

Constitutional and Legislative Affairs Committee Draft Report

CLA73

Title: The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2011

Procedure: Negative

These draft Regulations will apply to both England and Wales.

These Regulations amend the Environmental Permitting (England and Wales) Regulations 2010 so as to include transposition of 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.

Technical Scrutiny

Under Standing Order 21.2 the Assembly is invited to pay special attention to the following instrument:-

1. These Regulations have not been made bilingually.

[21.2(ix) - that it is not made or to be made in both English and Welsh].

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument at this stage.

Legal Advisers

Constitutional and Legislative Affairs Committee

December 2011

The government has responded as follows:

The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2011

These composite Regulations amend some of the provisions in the Environmental Permitting (England and Wales) Regulations 2010 S.I. 2010.675 to transpose the Directive on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations (Directive 2009/126/EC). The requirements of the Stage I petrol vapour Directive (Directive 1994/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations) are already contained in the Environmental Permitting (England and Wales) Regulations 2010.

The Environmental Permitting regime streamlines the procedural parts of a raft of highly technical and complex legislation. It has enabled the simplification of the operation of the permitting system that industry and regulators work with without in any way compromising environmental or human health standards. This has brought much needed simplification to the complexity that industry and regulators in England and Wales previously faced .

Securing these changes via composite instruments made with the Secretary of State is consistent with the aim of simplification referred to above. The composite instrument also minimises the inconvenience and potential confusion for those affected by the Regulations, especially as the Environment Agency (a regulator) is a cross border body. **These composite Regulations apply to England and Wales and are subject to approval by the National Assembly for Wales and by Parliament. Accordingly, it is not considered reasonably practicable for this Instrument to be laid in draft, or made, bilingually.**