

TRANSPOSITION NOTE

Note showing how the main elements relating to permitting of the following Directives (as amended) (“the Directives”) have been retransposed in the Environmental Permitting Regulations (England and Wales) Regulations 2016 (“the Regulations”):

1. Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos (OJ No L 85, 28.3.1987, p 40) (“the Asbestos Directive”)¹;
2. 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 (OJ No L 365, 31.12.1994, p 24) (“PVR I”)²;
3. Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (OJ No L 159, 29.6.1996, p 1) (“the Basic Safety Standards Directive”)³;
4. Council Directive 1999/31/EC on the landfill of waste (OJ No L 182, 16.7.1999, p 1), as read with Council Decision 2003/33/EC (establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of, and Annex II to, Directive 1999/31/EC (OJ No L 11, 16.1.2003, p 27) (“the Landfill Directive”)⁴;
5. Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles (OJ No L 269, 21.10.2000, p 34) (“the End-of-Life Vehicles Directive”)⁵;
6. Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ No L 327, 22.12.2000, p 1) (“the Water Framework Directive”)⁶;
7. Directive 2003/122/Euratom of 21 Dec 2003 on the control of high-activity sealed radioactive sources and orphan sources (OJ No L 346, 31.12.2003, p 57) (“the HASS Directive”)⁷;
8. Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries (OJ No L 102, 11.4.2006, p 15) (“the Mining Waste Directive”)⁸;
9. Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste and accumulators and waste batteries and accumulators (OJ No L 266, 26.9.2006, p 1) (“the Batteries Directive”)⁹;

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995412188&uri=CELEX:31987L0217>

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995457792&uri=CELEX:31994L0063>

³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995500250&uri=CELEX:31996L0029>

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995574806&uri=CELEX:31999L0031>

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995609282&uri=CELEX:32000L0053>

⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995664831&uri=CELEX:32000L0060>

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995700242&uri=CELEX:32003L0122>

⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995744649&uri=CELEX:32006L0021>

⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995821759&uri=CELEX:32006L0066>

10. Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration (OJ No L 372, 27.12.2006, p 19) (“the Groundwater Daughter Directive”)¹⁰;
11. Directive 2008/98/EC of the European Parliament and of the Council on waste (OJ No L 312, 22.11.2008, p 3) (“the Waste Framework Directive”)¹¹;
12. 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 (OJ No L 285, 31.10.2009, p 36) (“PVR II”)¹²;
13. Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (recast) (OJ No L 334, 17.12.2010, p 17) (“the Industrial Emissions Directive”)¹³;
14. Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast) (OJ No L 197, 24.7.2012, p 38) (“the WEEE Directive”)¹⁴;
15. Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency (OJ No L 315, 14.11.2012, p 1) (“the Energy Efficiency Directive”)¹⁵.

Approach of the Regulations

All the Directives make provision in relation to pollution of the environment. The Regulations retranspose those elements of the Directives which must be transposed through permits and those which are capable of being transposed through permits.

The Regulations are a consolidating measure. They consolidate and replace the previous transpositions which were achieved through the Environmental Permitting Regulations (England and Wales) Regulations 2010 (S.I. 2010/675) (“the 2010 Regulations”) (in addition, in particular, to Part 2 of the Environmental Protection Act 1990 (c. 43)).

Parts 1 and 2 of the Regulations and Schedules 5 and 6 set up the core of a common procedural framework for transposition of the Directives. This framework mainly comprises provision on applying for permits and varying, transferring and surrendering them. It also includes the fundamental duty to hold a permit when carrying on an operation which falls within the scope of the Directives unless exempt (regulation 12 read with regulation 8). Part 4 of the Regulations provides for common enforcement of the Directive requirements that are transposed.

Most of the substantive requirements of the Directives are transposed by requiring regulators to ensure compliance when exercising their functions in relation to permits. These requirements on regulators are imposed in particular by regulation 35 and the provisions of Schedules 7 and 9 to 24.

