
STATUTORY INSTRUMENTS

2019 No. 107

**The Greenhouse Gas Emissions Trading Scheme
(Amendment) (EU Exit) Regulations 2019**

PART 3

Amendment of EU Regulations, Decisions and the EEA Agreement

Amendment of Commission Decision 2009/450/EC

63. Commission Decision 2009/450/EC of 8 June 2009 on the detailed interpretation of the aviation activities listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council is amended as follows—

- (a) in Article 1, for “listed in Annex I to Directive 2003/87/EC” substitute “as defined in regulation 3(1) of the Greenhouse Gas Emissions Trading Scheme Regulations 2012”;
- (b) omit Article 2;
- (c) in the Annex—
 - (i) in the heading, for “aviation activities listed in Annex I to Directive 2003/87/EC” substitute “definition of aviation activities”;
 - (ii) in section 1, omit paragraph 3;
 - (iii) in section 2, in paragraph 4, for “Community Scheme” substitute “obligations in the Greenhouse Gas Emissions Trading Scheme Regulations 2012”;
 - (iv) in section 2.7—
 - (aa) in paragraph 32, after “the Treaty applies” insert “, or the United Kingdom or Gibraltar”;
 - (bb) in paragraphs 34 and 35, for “included in the Community scheme” substitute “required to meet the obligations in the Greenhouse Gas Emissions Trading Scheme Regulations 2012”.

Amendment of Commission Regulation (EU) 606/2010

64. Commission Regulation (EU) No 606/2010 of 9 July 2010 on the approval of a simplified tool developed by the European organisation for air safety navigation (Eurocontrol) to estimate the fuel consumption of certain small emitting aircraft operators is amended as follows—

- (a) in Article 1(1), for “Article 14(3) of Directive 2003/87/EC” substitute “regulation 35(4) of the Greenhouse Gas Emissions Trading Scheme Regulations 2012”;
- (b) in Article 1(2)—
 - (i) for “Part 5 of Annex XIV to Decision 2007/589/EC” substitute “subparagraph 2 of Article 65(2) of Commission Regulation (EU) No 601/2012”;

- (ii) for “covered by Annex I to [Directive 2003/87/EC](#)” substitute “falling within the definition of “aviation activity” in regulation 3(1) of the Greenhouse Gas Emissions Trading Scheme Regulations 2012”;
- (c) at the end of Article 2, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendment of Commission Regulation (EU) 600/2012

65. [Commission Regulation \(EU\) No 600/2012](#) of 21 June 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 is amended in accordance with regulations 66 to 96.

Amendment of Article 1

- 66.** In Article 1—
- (a) in the first subparagraph, for “[Directive 2003/87/EC](#)” substitute “the 2012 Regulations”;
 - (b) omit the second subparagraph.

Amendment of Article 2

67. In Article 2, for “Article 14 of [Directive 2003/87/EC](#)” substitute “regulation 35(4) and Schedule 4, paragraph 2(1)(e)(ii) of the 2012 Regulations”.

Amendment of Article 3

- 68.** In Article 3—
- (a) in the first subparagraph omit “Article 3 of [Directive 2003/87/EC](#) and”;
 - (b) before paragraph (1), insert—
 - “(A1) ‘the 2012 Regulations’ means the Greenhouse Gas Emissions Trading Scheme Regulations 2012;”;
 - (c) in paragraph (2), for “harmonised standards, within the meaning of point 9 of Article 2 of Regulation [\(EC\) No 765/2008](#)” substitute “EN ISO 14065:2013(1)”;
 - (d) in paragraph (3), omit the words from “without prejudice” to the end;
 - (e) after paragraph (4), insert—
 - “(4a) ‘aircraft operator’ means the person who operates an aircraft at the time it performs an aviation activity or, where that person is not known or is not identified by the owner of the aircraft, the owner of the aircraft;
 - (4b) ‘emissions’ means the release of carbon dioxide gas into the atmosphere in relation to aviation activities and the release of greenhouse gas emissions specified in relation to the activities, other than aviation, listed in Annex I to [Directive 2003/87/EC](#);”;
 - (f) in paragraph (6), for “Article 14(3) of [Directive 2003/87/EC](#)” to the end, substitute “regulation 35(4) and Schedule 4 paragraph 2(1)(e)(ii) of the 2012 Regulations;”;
 - (g) after paragraph (6), insert—
 - “(6a) ‘authority’ has the same meaning as in the 2012 Regulations;

(1) ISO 14065:2013 specifies principles and requirements for bodies that undertake validation or verification of greenhouse gas (GHG) assertions, available at: <https://www.iso.org/standard/60168.html>. Copy available for inspection at the Department for Business, Energy & Industrial Strategy.

- (6b) ‘greenhouse gas emissions permit’ has the same meaning as in the 2012 Regulations;
- (6c) ‘aviation activity’ has the same meaning as in the 2012 Regulations;”;
- (h) after paragraph (11), insert—
 - “(11a) ‘the CCS licensing regime’ means Chapter 3 of Part 1 of the Energy Act 2008 and other domestic legislation which immediately before exit day implemented [Directive 2009/31/EC](#).”.

New Article 3a

- 69. After Article 3 insert—

“Article 3a

Interpretation

In this Regulation, references to a national accreditation body are references to the national accreditation body of the United Kingdom appointed in accordance with Article 4(1) of Regulation [\(EC\) No 765/2008](#).”

