
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 138

**The Environment and Trade in Animals
and Related Products (EU Exit) (Scotland)
(Miscellaneous Amendment) Regulations 2022**

PART 4

Amendments to legislation concerning environmental protection

Amendment of the Environmental Noise (Scotland) Regulations 2006

8.—(1) The Environmental Noise (Scotland) Regulations 2006⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 20 (co-operation with external competent authorities)—

(a) in paragraph (1)—

(i) omit “or” at the end of sub-paragraph (a),

(ii) omit sub-paragraph (b),

(b) for paragraph (2) substitute—

“(2) In this Part, “external competent authority” means a competent authority specified in relation to England, Northern Ireland or Wales in accordance with—

(a) the Environmental Noise (England) Regulations 2006⁽²⁾,

(b) the Environmental Noise Regulations (Northern Ireland) 2006⁽³⁾, or

(c) the Environmental Noise (Wales) Regulations 2006⁽⁴⁾.”.

(3) In regulation 24(4)(b) (powers of the Scottish Ministers)—

(a) omit “or” at the end of head (i),

(b) omit head (ii).

(4) For paragraph 2(2) of schedule 1 (general requirements for strategic noise maps) substitute—

“(2) In applying sub-paragraph (1)(a)—

(a) any reference in Annex IV to the Directive to—

(i) Article 8 of the Directive is to be read as a reference to regulations 13, 15 and 17 of these Regulations,

(ii) Article 9 of the Directive is to be read as a reference to regulation 26 of these Regulations,

(1) S.S.I. 2006/465, as amended by S.S.I. 2018/342.

(2) S.I. 2006/2238.

(3) S.R. (NI) 2006 No. 387.

(4) S.I. 2006/2629 (W. 225).

- (b) in paragraph 4 of Annex IV to the Directive, the words “the provision of the data to be sent to the Commission in accordance with Article 10(2) and Annex VI” are to be disregarded, and
- (c) paragraph 5 of Annex IV to the Directive is to be disregarded.”.

Air Quality Standards (Scotland) Regulations 2010

9.—(1) The Air Quality Standards (Scotland) Regulations 2010⁽⁵⁾ are amended in accordance with paragraphs (2) to (8).

- (2) In regulation 2 (definitions) in the definition of—
 - (a) “[Directive 2004/107/EC](#)”, after “air” insert “(but see regulation 2A)”,
 - (b) “[Directive 2008/50/EC](#)”, after “Europe” insert “(but see regulation 2A)”.
- (3) After regulation 2 (definitions) insert—

“Interpretation

2A.—(1) When interpreting [Directive 2004/107/EC](#) for the purposes of these Regulations—

- (a) in Annex 2, in Section 2, the second paragraph is to be read as if for “Member States” there were substituted “the Scottish Ministers”,
- (b) in Annex 3, in Section 4, paragraph (b), for “BAT as defined by Article 2(11) of [Directive 96/61/EC](#)” there is substituted “best available techniques (as defined in regulation 4 of the Pollution Prevention and Control (Scotland) Regulations 2012⁽⁶⁾)”,
- (c) in Annex 4, in Section 1, the fourth and fifth paragraphs following the table are to be read as if for “Member States” in each place where the words occur, there were substituted “The Scottish Ministers”,
- (d) Annex 5 is to be read as if—
 - (i) in Sections 1, 2 and 3, in the second paragraph of each —
 - (aa) for “A Member State” there were substituted “The Scottish Ministers”,
 - (bb) for “it” there were substituted “they”,
 - (ii) in Section 2, in the first paragraph, for “Member States are allowed to” there were substituted “the Scottish Ministers may”,
 - (iii) Section 5 were omitted.
- (2) When interpreting [Directive 2008/50/EC](#) for the purposes of these Regulations—
 - (a) Article 3(f) is to be read as if for “other Member States” there were substituted “Member States”,
 - (b) in Annex 1, in section A, footnote (1) is to be read as if—
 - (i) for “Member States” there were substituted “the Scottish Ministers”,
 - (ii) the words “to the Commission” were omitted,
 - (c) in Annex 1, section C is to be read as if—

⁽⁵⁾ S.S.I. 2010/204, as amended by S.S.I. 2016/376, S.S.I. 2017/446 and S.S.I. 2018/391.

⁽⁶⁾ S.S.I. 2012/360.