¹⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995854290&uri=CELEX:32006L0118>

¹¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995892015&uri=CELEX:32008L0098>

¹² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995933125&uri=CELEX:32009L0126>

¹³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995965794&uri=CELEX:32010L0075>

¹⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460995995784&uri=CELEX:32012L0019>

¹⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1460996021846&uri=CELEX:32012L0027>

The Regulations contain some provision which is not required by European legislation. For example, regulation 35(2)(b) and Schedule 8 require regulators to exercise their functions so as to deliver domestic requirements.

The principal substantive requirements of the Directives are transposed in the Regulations as follows:

1. The Asbestos Directive (Directive 87/217/EEC)

Directive Article	Objective	Regulations provision
3	To reduce and prevent asbestos emissions to air and water, and solid asbestos waste	Schedule 16 para 3(1)(a)
4(1)	To limit discharges of asbestos to the air during use of asbestos	Schedule 16 para 3(1)(b)
5	To ensure recycling of aqueous effluent arising during manufacture of asbestos cement, paper and board	Schedule 16 para 3(1)(c)
6(1) and (2) and Annex	To ensure emissions of asbestos to air and water are monitored and measured	Schedule 16 para 3(1)(d) and 3(2)
8	To prevent release of asbestos into the environment during transport or at landfills	Schedule 16 para 3(1)(e)

European scrutiny: Defra does not hold the scrutiny details for this Directive.

2. PVR I (Directive 94/63/EC)

Directive Article	Objective	Regulations provision
3(1), first para, and Annex I	To set requirements for the design and operation of storage installations falling within the Directive	Schedule 18 Part 1 para 3(1)(a) and 3(2)(a)
4(1), first and last para, (3) and Annexes II and IV	To set requirements for the design and operation of loading and unloading equipment falling within the Directive	Schedule 18 Part 1 para 3(1)(b) and 3(2)(b)
6(1), first para, and Annex III	To set requirements for the design and operation of loading and storage equipment falling within the Directive	Schedule 18 para 3(1)(c)

European scrutiny: Defra does not hold scrutiny details for this Directive.

3. The Basic Safety Standards Directive (Directive 96/29/Euratom)

Directive Article	Objective	Regulations provision
3(1)	To require the reporting of certain practices involving radiation	Regulations 7, 8, 12(1)(a) and Schedule 23 Part 2 para 3 to 6 and 11
3(2) and Annex I	To exempt certain practices from reporting	Schedule 23 Part 6
4(1) and (2)	To require the authorisation of certain practices involving radiation	Regulations 7, 8, 12(1)(a) and Schedule 23 Part 2 para 3 to 6 and 11
4(3)	To exempt certain practices from the requirement for authorisation	Schedule 23 Part 6
5(1)	To set out requirements for authorisation of the disposal, recycling or reuse of radioactive material	Regulations 7, 8, 12(1)(a) and Schedule 23 Part 2 para 3 to 6 and 11
5(2) and Annex I	To exempt certain operations covered in article 5(1) from the requirement for authorisation ('clearance levels')	Schedule 23 Part 6 sections 5 to 8
6(3)	To set the general principle of 'optimisation' (as low as reasonably achievable)	Schedule 23 Part 4 para 1
7	To provide an obligation to use dose constraints for protecting the public from radiation	Schedule 23 Part 4 para 2(1)
13	To set dose limits for members of the public	Schedule 23 Part 4 para 1(b)
14	To require that the exposure of the population as a whole to radiation be as low as reasonably achievable	Schedule 23 Part 4 para 1(a)
15 and 16 and Annexes II and III	To provide a methodology for the estimation of the effective dose	Schedule 23 Part 4 para 2(2)
40 and 41	To provide an obligation to apply radiation protection in relation to work activities involving natural radiation	Regulations 7, 8, 12(1)(a) and Schedule 23 Part 2 para 2 to 4 and 11
45	To set out requirements for the estimation of population exposure doses	Schedule 23 Part 4 para 2(2)
47	To ensure that certain requirements in relation to health and environmental protection are fulfilled by the undertaking responsible for the practices	Schedule 23 Part 4 para 2(2)
53	To require that a system be in place for intervening in the case of potential lasting exposure; including the after-	Schedule 23 Part 4 para 3 and 4

	effects of a former practice	
--	------------------------------	--

European scrutiny history: Defra does not hold scrutiny details for this Directive.

