
STATUTORY INSTRUMENTS

2019 No. 1350

The Environment (Legislative Functions
from Directives) (EU Exit) Regulations 2019

PART 2

Air quality

CHAPTER 4

Retention of functions from [Directive 2010/75/EU](#)

Power to update in light of scientific and technical progress

8.—(1) The appropriate authority may, by regulations—

- (a) amend provision in any enactment which corresponds to that made by a relevant provision of [Directive 2010/75/EU](#);
- (b) make provision requiring (whether by amending an enactment, or otherwise) a reference to a relevant provision of [Directive 2010/75/EU](#) (or a reference which encompasses a relevant provision) to be read as a reference to that provision as modified.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers that it is appropriate to do so as a result of scientific and technical progress.

(3) The relevant provisions of [Directive 2010/75/EU](#) are—

- (a) Parts 3 and 4 of Annex 5 (technical provisions relating to combustion plants);
- (b) Parts 2, 6, 7 and 8 of Annex 6 (technical provisions relating to waste incineration plants and waste co-incineration plants);
- (c) Parts 5, 6, 7 and 8 of Annex 7 (technical provisions relating to installations and activities using organic solvents).

Power to specify rules for determining start-up and shut-down periods

9.—(1) The appropriate authority may, by regulations, make provision for or in connection with the determination of start-up and shut-down periods, as referred to in point 27 of Article 3 and point 1 of Part 4 of Annex 5 to [Directive 2010/75/EU](#), for the purposes of retained EU law which implemented that Directive.

(2) The provision which may be made under paragraph (1) includes—

- (a) amending provision which corresponds to that made by point 27 of Article 3 of, or point 1 of Part 4 of Annex 5 to, [Directive 2010/75/EU](#), in so far as it concerns start-up and shut-down periods;

- (b) requiring a reference to point 27 of Article 3 of, or point 1 of Part 4 of Annex 5 to, [Directive 2010/75/EU](#) (or a reference which encompasses either or both of those provisions) to be read as a reference to those provisions with modifications.
- (3) Regulations under paragraph (1) may amend any enactment.

Power to specify reporting requirements

- 10.**—(1) The appropriate authority may, by regulations, make provision—
- (a) concerning the type, format and frequency of information to be prepared by the appropriate authority under Commission Implementing Decision 2018/1135 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions⁽¹⁾;
 - (b) specifying the activities or pollutants for which information is to be prepared in accordance with sub-paragraph (a).
- (2) The provision which may be made under paragraph (1) includes provision amending the Decision referred to in paragraph (1)(a).

⁽¹⁾ As amended by [S.I. 2018/1407](#).