
STATUTORY INSTRUMENTS

2018 No. 1407

The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018

PART 2

Amendment and revocation of retained direct EU legislation

Decision 2018/1135/EU establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions

22.—(1) Decision 2018/1135 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions is amended as follows.

(2) In Article 1—

(a) in the first and second paragraph—

(i) at both places it occurs, for “Member States” substitute “appropriate authorities”;

(ii) at both places it occurs, for “make available to the Commission” substitute “prepare”;

(iii) omit the third paragraph.

(3) In Article 2—

(a) in the first and second paragraph, at each place that it occurs, for “submitted” substitute “prepared”;

[^{F1}(b) in the third paragraph, from the words from “is addressed to” to the end substitute “does not apply to any activity that comes within the scope of a NI Protocol obligation.”]

(4) After Article 2, insert—

“Article 3

1. An appropriate authority may publish a summary of the information prepared in accordance with this Decision in such manner as the appropriate authority considers appropriate including by indicating where that information is already publicly available.

2. Where a competent authority holds information covered by this Decision, it must provide it promptly to the relevant appropriate authority so that the appropriate authority can meet its obligations to prepare that information.

3. For the purpose of this Decision a reference to a provision of a Directive is to be read as a reference to that provision in so far as it has been transposed into the law of any part of the United Kingdom.

4. In this Decision—

“appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“competent authority” means the national authority or authorities, or any other competent body or bodies, designated by the appropriate authority.

[^{F2}“NI Protocol obligation” means any obligation created or arising under Article 9 of, and Annex 4 to, the Northern Ireland Protocol as regards [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions, whether or not it is an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;

“Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”].

(5) In Annex 1, omit the indent marked “Note:” immediately below the subheading.

F1 Reg. 22(3)(b) substituted (31.12.2020 immediately before IP completion day) by [The Air Quality \(Amendment\) \(Northern Ireland Protocol\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1352\)](#), regs. 1, **2(3)(a)**

F2 Words in reg. 22(4) inserted (31.12.2020 immediately before IP completion day) by [The Air Quality \(Amendment\) \(Northern Ireland Protocol\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1352\)](#), regs. 1, **2(3)(b)**

Commencement Information

II Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018, Section 22.