4. The Landfill Directive (Directive 1999/31/EC)

Directive Article	Objective	Regulations provision
1	To set the overall objective of regulation	Schedule 10 para 5(2)
2	Definitions	Schedule 10 para 2(1)
4	To classify landfills	Schedule 10 para 5(1)(a)
5(3) and (4)	To set waste acceptance criteria for landfills	Schedule 10 para 5(1)(b)
6	To designate which wastes may be accepted in each class of landfill	Schedule 10 para 5(1)(c) and 6(a)
7	To impose requirements to be met in a permit application	Schedule 10 para 3
8 and Annexes	To set pre-conditions to the grant of a permit and commencement of landfill operation	Schedule 10 para 4, 5(1)(d) and 6(b) to (d)
9	To impose requirements in relation to the conditions of a permit	Schedule 10 para 5(1)(e)
10	To ensure landfill charges cover the costs of operation	Schedule 10 para 5(1)(f)
11(1)	To set waste acceptance procedures	Schedule 10 para 5(1)(g)
12	To set requirements for control and monitoring during operation	Schedule 10 para 5(1)(h)
13	To set requirements for closure and after-care	Schedule 10 para 5(1)(i), 10 and 11
14	To make transitional provision	Schedule 10 para 5(1)(j)

European scrutiny: EM 7161/99 of 26th March 1999 was considered by the Commons on 12th April 1999, and further information was requested. The Lords referred the EM to a sub-committee pending further information. SEM 7161/99 of 19th April 1999 was considered by the Commons and cleared on 21st April 1999. The Lords cleared the EM on 23rd April 1999.

Decision 2003/33/EC

Directive Article	Objective	Regulations provision
2 and Annex section 1	To set waste acceptance procedures at landfills	Schedule 10 para 5(3)(a) and 7(a) to (c)

3 and Annex section 2	To set waste acceptance criteria at landfills	Schedule 10 para 5(3)(b), 7(d) to (i), 8 and 9
4 and Annex section 3	To establish the sampling and testing methods to be used to determine waste acceptability at landfills	Schedule 10 para 5(3)(c)

5. The End-of-Life Vehicles Directive (Directive 2000/53/EC)

Note: most provisions of the End-of-Life Vehicles Directive continue to be transposed by the End-of-Life Vehicles Regulations 2003 (S.I. 2003/2635, amended by S.I. 2005/263) and the End-of-Life Vehicles (Producer Responsibility) Regulations 2005 (S.I. 2005/263).

Directive Article	Objective	Regulations provision
6(1) and (3) and Annex I	To set the minimum requirements for storage and treatment of waste motor vehicles falling within the Directive	Schedule 11 para 3(1)

European scrutiny history: EM14973/15, 14974/15, 14975/15 and 14976/15 were considered by the Commons as legally and politically important, they were not cleared from scrutiny and were recommended for debate in a sub-committee (Commons report no 16, 20th January 2016). In the Lords, they were sifted for examination to a sub-committee (Chairman's sift report 1606, 12th January 2016).

6. The Water Framework Directive (Directive 2000/60/EC)

Directive Article	Objective	Regulations provision
11(3)(f)	To control artificial recharge or augmentation of groundwater	Schedule 22 para 8(h)
11(3)(g)	To control point source discharges liable to cause pollution	Schedule 21 para 3
11(3)(j)	To provide a prohibition on direct discharge of pollutants to groundwater, except subject to specified requirements	Schedule 22 para 3(3)

European scrutiny history: Defra does not hold scrutiny details for this Directive.

