
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 28

**The Emissions Performance Standard Monitoring and
Enforcement Regulations (Northern Ireland) 2016**

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Emissions Performance Standard Monitoring and Enforcement Regulations (Northern Ireland) 2016 and come into operation on 15th March 2016.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(1) applies to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

“the Act” means the Energy Act 2013;

“associated gasification plant” means any gasification plant where—

(a) that plant—

(i) uses fossil fuel; and

(ii) produces fuel from the fossil fuel; and

(b) the fuel so produced by that plant is used by a relevant fossil fuel plant to generate electricity;

“CCS” means carbon capture and storage within the meaning of Chapter 8 of Part 2 of the Act;

“CCS notification” means a notification under regulation 5;

“chief inspector” means the inspector constituted to be the chief inspector under regulation 8(3) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(2);

“civil penalty notice” means a notice issued under regulation 10;

“emissions limit notification” means a notification under regulation 4;

“enforcement notice” means a notice issued under regulation 9;

“EPS annual emissions” is to be construed in accordance with regulations 7 and 8 of the EPS Regulations;

“EPS annual emissions notification” means a notification under regulation 6;

(1) 1954 c. 33 (vN.I.)

(2))S.R. 2013/160

- “EPS Regulations” means the Emissions Performance Standard Regulations 2015⁽³⁾;
- “generating station” means a station which generates electricity;
- “generating unit” means any combination of generators, boilers, turbines or other prime movers that are physically connected as one unit and operated together to produce electricity independently of any other unit;
- “Greenhouse Gas Emissions Permit” means a permit granted under regulation 10 of the Greenhouse Gas Emissions Trading Scheme Regulations 2012⁽⁴⁾;
- “Greenhouse Gas Emissions Report” means a report required to be submitted by an operator by Article 67(1) of the Monitoring and Reporting Regulation;
- “information notice” means a notice issued under regulation 8;
- “installed generating capacity”, in relation to a generating station or generating unit, means the maximum capacity of electricity generation (in MW) at which that generating station or generating unit could be operated for a sustained period without damage being caused to it (assuming the source of energy used to generate electricity is available without interruption);
- “the Monitoring and Reporting Regulation” means [Commission Regulation \(EU\) No 601/2012](#) on the monitoring and reporting of greenhouse gas emissions pursuant to [Directive 2003/87/EC](#) of the European Parliament and of the Council⁽⁵⁾;
- “MW” means megawatts;
- “operator”, in relation to a relevant fossil fuel plant, means the person required to hold a Greenhouse Gas Emissions Permit for the relevant fossil fuel plant;
- “relevant fossil fuel plant” means a fossil fuel plant to which the emissions limit duty applies under the Act or a generating unit to which the emissions limit duty applies by virtue of regulation 3 of the EPS Regulations;
- “source stream” has the same meaning as in Article 3(4) of the Monitoring and Reporting Regulation;
- “the Verification Regulation” means [Commission Regulation \(EU\) No 600/2012](#) on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to [Directive 2003/87/EC](#) of the European Parliament and of the Council⁽⁶⁾ ; and
- “verified” means verified in accordance with the Verification Regulation.

(3) [S.I. 2015/933](#)

(4) [S.I. 2012/3038](#), which has been amended by [S.I. 2013/1037](#), [S.I. 2013/3135](#) and [S.I. 2014/3125](#)

(5) OJ No L 181, 12.7.2012, p 30

(6) OJ No L 181, 12.7.2012, p 1