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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 2 of the Pollution Prevention and Control Act 1999 (1999 c. 24). They implement in England and Wales the provisions of European Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (the Directive).

The Directive requires all installations carrying out activities listed in Annex I of the Directive above the thresholds in Annex IIA of the Directive to comply with certain emission limit values (SED installations).

The majority of SED installations are already regulated under either the Pollution Prevention and Control Regulations 2000 (S.I.2000/1973) (the 2000 Regulations) or Part I of the Environmental Protection Act 1990 (1990 c. 43) (the 1990 Act). These Regulations use the existing pollution control regime set out under the 2000 Regulations to deliver the requirements of the Directive. As a result, these Regulations adjust the transitional provisions under the 2000 Regulations to align them with the requirements of the Directive.

Regulations 3 to 7 deal with transitional amendments to incorporate the requirements of the Directive into the existing pollution control regime under the 2000 Regulations.

Regulation 3 deals with applications for variations of conditions of existing permits or authorisations granted under the 2000 Regulations or the 1990 Act for installations which contain new or existing SED installations with the purpose of incorporating the Directive requirements into the permit or authorisation.

Regulation 4 sets out transitional provisions dealing with extensions of existing permits under the 2000 Regulations covering part of an SED installation with the purpose of extending the scope of the permit to incorporate the whole of the SED installation.

Regulation 5 enables the operator to make supplementary applications modifying applications made under regulation 10 of the 2000 Regulations in the situations specified in paragraphs (1)(a) to (c) of regulation 5.

Regulation 6 sets out the duties of operators wishing to operate an SED installation in accordance with the requirements of a reduction scheme as defined in regulation 2 of the 2000 Regulations as amended by these Regulations.

Regulation 7 specifies the duration of the transitional arrangements set out in regulations 3 to 6 to these Regulations.

Regulation 8 makes amendments to the 2000 Regulations to incorporate the requirements of the Directive. Regulation 8(6) inserts a new regulation 12A into the 2000 Regulations requiring permits authorising the operation of an SED installation to include such conditions as the regulator considers necessary to give effect to the provisions of the Solvent Emissions Directive. Regulation 8(9) and Schedule 1 to these Regulations add a new Section 7 to Schedule 1 to the 2000 Regulations. The new Section 7 provides for activities listed in the table when operated above solvent consumption thresholds for that activity to be Part B activities. Regulation 8(10) amends the transitional arrangements in Schedule 3 to the 2000 Regulations and inserts new Parts 3 and 4 to that Schedule as set out in Schedule 2 to these Regulations.

These Regulations extend to England and Wales.

**Status:** *This is the original version (as it was originally made).*

A regulatory impact assessment has been prepared and copies can be obtained from AEQ Division, Department for Environment, Food and Rural affairs, Zone 4/H11, Ashdown House, 123 Victoria Street, London SW1E 6DE.