7. The HASS Directive (Directive 2003/122/Euratom)

Directive Article	Objective	Regulations provision
1(2)	To apply Directive to high-activity sealed radioactive sources (HASS) and to exclude certain sources from the	Schedule 23 Part 5 para 1

	scope of the Directive	
2(a) (b) and (k)	To define expressions used in the Directive	Schedule 23 Part 5 para 1
3(1)	To require that holders of HASS have appropriate Authorisation	Regulations 7, 8, 12(1)(a) and Schedule 23 Part 2 para 3 to 6 and 11
3(2) and (3)	To ensure that before issuing authorisation adequate arrangements have been made for the safe management of HASS and adequate financial provision is made, and to ensure that the authorisation covers certain minimum requirements	Schedule 23 Part 5 para 5(1)(a)
4	To require Member States to set up a system to enable them to be adequately informed of individual transfers of HASS	Schedule 23 Part 5 para 5(1)(b)
5(1) and (2)	To require the holder to keep up-to-date records of HASS, their location and any transfers and provide them to the competent authority as required	Schedule 23 Part 5 para 5(1)(c)
5(3) and (4)	To require the competent authority to keep and update as necessary records of authorised holders and the HASS they hold	Schedule 23 Part 5 para 6(a)(i)
6	To require that the holder carries out suitable tests; periodically verifies the location and condition of HASS; has documented security measures; disposes of disused HASS properly and promptly; checks the status of recipients of transferred HASS; and notifies the competent authority of loss, theft, or unauthorised use of a HASS and of any unplanned exposure of workers or the public	Schedule 23 Part 5 para 5(1)(d)
7	To require that the manufacturer or supplier identifies each HASS by a unique number, gives it a hazard marking and provides accompanying written information and photographs relating to the design type	Schedule 23 Part 5 para 5(1)(e)
8(1)	To require that staff training and information covers safe management of HASS and possible consequences of loss of control	Schedule 23 Part 5 para 7
9(1)	To require competent authorities to have arrangements in place to deal with orphan source incidents	Schedule 23 Part 5 para 8(1)
9(2)	To require that Member States ensure technical advice and assistance is promptly available in suspected orphan source incidents	Schedule 23 Part 5 para 4
10	To require that Member States ensure a system is in place to fund the recovery of orphan sources	Schedule 23 Part 5 para 8(2)
12	To require that Member States establish a system of inspections	Schedule 23 Part 5 para 6(b)
13(1)	To require that Member States designate the competent	Regulation 32

	authority to carry out tasks in accordance with the Directive	
15	To require that Member States determine penalties which are effective, proportionate and dissuasive	Regulations 38 and 39
16(1)	To make provision in relation to HASS placed on the market before 31st December 2005 concerning information and hazard marking requirements	Schedule 23 Part 5 para 5(2)

European scrutiny history: Defra does not hold the scrutiny details for this Directive.

