

2019 No. 1417

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2019

Made - - - - *29th October 2019*

Coming into force in accordance with article 1(1)

The Secretary of State and the Welsh Ministers make this Order in exercise of the powers conferred by section 7(9)(a) of, and paragraph 20(2)(c) of Schedule 1 to, the Pollution Prevention and Control Act 1999(a).

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Pollution Prevention and Control (Designation of Directives) (England and Wales) Order 2019 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

(3) This Order applies in relation to—

- (a) England and the sea adjacent to England out as far as the seaward boundary of the territorial sea; and
- (b) Wales, within the meaning given by section 158 of the Government of Wales Act 2006(b).

(4) For the purpose of paragraph (3)(a), the sea adjacent to England is so much of the sea adjacent to Great Britain as—

- (a) is not the sea adjacent to Scotland; and
- (b) does not form part of Wales.

(5) In paragraph (4)(a), the sea adjacent to Scotland has the same meaning as the internal waters and territorial sea of the United Kingdom adjacent to Scotland has by virtue of section 126(2) of the Scotland Act 1998(c).

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- (a) 1999 c.24; paragraph 20(2)(c) was amended by S.I. 2018/942. Functions of the Secretary of State under this paragraph, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales (except in relation to offshore oil and gas exploration and exploitation) by virtue of article 3 of S.I. 2005/1958. Those functions were then transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
 - (b) 2006 c.32. Section 158(1) defines “Wales” as including the sea adjacent to Wales out as far as the seaward boundary of the territorial sea. Section 158(3) (as substituted by section 43(3) of the Marine and Coastal Access Act 2009 (c.23)) makes provision for the determination of any boundary between waters which are to be treated as parts of the sea adjacent to Wales and those which are not. The boundary between the sea adjacent to Wales and that adjacent to England is partly determined by article 6 of, and Schedule 3 to, S.I. 1999/672. By virtue of paragraph 26 of Schedule 11 to the Government of Wales Act 2006, S.I. 1999/672 continues to have effect.
 - (c) 1998 c.46. The boundaries between waters which are to be treated as internal waters or territorial sea of the United Kingdom adjacent to Scotland, and those which are not, are set out in S.I. 1999/1126.

Designation of Directives

2. The following Directives are designated as relevant directives for the purposes of paragraph 20(1)(b) of Schedule 1 to the Pollution Prevention and Control Act 1999—

- (a) Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos(**a**);
- (b) Council Directive 91/271/EEC concerning urban waste water treatment(**b**);
- (c) Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources(**c**);
- (d) European Parliament and Council Directive 94/62/EC on packaging and packaging waste(**d**);
- (e) European Parliament and Council Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(**e**);
- (f) Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)(**f**);
- (g) Council Directive 1999/31/EC on the landfill of waste(**g**);
- (h) Directive 2000/14/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors(**h**);
- (i) Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles(**i**);
- (j) Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(**j**);
- (k) Directive 2002/49/EC of the European Parliament and of the Council relating to the assessment and management of environmental noise(**k**);
- (l) Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment(**l**);
- (m) Directive 2004/35/CE of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage(**m**);

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- (a) OJ No L 85, 28.3.1987, p. 40, as last amended by Decision (EU) 2018/853 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 155).
 - (b) OJ No L 135, 30.5.1991, p. 40, as last amended by Council Directive 2013/64/EU (OJ No L 353, 28.12.2013, p. 8).
 - (c) OJ No L 375, 31.12.1991, p. 1, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p. 1).
 - (d) OJ No L 365, 31.12.1994, p. 10, as last amended by Directive (EU) 2018/852 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 141).
 - (e) OJ No L 365, 31.12.1994, p. 24, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).
 - (f) OJ No L 243, 24.9.1996, p. 31, as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council (OJ No L 188, 18.7.2009, p. 14).
 - (g) OJ No L 182, 16.7.1999, p. 1, as last amended by Directive (EU) 2018/850 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 100).
 - (h) OJ No L 162, 3.7.2000, p. 1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).
 - (i) OJ No L 269, 21.10.2000, p. 34, as last amended by Directive (EU) 2018/849 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 93).
 - (j) OJ No L 327, 22.12.2000, p. 1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p. 32).
 - (k) OJ No L 189, 18.7.2002, p. 12, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).
 - (l) OJ No L 156, 25.6.2003, p. 17, as last amended by Directive (EU) 2016/2284 of the European Parliament and of the Council (OJ No L 344, 17.12.2016, p. 1).
 - (m) OJ No L 143, 30.4.2004, p. 56, as last amended by Regulation (EU) 2019/1010 of the European Parliament and of the Council (OJ No L 170, 25.6.2019, p. 115).

