
STATUTORY INSTRUMENTS

2019 No. 74

The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019

PART 3

Amendment of secondary legislation under the European Union (Withdrawal) Act 2018

Amendment of the Air Quality Standards Regulations 2010

- 4.**—(1) The Air Quality Standards Regulations 2010 are amended as follows.
(2) After regulation 2 insert the following—

“Interpretation

- 2A.**—(1) 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—
 - (i) in section A, footnote (1) is to be read as if—
 - (aa) for “Member States” there were substituted “the Secretary of State”;
 - (bb) for “they” there were substituted “the Secretary of State”;
 - (cc) the words “to the Commission” were omitted;
 - (ii) section C is to be read as if—
 - (aa) at each place it occurs, a reference to “harmonised” there were substituted a reference to “designated”;
 - (bb) in paragraph 1, for “appropriate competent authorities and bodies designated pursuant to Article 3” there were substituted “the Secretary of State”;
 - (cc) in point (i), the words “pursuant to Articles 6 and 9” were omitted;
 - (dd) in point (iii), the words from “and that institutions” to the end of that point were omitted;
 - (ee) in point (iv), in the first sentence, the words from “by the appropriate” to “Article 3” were omitted;
 - (ff) in point (iv), in the first sentence, the words from “the reference to” to “the European Union” were omitted;
 - (gg) in point (iv), the second sentence, the words from “for the coordination” to “be responsible” were omitted;
 - (hh) points (v) and (vi) were omitted;

- (ii) in paragraph 2 for “All reported data under Article 27” there were substituted “all data”;
 - (c) in Annex 2, in section B, the second paragraph is to be read as if for “Member States” there were substituted “the Secretary of State”;
 - (d) in Annex 3, in section A, paragraph 2(b) is to be read as if the words “In accordance with Article 2(1)” were omitted;
 - (e) in Annex 5, in section A, footnotes (1) and (2) are to be read as if for “Member State”, in each place where the words occur, there were substituted “the United Kingdom”;
 - (f) in Annex 6, section B is to be read as if—
 - (i) in point 1—
 - (aa) for “A Member State” there were substituted “the Secretary of State”;
 - (bb) for “it” there were substituted “the Secretary of State”;
 - (cc) for “the Member State concerned” there were substituted “the Secretary of State”;
 - (ii) points 2, 3 and 4 were omitted;
 - (g) 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”.
- (2) When interpreting [Directive 2004/107/EC](#) for the purposes of these Regulations—
- (a) in Annex 2, in section 2 (determination of exceedances of upper and lower assessment thresholds), the second paragraph is to be read as if for “Member States” there were substituted “the Secretary of State”;
 - (b) in Annex 3, in section 4, point (b) is to be read as if the words “as defined by Article 2(11) of [Directive 96/61/EC](#)” were omitted;
 - (b) in Annex 4—
 - (i) in section I (data quality objectives), the fifth and sixth paragraphs are to be read as if—
 - (aa) for “Member State”, in each place where the words occur, there were substituted “the Secretary of State”;
 - (bb) for “they”, in each place where the words occur, there were substituted “the Secretary of State”;
 - (c) Annex 5 is to be read as if—
 - (i) in section 1 (reference method for the sampling and analysis of arsenic, cadmium and nickel in ambient air), in the second paragraph, for “A Member State” there were substituted “The Secretary of State”;
 - (ii) in section 2 (reference method for the sampling and analysis of polycyclic aromatic hydrocarbons in ambient air)—
 - (aa) in the first paragraph, for “Member States are allowed to” there were substituted “the Secretary of State may”;
 - (bb) in the second paragraph, for “A Member State” there were substituted “The Secretary of State”;
 - (iii) in section 3 (reference method for the sampling and analysis of mercury in ambient air), in the second paragraph, for “A Member State” there were substituted “The Secretary of State”;

- (iv) section 5 were omitted.”.
- (3) For regulation 17(3) substitute—
- “**(3)** Where the Secretary of State considers that a limit value 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 Secretary of State considers that a limit value has been exceeded for a reason attributable to natural sources in accordance with paragraph (3), the Secretary of State must publish information, for the relevant zones and agglomerations, demonstrating that the exceedances are attributable to natural sources.”.
- (4) In regulation 18(4), for “**Directive 2008/1/EC** of the European Parliament and of the Council concerning integrated pollution prevention and control” substitute “the Environmental Permitting (England and Wales) Regulations 2016**(1)**”.
- (5) In regulation 26—
- (a) in paragraph (1A), omit “, in accordance with Article 21 of **Directive 2008/50/EC**,”.
- (b) in paragraph (5), for the words from “other plans drawn” to the end substitute “relevant environmental plans”.
- (c) after paragraph (7), insert—
- “**(8)** In paragraph (5) “relevant environmental plans” means—
- (a) the Transitional National Plan, which has the meaning given in regulation 2(1) of the Large Combustion Plants (Transitional National Plan) Regulations 2015**(2)**;
- (b) a national air pollution control programme drawn up in accordance with regulation 9 of the National Emission Ceilings Regulations 2018**(3)**;
- (c) an action plan drawn up in accordance with Part 4 of the Environmental Noise (England) Regulations 2006**(4)**.”.
- (6) In regulation 29(3) —
- (a) after “comprehensible manner” insert “, including the applicable methodology in relation to that information where appropriate,”;
- (b) after “the European Community” insert “in so far as it has been transposed into the law that applies in England”.
- (7) In regulation 31(1), for the words from “of the United” to “the member States” substitute “under these Regulations or under Commission **Decision 2011/850/EC** as regards the reciprocal exchange of information and reporting on ambient air quality”.
- (8) In regulation 32—
- (a) in paragraph (1)—
- (i) after “within any part of” insert “the United Kingdom or”;
- (ii) for “any other member State” substitute “any other part of those territories”;
- (b) in paragraph (3)—
- (i) in sub-paragraph (c), for “another” substitute “a”;
- (ii) after “consult the relevant” insert “administration and may consult the relevant”;
- (c) in paragraph (4), for “another” substitute “a”;

(1) [S.I. 2016/1154](#), to which there are amendments not relevant to these Regulations.

(2) [S.I. 2015/1973](#), to which there are amendments not relevant to these Regulations.

(3) [S.I. 2018/129](#).

(4) [S.I. 2006/2238](#), relevant amending instrument [S.I. 2009/1610](#).

- (d) in paragraph (5)—
 - (i) in sub-paragraph (b), for “any relevant neighbouring member State.” substitute “any other relevant administration;”;
 - (ii) after sub-paragraph (b) insert—
 - “(c) the Secretary of State may provide information provided under this paragraph to any member State as is considered appropriate.”.

Amendment of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

5. In regulation 3(2) of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012⁽⁵⁾, for the words from “in a country” to “the European Union” substitute “outside the United Kingdom”.

Amendment of the National Emission Ceilings Regulations 2018

6. After regulation 2(3) of the National Emission Ceilings Regulations 2018⁽⁶⁾ insert—
- “(4) When interpreting the Directive for the purposes of these Regulations—
 - (a) in Annex 3, Part 2 is to be read as if for “Member States”, in each place where the words occur, there were substituted “the Secretary of State”;
 - (b) in Annex 4, Part 1 is to be read as if—
 - (i) for “Member States”, in each place where the words occur, there were substituted “the Secretary of State”;
 - (ii) “in the Member State concerned” and “in the Member State” were omitted.”.

⁽⁵⁾ S.I. 2012/1715, to which there are amendments not relevant to these Regulations.

⁽⁶⁾ S.I. 2018/129.