8. The Mining Waste Directive (Directive 2006/21/EC)

Directive Article	Objective	Regulations provision
2(1) and (2)	To define “extractive waste” and “mining waste operation” and to give effect to the exclusions	Regulation 2(1), Schedule 20 para 2
2(3)	To allow derogations from requirements	Schedule 20 para 9
3	To define meanings in relation to the Directive	Regulation 2(1), Schedule 20 para 2 and 12
4	To set the general requirements for the management of extractive waste	Schedule 20 para 7(b)
5	To set requirements for waste management plans	Regulations 8 and 12, Schedule 20 para 2, 3(3) and (4) and 7(c)
6	To set requirements in relation to emergency plans	Schedule 20 para 3(1)(b), 3(2), 7(d) and 14
7(1) and (2)	To ensure a permit is required to operate a mining waste regulated facility and to set out minimum requirements for permit applications	Regulations 8, 12 and 18, Schedule 20 para 3(1)(a) and 7(e)
7(3)(a)	To set the requirements in relation to operator’s compliance with requirements under the Directive	Schedule 20 para 7(e)
7(3)(b)	To set out requirements with respect to planning permission	Schedule 20 para 13 (1)
7(4)	To set out requirements for periodic review	Schedule 20 para 4
7(5)	To set out public register and confidentiality provisions	Regulations 45 to 56 and Schedule 26
8	To set out requirements for public participation	Regulation 46, Schedule 5 para 5, 6, 8 and 11, Schedule 20 para 8 and Schedule 26 para 1
9	To set out requirements for a classification system for waste facilities	Schedule 20 para 5 and 7(e)

10	To set out requirements relation to excavation voids	Schedule 20 para 7(f)
11	To set out requirements for the construction and management of waste facilities	Schedule 20 para 7(g)
12	To set out requirements for the closure and after closure procedures for waste facilities	Schedule 20 para 7(h) and 10
13	To set out requirements for the prevention of water status deterioration, air and soil pollution	Schedule 20 para 7(i)
14	To set out requirements for financial guarantee	Schedule 20 para 7(j) and 10(5)
16	To set out requirements in relation to trans-boundary effects	Schedule 5 para 10
17	To ensure inspections by the competent authority and to set out record-keeping requirements	Schedule 20 paras 6 and 7(k)
19	To set up offence, enforcement and penalties provisions	Regulations 12 and 36 to 44
20	To ensure the regulator maintains an inventory of closed mining facilities	Schedule 20 para 11
21	To ensure that the regulator is informed of developments in best available techniques	Schedule 20 para 12
24(1)	To ensure pre-existing facilities comply with the Directive	Regulation 72, Schedule 20 para 7(l)
24(2)	Exception from Article 24(1) for facilities closed by 1st May 2008	Schedule 20 para 2
24(4)	To exclude certain pre-existing facilities from the scope of specified provisions of the Directive	Schedule 20 para 2

European scrutiny history: EM 10143/03 and a supplementary EM of 20th May 2004 were cleared by the Commons in September 2004 and the Lords on 8th September 2004.

9. The Batteries Directive (Directive 2006/66/EC)

Note: most provisions of the Batteries Directive continue to be transposed by the Batteries and Accumulators (Placing on the Market) Regulations 2008 (S.I. 2008/2164) and the Waste Batteries and Accumulators Regulations 2009 (S.I. 2009/890).

Directive Article	Objective	Regulations provision
8(1)	To allow collection points to be exempt from the requirements to hold a permit	Regulation 4 and Schedule 25 Part 4 para 4
12(2)	To ensure treatment meets certain minimum treatment requirements	Regulation 35 and Schedule 19
12(3)	To require that batteries collected together with waste electrical and electronic equipment on the basis of the WEEE	Schedule 12 para 3(1)

	Directive are removed from that waste equipment	
--	---	--

European scrutiny history: EM 15494/03 was cleared by the Commons on 28th April 2004 and the House of Lords on 28th April 2004. EM 7292/07 was cleared by the Commons on 11th April 2007; it was not reported by the House of Lords on 27th April 2008. EM 8576/08 was cleared by the Commons in July 2008 and by the Lords on 15th July 2008.

10. The Groundwater Daughter Directive (Directive 2006/118/EC)

Directive Article	Objective	Regulations provision
6(1)(a)	To require taking of all necessary measures to prevent inputs of hazardous substances into groundwater	Schedule 22 para 6(a) and 7(2) and (3)
6(1)(b)	To require taking all necessary measures to limit inputs of non-hazardous pollutants into groundwater	Schedule 22 para 6(b) and 7(2) and (3)
6(3)(a), (d) and (f)	To set inputs which may be authorized – subject to conditions	Schedule 22 para 8
6(3)(b), (c) and (e)	To set inputs which may be exempt	Schedule 22 para 3(3)
6(4)	To require inventory of exemptions to be kept	Schedule 22 para 3(4)

European Scrutiny: Defra does not hold scrutiny details for this Directive.