- (n) Directive 2005/64/EC of the European Parliament and of the Council on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability**(a)**;
- (o) Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality**(b)**;
- (p) Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators**(c)**;
- (q) Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration**(d)**;
- (r) Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe**(e)**;
- (s) Directive 2008/98/EC of the European Parliament and of the Council on waste**(f)**;
- (t) Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy**(g)**;
- (u) Commission Directive 2009/90/EC laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status**(h)**;
- (v) Directive 2009/126/EC of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations**(i)**;
- (w) Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)**(j)**;
- (x) Commission Directive (EU) 2015/996 establishing common noise assessment methods according to Directive 2002/49/EC of the European Parliament and of the Council**(k)**;
- (y) Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants**(l)**;
- (z) Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment**(m)**.

29th October 2019

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

28th October 2019

Hannah Blythyn
Deputy Minister for Housing and Local Government, under authority of the
Minister for Housing and Local Government, one of the Welsh Ministers

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- (a) OJ No L 310, 25.11.2005, p. 10, as amended by Commission Directive 2009/1/EC (OJ No L 9, 14.1.2009, p. 31).
 - (b) OJ No L 64, 4.3.2006, p. 37, as last amended by Council Directive 2013/64/EU (OJ No L 353, 28.12.2013, p. 8).
 - (c) OJ No L 266, 26.9.2006, p. 1, as last amended by Directive (EU) 2018/849 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 93).
 - (d) OJ No L 372, 27.12.2006, p. 19, as amended by Commission Directive 2014/80/EU (OJ No L 182, 21.6.2014, p. 52).
 - (e) OJ No L 152, 11.6.2008, p. 1, as amended by Commission Directive (EU) 2015/1480 (OJ No L 226, 29.8.2015, p. 4).
 - (f) OJ No L 312, 22.11.2008, p. 3, as last amended by Directive (EU) 2018/851 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 109).
 - (g) OJ No L 348, 24.12.2008, p. 84, as amended by Directive 2013/39/EU of the European Parliament and of the Council (OJ No L 226, 24.8.2013, p. 1).
 - (h) OJ No L 201, 1.8.2009, p. 36.
 - (i) OJ No L 285, 31.10.2009, p. 36, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No L 198, 25.7.2019, p. 241).
 - (j) OJ No L 197, 24.7.2012, p. 38, as amended by Directive (EU) 2018/849 of the European Parliament and of the Council (OJ No L 150, 14.6.2018, p. 93).
 - (k) OJ No L 168, 1.7.2015, p. 1.
 - (l) OJ No L 344, 17.12.2016, p. 1.
 - (m) OJ No L 155, 12.6.2019, p. 1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates 26 European directives as relevant directives for the purposes of paragraph 20(1)(b) of Schedule 1 to the Pollution Prevention and Control Act 1999 (c.24). Designation allows regulations to be made under that Act which make provision corresponding or similar to any provision made, or capable of being made, under section 2(2) of the European Communities Act 1972 (c.68) in connection with that designated directive. The Directives being designated relate to waste, water quality, air quality, asbestos pollution, public participation in environmental plans and programmes, environmental liability (to prevent or remedy environmental damage), environmental noise and chemicals.

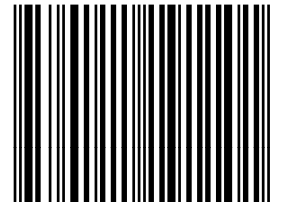
An impact assessment has not been produced for this instrument as no impact on the public, private or voluntary sectors is foreseen.

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