
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 2004/279/EC concerning guidance for implementation of Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air

3.—(1) [Decision 2004/279/EC](#) concerning guidance for implementation of [Directive 2002/3/EC](#) of the European Parliament and of the Council relating to ozone in ambient air is amended as follows.

(2) In Article 1—

(a) in paragraph 1—

- (i) from the words “The guidance with” to “shall be as” substitute “Appropriate authorities must have regard to the guidance”;
- (ii) after “this Decision” insert “, in so far as relevant to the area in question”;

(b) in paragraph 2—

- (i) for “Member States shall” substitute “an appropriate authority must”;
- (ii) omit “in accordance with Article 7(3) of [Directive 2002/3/EC](#)”;

(c) in paragraph 3—

- (i) at the beginning insert “When developing and implementing a short-term action plan, an appropriate authority must consider”;
- (ii) omit the words from “accordance with Article” to “set out in”.

(3) For Article 2, substitute—

“**2.**—(1) 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;

“short-term action plan” means—

- (a) in relation to England, a plan drawn up in accordance with regulation 27(3) of the Air Quality Standards Regulations 2010⁽¹⁾;

⁽¹⁾ [S.I. 2010/1001](#), to which there are amendments not relevant to these Regulations.

- (b) in relation to Wales, a plan drawn up in accordance with regulation 21(3) of the Air Quality Standards (Wales) Regulations 2010(2);
 - (c) in relation to Scotland, a plan drawn up in accordance with regulation 25(3) of the Air Quality Standards (Scotland) Regulations 2010(3);
 - (d) in relation to Northern Ireland, a plan drawn up in accordance with regulation 26(3) of the Air Quality Standards Regulations (Northern Ireland) 2010(4).”.
- (4) In Annex 1—
- (a) in the heading—
 - (i) omit “BY MEMBER STATES”;
 - (ii) omit “IN ACCORDANCE WITH ARTICLE 7 OF DIRECTIVE 2002/3/EC”;
 - (b) omit the first paragraph that begins “Article 7 of Directive”;
 - (c) in the second paragraph, omit “With regard to EU long-term policy”;
 - (d) in paragraph 3 (Short-term versus long-term measures), omit from “all over the EU” to the end of that sub-paragraph.
- (5) In Annex 3—
- (a) in the heading, omit “ACCORDING TO ARTICLE 9(3) OF DIRECTIVE 2002/3/EC”;
 - (b) in the first paragraph—
 - (i) for “Member States” substitute “Appropriate authorities”;
 - (ii) omit “by Article 9(3) of Directive 2002/3/EC”;
 - (iii) omit the second sentence;
 - (iv) in the third sentence—
 - (aa) omit “Annex VI of Directive 2002/3/EC further states that”;
 - (bb) omit “such”;
 - (c) in point 1.1 (Recommendations for the location of the mandatory measuring station), for “Each Member State” substitute “Appropriate authorities”.

(2) S.I. 2010/1433 (W.126), to which there are amendments not relevant to these Regulations.

(3) S.S.I. 2010/204, to which there are amendments not relevant to these Regulations.

(4) S.R. 2010 No. 188, to which there are amendments not relevant to these Regulations.