

## EXECUTIVE NOTE

### THE POLLUTION PREVENTION AND CONTROL (DESIGNATION OF INDUSTRIAL EMISSIONS DIRECTIVE) (SCOTLAND) ORDER 2011

SSI 2011/ 423

The above instrument was made in exercise of the powers conferred by paragraph 20(2)(c) of Schedule 1 to the Pollution Prevention and Control Act 1999 (the 1999 Act) and all other powers enabling them to do so. It is not subject to parliamentary procedure.

#### Policy Objective

Section 2 of the Pollution Prevention and Control Act 1999 contains a power for the Scottish Ministers, by regulations, to make provision for any of the purposes listed in Part I of Schedule 1 to that Act, supplemented by Part II of the Schedule. That power has been exercised in making the Pollution Prevention and Control (Scotland) Regulations 2000 (SSI 2000/323) and subsequent regulations amending them.

Paragraph 20 of Schedule 1 provides that the purposes for which the section 2 power can be exercised include “Making provision which, subject to any modifications that the [Scottish Ministers consider] appropriate, corresponds or is similar to...any provision made, or capable of being made, under section 2(2) of the European Communities Act 1972 in connection with one of the relevant directives.”

“the relevant directives” means—

- (a) Council Directive 96/61/EC concerning integrated pollution prevention and control;
- (b) Council Directive 75/442/EC on waste, as amended; and
- (c) any other directive of the Council of the European Communities designated by [the Scottish Ministers] for the purposes of this paragraph by order made by statutory instrument.

This power to designate other directives has been exercised a number of times in relation to Scotland, the most recent of which is the Pollution Prevention and Control (Designation of Classification of Substances and Mixtures Directive)(Scotland) Order 2010 (SSI 2010/235).

The Industrial Emissions Directive (Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control)) will replace the current pollution prevention, combustion plants, waste incineration, titanium dioxide and solvent emissions directives with a single recast directive.

The Scottish Government intend to use the power in section 2 of the 1999 Act to implement the requirements of the Industrial Emissions Directive. This Order is a necessary precursor to the use of that power.

## **Consultation**

No consultation has taken place on this Order, as it has no direct effects. Consultation will take place, as usual, on Regulations to implement the Industrial Emissions Directive.

## **Impact Assessments**

No impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.

## **Financial Effects**

The Order has no financial effects.

Scottish Government  
Rural & Environment Directorate  
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