substitute “United Kingdom”.
- (16) Omit Articles 16, 17, 20, 21 and 22.
- (17) Before Annex 1, omit the words from “This Regulation” to “Member States”.
- (18) In the heading to Annex 3, for “by Member States to the Commission” substitute “to be provided to the Secretary of State”.