
STATUTORY INSTRUMENTS

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

Decision 2011/850/EU laying down rules for Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council as regards the reciprocal exchange of information and reporting on ambient air quality

4.—(1) Decision 2011/850/EU laying down rules for Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council as regards the reciprocal exchange of information and reporting on ambient air quality is amended as follows.

(2) In Article 1—

- (a) in the words before point (a), omit “implementing Directives 2004/107/EC and 2008/50/EC”;
- (b) in point (a), for “Member States” substitute “appropriate authorities”;
- (c) in point (b)—
 - (i) in each place where it occurs, for “Member States” substitute “appropriate authorities”;
 - (ii) after “information” insert “between each other”.

(3) In Article 2—

- (a) omit point (9);
- (b) in point (10)—
 - (i) omit the words from “, linked to the ambient” to “European Environment Agency,”;
 - (ii) for “Member States” substitute “appropriate authorities”;
- (c) after point (12), insert the following—
 - “(13) “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.

(14) For the purpose of this Decision a reference 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) Omit the subheading to Chapter 2.

- (5) In Article 3—
 - (a) in the heading, omit “portal and”;
 - (b) in paragraph 1—
 - (i) for “The Commission, assisted by the European Environment Agency” substitute “Each appropriate authority”;
 - (ii) omit the words from “and make it accessible” to the end;
 - (c) for paragraph 2, substitute—

“(2) The appropriate authority must include in its data repository information and data in accordance with Article 5.”.
 - (d) omit paragraphs 3, 5 and 6.
- (6) Omit Article 4.
- (7) In Article 5—
 - (a) in paragraph 1—
 - (i) for “Member States” substitute “The appropriate authority”;
 - (ii) for “to the” substitute “in its”;
 - (iii) omit the second sentence;
 - (b) omit paragraphs 2, 3, 4 and 5.
- (8) In the heading for Chapter 3, omit “Member States”.
- (9) In Article 6—
 - (a) in paragraph 1—
 - (i) from the words “In accordance with” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (ii) omit the second subparagraph;
 - (b) in paragraph 2—
 - (i) at each place that it occurs, for “Member States” substitute “The appropriate authority”;
 - (ii) for “shall make” substitute “must include in its data repository”;
 - (iii) for “available to the Commission” substitute “by”;
 - (c) in paragraph 3, for “Member States shall inform the Commission thereof” substitute “appropriate authority must update its data repository accordingly and by”.
- (10) In Article 7—
 - (a) in paragraph 1, for the words from “In accordance”, in the first place where the words appear, to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2—
 - (i) for “Member States shall make” substitute “The appropriate authority must include in its data repository”;
 - (ii) for “available to the Commission” substitute “by”;
 - (iii) in the second sentence, for “Member States” substitute “The appropriate authority”.
- (11) In Article 8—
 - (a) in paragraph 1, for the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;

- (b) in paragraph 2—
 - (i) for “Member States shall make” substitute “The appropriate authorities must include in their data repository”;
 - (ii) omit “available to the Commission”.
- (12) In Article 9—
 - (a) in paragraph 1, for the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2—
 - (i) for “Member States shall make” substitute “The appropriate authorities must include”;
 - (ii) omit “available to the Commission”;
 - (c) in paragraph 7
 - (i) at the first place that it occurs, for “Member States” substitute “The appropriate authority”;
 - (ii) at the second place that it occurs, for “Member States” substitute “appropriate authority”.
- (13) In Article 10—
 - (a) in paragraph 1—
 - (i) for the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (ii) omit “as indicated by Member States”;
 - (iii) in the second subparagraph—
 - (aa) omit “Member States shall make available”;
 - (bb) insert at the end “must be included”;
 - (b) in paragraph 2, for “made available to the Commission” substitute “included in the data repository”;
 - (c) in paragraph 3—
 - (i) for “Member States shall” substitute “The appropriate authority must”;
 - (ii) for “make available” substitute “include in its data repository”;
 - (d) in paragraph 4—
 - (i) for “Member States shall also make available” substitute “The appropriate authority must include in its data repository”;
 - (ii) in both places where it occurs, omit “by the Member States”;
 - (iii) omit “and for the additional pollutants listed on the portal for that purpose”;
 - (e) in paragraph 5—
 - (i) for “Member States shall also make available” substitute “The appropriate authority must include in its data repository”;
 - (ii) omit “by the Member States”;
 - (iii) omit the words from “and for the” to “for that purpose”;
 - (f) in paragraph 6, for “made available to the Commission” substitute “included in the data repository”;
 - (g) in paragraph 8, for “Member States” substitute “The appropriate authority”.

- (14) Omit Article 11.
- (15) In Article 12—
 - (a) in paragraph 1, for the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2, for “made available to the Commission” substitute “included in the data repository”;
 - (c) in paragraph 4, omit the words from “and the aggregated” to the end.
- (16) In Article 13—
 - (a) in paragraph 1, in the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2, for “made available to the Commission” substitute “included in the data repository”.
- (17) In Article 14—
 - (a) in paragraph 1, in the words from “In accordance” to “make available” substitute “The appropriate authority must include in its data repository”;
 - (b) in paragraph 2, for “made available to the Commission” substitute “included in the data repository”.
- (18) Omit Articles 15, 16 and 17.
- (19) In Annex 1—
 - (a) in paragraph (A)(5), after the table, in the second subparagraph that begins “Valid annual”, for “Member State” substitute “appropriate authorities and the appropriate authorities in Wales, Scotland and Northern Ireland and the competent authority in England must cooperate with the Secretary of State to ensure the Secretary of State is able”;
 - (b) in paragraph (C), omit the second sentence.
- (20) In Annex 2—
 - (a) in paragraph (C), omit point (17);
 - (b) omit paragraph (F).