11. The Waste Framework Directive (Directive 2008/98/EC)

Note: some provisions of the Waste Framework Directive continue to be transposed by the Control of Pollution (Amendment) Act 1989 (c. 14), the Environmental Protection Act 1990 and the Waste (England and Wales) Regulations 2011 (S.I. 2011/988).

Directive Article	Objective	Regulations provision
3	Definitions	Regulation 2 and Schedule 9 Part 1 para 2
4(1)	To establish the waste hierarchy	Schedule 9 Part 1 para 3(1)(a)
13	To protect human health and the environment	Schedule 9 Part 1 para 3(1)(b)
23(1) second para	To ensure a permit is required for waste treatment	Regulation 12, Schedule 9 Part 1 para 3(1)(c)
18(2)(b) and (c)	To allow mixing of hazardous waste in certain conditions	Schedule 9 Part 1 para 3(1)(d)(i)
23(3)	To ensure no permit is issued if the intended method of treatment is unacceptable	Schedule 9 Part 1 para 3(1)(d)(ii)

23(4)	To impose a condition of any permit covering incineration or co-incineration with energy recovery that the recovery of energy take place with a high level of energy efficiency	Schedule 9 Part 1 para 3(1)(d)(iii)
24 and 25	To allow exemptions from the requirement to hold a permit for certain waste disposal and recovery operations	Regulation 5, Schedule 2 and Schedule 3 Part 1
26(c)	To require the keeping of a register of exempt facilities	Schedule 2 para 3
34	To ensure periodic inspections of waste treatment operations	Regulation 34, Schedule 2 para 17
35(1)	To require record-keeping	Schedule 9 Part 1 para 3(1)(d)(iv)
36	To require enforcement and penalties	Part 4

European scrutiny history of the predecessor Directive (2006/12/EC): EM 15602/05 of 31st December 2005 was considered and cleared by the Commons on 14th January 2006 and by the Lords on 13th January 2006.

12. PVR II (Directive 2009/126/EC)

Directive Article	Objective	Regulations provision
3	To set requirements for new and existing service stations and stations undergoing major refurbishment to be equipped with petrol vapour recovery equipment	Schedule 18 Part 2 para 3(1)(a) and (2)(a)
4	To set minimum levels for petrol vapour recovery	Schedule 18 Part 2 para 3(1)(b) and (2)
5	To ensure vapour recovery system checks and consumer information	Schedule 18 Part 2 para 3(1)(c) and (2)(a)

European scrutiny history: Defra does not hold scrutiny details for this Directive.

13. The Industrial Emissions Directive (Directive 2010/75/EU)

Directive Article	Objective	Regulations provision
3	Definitions	Regulations 2, 3 and 5 to 8
4	To require the holding of a permit	Regulation 12
5	To provide for the granting of a permit	Regulation 13
7	To regulate for the control of incidents and accidents	Regulation 36
8	To address cases of non-compliance	Regulation 36
9	To ensure that permits do not cover emission levels for greenhouse gases, where already covered by other EU legislation	Schedule 8 para 5
10	Scope of chapter II applies to those activities, and	Schedule 1 Parts 1

