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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 391**

**The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018**

**PART 2**

Amendments to legislation concerning environmental protection

**The Air Quality Standards (Scotland) Regulations 2010**

2. In regulation 18(4) (duties in relation to target values) of the Air Quality Standards (Scotland) Regulations 2010(1), for “[Directive 2008/1/EC](#) of the European Parliament and of the Council concerning integrated pollution prevention and control” substitute “the Pollution Prevention and Control (Scotland) Regulations 2012(2)”.

**The Pollution Prevention and Control (Scotland) Regulations 2012**

3.—(1) The Pollution Prevention and Control (Scotland) Regulations 2012 are amended as follows.

(2) In regulation 26 (schedule 1 conditions: large combustion plants)—

- (a) the existing text becomes paragraph (1), and
- (b) after paragraph (1), insert—

“(2) When interpreting the Industrial Emissions Directive for the purposes of this regulation, “small isolated system” means any system with consumption of less than 3000 gigawatt hours in the year 1996, where less than 5% of annual consumption is obtained through interconnection with other systems.”.

(3) In regulation 32 (schedule 1 conditions: volatile organic compounds)—

- (a) in paragraph (1)(a) after “service stations” insert “(as last amended by Decision (EU) 2018/853(3))”, and
- (b) after paragraph (2) insert—

“(3) When interpreting [Directive 94/63/EC](#) of the European Parliament and Council on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(4) for the purposes of this regulation, Article 2(k) is to be read as if the reference to Chapter 1 of Council [Directive 82/714/EEC](#) laying down technical requirements for inland waterway vessels(5) were a reference to Article 3(c), as read with Article 2, of Directive (EU) 2016/1629 of the

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(1) [S.S.I. 2010/204](#).

(2) [S.S.I. 2012/360](#), to which there are amendments not relevant to these Regulations.

(3) OJ L 150, 14.6.2018, p.155.

(4) OJ L 365, 31.12.1994, p.24, as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1), Regulation (EC) No 1137/2008 (OJ L 311, 21.11.2008, p.1), [Directive 2009/126/EC](#) (285, 31.10.2009, p.36) and Decision (EU) 2018/853 (OJ L 150, 14.6.2018, p.155).

(5) OJ L 301, 28.10.1982, p.1. Chapter 1 refers to Chapter 1 of Annex II.

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European Parliament and of the Council laying down technical requirements for inland waterway vessels, amending [Directive 2009/100/EC](#) and repealing [Directive 2006/87/EC](#)(6).”.

(4) In paragraph 7 of schedule 2 (solvent emissions: SEPA functions)—

- (a) the existing text becomes sub-paragraph (1), and
- (b) after sub-paragraph (1) insert—

“(2) When interpreting the Industrial Emissions Directive for the purposes of this paragraph, Article 5 of the Industrial Emissions Directive is to be read as if a reference to a numbered Article of Council [Directive 85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment(7) were a reference to the same numbered Article of [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment(8), as last amended by [Directive 2014/52/EU](#) of the European Parliament and of the Council(9).”.

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(6) OJ L 252, 16.09.2016, p.118.

(7) OJ L 175, 5.7.1985, p.40.

(8) OJ L 26, 28.1.2012, p.1.

(9) OJ L 124, 25.4.2014, p.1.