

*Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union
(Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2021 No. XXXX

ENVIRONMENTAL PROTECTION

The Air Quality (Legislative Functions)
(Amendment) Regulations 2021

Made - - - - *******
Coming into force - - *******

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(1) (“the 2018 Act”).

A draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament pursuant to paragraph 1(1) of Schedule 7 to the 2018 Act.

Citation and commencement

1. These Regulations may be cited as the Air Quality (Legislative Functions) (Amendment) Regulations 2021 and come into force 21 days after the day on which they are made.

Amendment of Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register

2.—(1) Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register(2) is amended as follows.

(2) For Article 8(3) substitute—

“(3) Where it determines that no data on the releases from diffuse sources exist the appropriate authority may, by regulations, make provision for the purpose of this Regulation regarding reporting on releases of relevant pollutants from one or more diffuse sources using, where appropriate, internationally approved methodologies.”.

(3) For Article 18 substitute—

(1) 2018 c. 16. Paragraph 21(b) of Schedule 7 was amended by section 41(4) of, and paragraphs 38 and 53(2) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(2) EUR 2006/166, last amended by S.I. 2018/1407 and 2019/473. S.I. 2018/1407 was amended by S.I. 2020/1313 before it came into force.

“Article 18

Amendment of Annex 2

The Secretary of State may, by regulations, amend Annex 2 for the following purposes—

- (a) to adapt it to scientific or technical progress;
- (b) to adapt it as a result of the adoption by the Meeting of the Parties to the Protocol of any amendment to the Annexes to the Protocol.”

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16), in order to address failures to operate effectively and other deficiencies (in particular under section 8(2)(b), (ea) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends retained direct EU legislation, namely Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register. The amendments ensure that certain provisions of that Regulation are re-stated to ensure that they are clearer and more accessible. This is necessary because Regulation (EC) No 166/2006 was amended at an EU level after amendments made by the Environment and Wildlife (Legislative Functions) (EU Exit) Regulation 2019 (S.I. 2019/473) were made. The amendments provide for functions of a legislative character previously exercised by EU entities under that Regulation instead to be exercisable by a public authority in the United Kingdom.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.