- (i) in paragraph 1, for “appropriate competent authorities and bodies designated pursuant to Article 3” there were substituted “Scottish Ministers”,
- (ii) in subparagraph (i)—
 - (aa) the words “pursuant to Articles 6 and 9” were omitted,
 - (bb) for “set out in the harmonised standard for testing and calibration laboratories” there were substituted “of the ISO/IEC standard 17025”(7),
- (iii) in subparagraph (iii), the words from “and that institutions” to the end were omitted,
- (iv) in subparagraph (iv)—
 - (aa) for the first sentence there were substituted “that the National Reference Laboratories are appointed by the Scottish Ministers and are accredited for the reference methods referred to in Annex 6, at least for those pollutants for which concentrations are above the lower assessment threshold, according to the ISO/IEC standard 17025”,
 - (bb) in the second sentence, the words from “for the coordination” to “be responsible” were omitted,
 - (cc) in the third sentence, for the words “relevant harmonised standard for proficiency testing” there were substituted “ISO/IEC standard 17043”(8),
- (v) subparagraphs (v) and (vi) were omitted,
- (vi) in paragraph 2, for “All reported data under Article 27” there were substituted “All data”,
- (d) in Annex 2, in Section B, the second paragraph is to be read as if for “Member States” there were substituted “the Scottish Ministers”,
- (e) in Annex 3—
 - (i) in Section A, paragraph (2)(b) is to be read as if the words “in accordance with Article 2(1),” were omitted,
 - (ii) in Section B, paragraph 2 is to be read as if for “A Member State” there were substituted “The Scottish Ministers”,
 - (iii) Section D is to be read as if the last sentence were omitted,
- (f) in Annex 5, in Section A, footnotes (1) and (2) to the table are to be read as if for “a Member State” in each place, there were substituted “the United Kingdom”,
- (g) in Annex 6, Section B is to be read as if—
 - (i) in paragraph 1—
 - (aa) for “A Member State” there were substituted “The Scottish Ministers”,
 - (bb) for “it” there were substituted “they”,
 - (cc) for “Member State concerned” there were substituted “Scottish Ministers”,

(7) ISO standards are published in Geneva by the International Organisation for Standardisation, and are available on their website (www.iso.org) or at ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue de Varembe, Case postale 56, CH-1211, Geneva 20, Switzerland. ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories was published in November 2017.

(8) ISO/IEC 17043 General requirements for the competence of providers of proficiency testing schemes was published in February 2010.

- (ii) paragraphs 2, 3 and 4 were omitted,
 - (h) in Annex 8, in Section A, the paragraph after the table is to be read as if after the words “in the Community” there were inserted “in so far as it forms part of retained EU law”.”.
- (4) For regulation 17(3) (duties in relation to limit values) substitute—
- “(3) Where the Scottish Ministers consider that a limit value set out in Schedule 2 has been exceeded for a reason attributable to natural sources, that limit value will not be considered to be exceeded for the purposes of these Regulations.
- (4) Where the Scottish Ministers consider that a limit value has been exceeded for a reason attributable to natural sources in accordance with paragraph (3), the Scottish Ministers must publish information, for the relevant zones and agglomerations, demonstrating that the exceedances are attributable to natural sources.”.
- (5) In regulation 18(5) (duties in relation to target values), for “programme prepared pursuant to Article 6 of [Directive 2001/81/EC](#) on national emission ceilings for certain atmospheric pollutants” substitute “national air pollution control programme drawn up in accordance with regulation 9 of the National Emission Ceilings Regulations 2018⁽⁹⁾”.
- (6) In regulation 19 (date of application for limit values and target values in regulations 17 and 18), omit paragraphs (2) and (3).
- (7) In regulation 24 (air quality plans)—
- (a) in paragraph (2), omit “, in accordance with Article 21 of [Directive 2008/50/EC](#),”,
 - (b) for paragraph (7) substitute—
- “(7) Wherever possible, air quality plans must be consistent with—
- (a) a national air pollution control programme drawn up in accordance with regulation 9 of the National Emission Ceilings Regulations 2018,
 - (b) an action plan drawn up in accordance with Part 3 of the Environmental Noise (Scotland) Regulations 2006⁽¹⁰⁾.”.
- (8) In regulation 27(3) (public information), for “Council [Directive 2007/2/EC](#) on establishing an infrastructure for spatial information in the European Community (INSPIRE)” substitute “the INSPIRE (Scotland) Regulations 2009⁽¹¹⁾”.

⁽⁹⁾ S.I. 2018/129.

⁽¹⁰⁾ S.S.I. 2006/465, as amended by S.S.I. 2018/342.

⁽¹¹⁾ S.S.I. 2009/440, as amended by S.S.I. 2012/284 and S.S.I. 2019/103.