

POLICY NOTE

THE POLLUTION PREVENTION AND CONTROL (DESIGNATION OF ENERGY EFFICIENCY DIRECTIVE) (SCOTLAND) ORDER 2013

SSI 2013/321

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 2012 (SSI 2012/360).

Paragraph 20 of Schedule 1 provides that the purposes for which the section 2 power can be exercised include making provision in connection with a directive designated by Order for the purposes of that paragraph.

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 Industrial Emissions Directive) (Scotland) Order 2011 (SSI 2011/423).

Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency (“The Energy Efficiency Directive”) establishes a common framework of measures, and lays down rules designed amongst other things to drive improvements in energy efficiency in industry.

The Scottish Government intend to use the power in section 2 of the 1999 Act to implement Article 14 (paragraphs (5) to (8)) of the Energy Efficiency Directive, which provides for a cost-benefit analysis to be carried in relation to measures for promoting efficiency in heating and cooling when certain new or refurbished installations are permitted.

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 Energy Efficiency Directive.

The requirement is for Article 14 to be transposed by 5 June 2014 and, as such, the designation of the Directive should precede any use of the power in the 1999 Act that depends on it.

Impact Assessment

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

Financial Effects

This Order has no financial effects.

Scottish Government
Directorate for Environment and Forestry
Environmental Quality Division
1 November 2013