	thresholds, set out in Annex I	and 2
11	To require installations to be operated in accordance with general principles	Regulation 23(1)(b), Schedule 5 Part 1 para 14(1)(b), Schedule 7 para 5(e)
12	To provide for permit application requirements	Schedule 7 para 4
13(7)	To ensure that BAT conclusions (Commission Decisions) are applied for the purposes of Chapter II of IED	Schedule 7 para 6, Schedule 8 para 4, 5, 7 and 8, Schedule 20 para 12
14	To ensure that permits include specified measures	Regulation 60 and Schedule 22
15	To ensure that Emission Limit Values and equivalent parameters and technical measures are based on BAT; derogation to set less strict ELVs and temporary derogations available	Schedule 8 para 2 and 5(2)
16	To set out monitoring requirements	Schedule 26 para 1(1)(h), Schedule 3 Part 3 para 2(2)(d)
17	To make provision for general binding rules for activities listed in Annex I	Schedule 8 para 5(1) and (2)
18	To make provision for measures required in a permit where an environmental quality standard requires stricter conditions	Schedule 8 para 5(1)(b)
19	To ensure that competent authorities are informed of, or follow, developments in BAT	Schedule 7 para 6, Schedule 20 para 12
20	To set out requirements where there is a change by the operator	Regulation 20
21	To provide for the reconsideration and updating of permit conditions	Regulation 34, Schedule 8 para 7
22	To provide for requirements upon site closure	Schedule 5 para 14(1)(b), Schedule 10 para 10(4), Schedule 20 para 10(4)
23	To establish a system of environmental inspections of installations	Regulation 34, Schedule 2 para 17
24	To ensure access to information and public participation in the permit procedure	Regulation 59, Schedule 5 para 6 and 8, Schedule 7 para 8
26	To make provision for applications having trans-boundary effects	Schedule 5 para 10
27	To encourage the development and application of emerging techniques	Schedule 7 para 6
28	To set out the scope of Chapter III (combustion plants), including exemptions	Schedule 15
29 to 35	To provide provisions for large combustion plants	Schedule 15
36	To set out certain provisions relating to the geological storage of CO ₂	Schedule 1 Part 2 Chapter 6 section

		6.10
37 to 40	To provide provisions for large combustion plants	Schedule 15
42 to 55	To require the application of special provision for waste incineration and waste co-incineration plants	Schedule 13
56 to 65	To require the application of special provision for installations and activities using organic solvents	Schedule 14
66 to 70	To require the application of special provision for installations producing titanium dioxide	Schedule 17
71	To require the designation of competent authorities responsible for carrying out the obligations arising from the Directive	Schedule 7 para 2(d), Schedule 10 para 2(g), Schedule 13 para 2(b), Schedule 14 para 2(b), Schedule 15 para 2(2)(b), Schedule 16 para 2(2)(b), Schedule 17 para 2(b), Schedule 19 para 2(2), Schedule 20 para 2(2)(c)
Annex I	To set out categories of activities to which Chapter II applies	Schedule 1
Annex V	To set out technical provisions relating to combustion plants	Schedule 15 para 3(b)
Annex VI	To set out technical provisions relating to waste incineration plants and waste co-incineration plants	Schedule 13
Annex VII	To set out technical provisions relating to installations and activities using organic solvents	Schedule 14
Annex VIII	To set out technical provisions relating to installations producing titanium dioxide	Schedule 17

European scrutiny history: EM 10049/15 of 1st September 2015 was considered and cleared as not politically important by the Commons on 15th September 2015 and by the Lords at the Chairman's sift on 10th September 2015.

14. The WEEE Directive (Directive 2012/19/EU)

Note: most provisions of the WEEE Directive continue to be transposed by the Waste Electrical and Electronic Equipment Regulations 2013 (S.I. 2013/3113).

Directive Article	Objective	Regulations provision
8(1) to (3) and 9(3) and Annexes VII and VIII	To set requirements for the storage or treatment of waste electrical and electronic equipment	Schedule 3 Chapter 2 Section 2 paragraphs 11(3)(b) to (d) and (i) and 17(3)(f) to (h)

		Schedule 12 paragraph 3(1) Schedule 25 paragraph 4(2)(b)
23(1)	To carry out appropriate inspections and monitoring to verify proper implementation	Schedule 2 paragraphs 10(3) and 17

European scrutiny history: EM 10049/15, report from the Commission to the European Parliament and the Council on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control), was cleared by the Commons on 15th September 2015 and by the Lords on 10th September 2015.

