

2020 No. 1151

ENVIRONMENTAL PROTECTION

The Pollution Prevention and Control (Designation of Directives) (Offshore) Order 2020

Made - - - - - *21st October 2020*

Coming into force - - - - - *22nd October 2020*

The Secretary of State, in exercise of the powers conferred by section 7(9)(a) and (b) of, and paragraph 20(2)(c) of Schedule 1 to, the Pollution Prevention and Control Act 1999(a), makes the following Order:

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Directives) (Offshore) Order 2020 and comes into force on the day after the day on which it is made.

(2) In article 2, paragraphs (a) to (d), (f) and (g) apply—

(a) to the United Kingdom territorial sea adjacent to—

(i) Northern Ireland; and

(ii) Scotland, except that part which extends seaward for 3 nautical miles from the landward baseline; and

(b) to the sea in any designated area within the meaning of the 1964 Act,

including the places above the sea and the bed and subsoil of the sea.

(3) In article 2, paragraph (e) of article 2 applies—

(a) to the United Kingdom territorial sea adjacent to Northern Ireland; and

(b) to the sea in any designated area within the meaning of the 1964 Act,

including the places above the sea and the bed and subsoil of the sea.

(4) In this Order—

“the 1964 Act” means the Continental Shelf Act 1964(b);

“the 1999 Act” means the Pollution Prevention and Control Act 1999; and

“baseline” means a baseline established by any Order in Council under section 1(1)(b) of the Territorial Sea 1987(c).

(a) 1999 c. 24. Paragraph 20(2)(c) was amended by S.I. 2011/1043 and by S.I. 2018/942.

(b) 1964 c. 29. Section 1(7) was amended by section 103 of the Energy Act 2011 (c. 16). There are other amendments to the Act that are not relevant to this instrument.

(c) 1987 c. 49. The existing baselines were established by S.I. 2014/1353.

Designation

2. The following directives are designated for the purposes of paragraph 20(1)(b) of Schedule 1 to the 1999 Act—

- (a) Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls(**a**);
- (b) Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment(**b**);
- (c) Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage(**c**);
- (d) Directive 2008/98/EC of the European Parliament and of the Council on waste(**d**);
- (e) Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide(**e**);
- (f) Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency(**f**); and
- (g) Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants(**g**).

Kwasi Kwarteng

Parliamentary Under Secretary of State

Department for Business, Energy and Industrial Strategy

21st October 2020

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates a number of directives of the Council of the European Union that include measures relating to the limitation of emissions of certain pollutants as relevant directives for the purposes of paragraph 20(1)(b) of Schedule 1 to the Pollution Prevention and Control Act 1999 (c. 24) (“the 1999 Act”) to apply in respect of the areas set out in article 1(2) and 1(3).

The effect of designation is that regulations may be made under section 2 of the 1999 Act (to regulate, prevent and control activities which are capable of causing environmental pollution) which make 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 the directives designated by this order.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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- (a) OJ No L 243, 24.9.1996, p. 31, as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p. 14).
 - (b) OJ No L 156, 25.6.2003, p. 17, as last amended by Directive (EU) 2016/2284 of the European Parliament and of the Council (OJ No L 344, 17.12.2016, p. 1).
 - (c) OJ No L 143, 30.4.2004, p. 56, as last amended by Regulation (EU) 2019/1010 of the European Parliament and of the Council (OJ No L 170, 25.6.2019, p. 115).
 - (d) OJ No L 312, 22.11.2008, p. 3, as last amended by Directive (EU) 2018/851 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 109).
 - (e) OJ No L 140, 5.6.2009, p. 114.
 - (f) OJ No L 315, 14.11.2012, p. 1, as last amended by Council Directive 2013/12/EU (OJ No L 141, 28.5.2013, p. 28).
 - (g) OJ No L 344, 17.12.2016, p. 1.

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