15. The Energy Efficiency Directive (Directive 2012/27/EU)

Directive Article	Objective	Regulations provision
14(5)(a)	To require Member States to ensure that a cost-benefit analysis is carried out when a new thermal electricity generation installation with a total thermal input exceeding 20 MW is planned, to assess the costs and benefits of providing for the operation of the installation as a high-efficiency cogeneration installation	Schedule 1, Part 2 and Schedule 24 para 1(2)(c) and (d) and 2(1)
14(5)(b)	To require Member States to ensure that a cost-benefit analysis is carried out when an existing thermal electricity generation installation with a total thermal input exceeding 20 MW is substantially refurbished, to assess the costs and benefits of converting it to high-efficiency cogeneration	Schedule 1, Part 2 and Schedule 24 para 1(2)(c) and (d) and 2(2) and (3)
14(5)(c)	To require Member States to ensure that where an industrial installation with a total thermal input exceeding 20MW generating waste heat at a useful temperature level is planned or substantially refurbished a cost-benefit analysis is carried out to assess the costs and benefits of utilising the waste heat to satisfy economically justified demand, including through cogeneration, and of the connection of that installation to a district heating and cooling network	Schedule 24 para 3
14(5)(d)	To require Member States to ensure that where a new district heating and cooling network is planned or in an existing district heating and cooling network a new energy production installation with a total thermal input exceeding 20MW is planned or is to be substantially	Schedule 24 para 4

	refurbished, a cost-benefit analysis is carried out to assess the costs and benefits of utilising the waste heat from nearby industrial installations	
14(5) first para	To require that the fitting of equipment to capture carbon dioxide produced by a combustion installation with a view to its being geologically stored is not considered refurbishment	Schedule 24 para 1(2)(e)
14(6)(a) to (c)	To enable Member States to exempt certain installations from the application of the cost-benefit obligations in Article 14(5)	Schedule 24 para 2(4) and 6(6)(a) and (b)
14(6) first para	To allow Member States to lay down thresholds for exempting individual installations, in terms of available useful waste heat, the demand for heat or distances between installations and district heating networks, from the cost-benefit obligations in Article 14(5)(c) and (d)	Schedule 24 para 5
14(7)(a) to (c)	To require Member States to adopt authorisation criteria as referred to in Article 7 of Directive 2009/72/EC concerning common rules for the internal market in electricity, or equivalent permit criteria, to take account of the comprehensive assessment in Article 14(1) and the cost-benefit analysis, and ensure that the requirements of Article 14(5) are fulfilled	Schedule 24 para 2(1) and (2), 3(1) and (2) and 4(1) and (2)
14(8)	To allow Member States to exempt individual installations from the implementation of options whose benefits exceeds costs where there are imperative reasons of law, ownership or finance for doing so, and to notify the Commission of any exemption	Schedule 24 para 6(4) and (5)
14(9)	To ensure that Article 14(5) to (8) applies to installations covered by the Industrial Emissions Directive without prejudice to the requirements of that Directive	Schedule 24 para 6(7)
2(30), (31), (34) and (44)	Definitions	Schedule 24 para 1(1)

European scrutiny history: DECC EM 14342/15 Report from the Commission to the European Parliament and the Council, Assessment of the progress made by Member States towards the national energy efficiency targets for 2020 and towards the implementation of the Energy Efficiency Directive 2012/27/EU as required by Article 24(3) of Energy Efficiency Directive 2012/27/EU - see more at: <http://europeanmemoranda.cabinetoffice.gov.uk/memorandum/report-from-the-commission-to-the-european-parliament-the-council-assessment-of-the-progress-made#sthash.B13eYcTV.dpuf>.