Amendment of Article 4

- 70. In Article 4—
 - (a) for “the relevant harmonised standards, within the meaning of point 9 of Article 2 of Regulation [\(EC\) No 765/2008](#), or parts thereof, the references of which have been published in the *Official Journal of the European Union*” substitute “EN ISO 14065:2013”;
 - (b) for “applicable harmonised standards” substitute “those standards”.

Amendment of Article 7

- 71. In Article 7(3), omit “responsible for [Directive 2003/87/EC](#)”.

Amendment of Article 10

- 72. In Article 10(1)(m)—
 - (a) for “[Directive 2009/31/EC](#)” substitute “the CCS licensing regime”;
 - (b) for “required by that Directive and the reports required by Article 14 of that Directive” substitute “and reports required by that regime”.

Amendment of Article 16

- 73. In Article 16(2)(c), omit “listed in Annex I of [Directive 2003/87/EC](#)”.

Amendment of Article 17

- 74. In Article 17, omit paragraph 4.

Amendment of Article 27

- 75. In Article 27—
 - (a) in paragraph 3—

- (i) for paragraph (f) substitute—
 - “(f) aggregated emissions or tonne-kilometres per aviation activity and per aircraft operator and per activity, other than aviation, listed in Annex I of [Directive 2003/87/EC](#) per installation;”;
- (ii) omit subparagraph (o);
- (b) in paragraph 5, for “a Member State” substitute “the competent authority”.

Amendment of Article 37

76. In Article 37(1)(a), for “Member State in which the verifier is carrying out a verification” substitute “competent authority”.

Amendment of Articles 40, 41, 42, 45, 46, 47 and 48

77. In Articles 40,41,42,45,46,47 and 48 for “harmonised standard” in each place it occurs substitute “standard”.

Amendment of Article 49

- 78.** In Article 49—
- (a) in paragraph 3, for “harmonised standard” substitute “standard”;
 - (b) omit paragraph 5.

Amendment of Articles 50 and 51

79. In Articles 50 and 51, for “harmonised standard” substitute “standard”.

Amendment of Article 53

80. In Article 53(4), in the second subparagraph, for “Member States” substitute “The national accreditation body”.

Amendment of Article 54

- 81.** In Article 54—
- (a) in paragraph 1, for “national accreditation bodies appointed pursuant to Article 4(1) of Regulation ([EC](#)) No 765/2008” substitute “national accreditation body”;
 - (b) in paragraph 2, omit “appointed pursuant to Article 4(1) of Regulation ([EC](#)) No 765/2008”;
 - (c) in paragraphs 2 and 3 for “a Member State” substitute “the competent body”;
 - (d) in paragraph 3 omit the words from “in accordance with” to the end;
 - (e) omit paragraph 4;
 - (f) in paragraph 6 for “harmonised standard” substitute “standard”.

Omission of Article 55

82. Omit Article 55.

Amendment of Article 56

83. In Article 56(4) for “harmonised standard” substitute “standard”.

Amendment of Article 58

84. In Article 58(1)(a), for “harmonised standard pursuant to Regulation (EC) No 765/2008” substitute “standard”.

Omission of Articles 64 to 67

85. Omit Articles 64 to 67.

Amendment of Article 68

86. In Article 68(1), for “Member States” substitute “The competent authority”.

Amendment of Article 69

87. In Article 69 —

- (a) in paragraph 1, for “Member State” substitute “competent authority”;
- (b) in paragraph 2—
 - (i) omit “pursuant to Article 18 of Directive 2003/87/EC”;
 - (ii) for “a Member State, the Member State” substitute “the United Kingdom, the Secretary of State, with the agreement of the other authorities”.

Amendment of Article 70

88. In Article 70(1) —

- (a) omit “of each Member State”;
- (b) for “in those Member States” substitute “in the United Kingdom”;
- (c) omit point (d).

Amendment of Article 71

89. In Article 71—

- (a) for “the following parties:” substitute “the competent authority.”;
- (b) omit points (a) and (b).

Amendment of Article 72

90. In Article 72(1), omit “of the Member State where the verifier is carrying out the verification” and “which has accredited that verifier”.

Omission of Articles 73 and 74

91. Omit Articles 73 and 74.

Amendment of Article 75

92. Article 75 is amended as follows—

- (a) in paragraph 1—
 - (i) in the first subparagraph omit “other national accreditation bodies.”;
 - (ii) omit the second subparagraph;

- (b) in paragraph 2 omit point (b).

Amendment of Article 78

93. At the end of Article 78, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendment of Annex 1

94. In Annex 1—

- (a) in the first subparagraph—
- (i) after “using” insert “aviation activities or in relation to the activities other than aviation”;
 - (ii) omit “other activities pursuant to Articles 10a and 24 of [Directive 2003/87/EC](#)”;
- (b) in the table—
- (i) in the rows for activity groups No 10 and 11, for “[Directive 2009/31/EC](#)” in each place it occurs substitute “the CCS licensing regime”;
 - (ii) omit the rows for activity groups No 98 and 99.

Amendment of Annex 2

95. In Annex 2 for “the harmonised standard pursuant to Regulation [\(EC\) No 765/2008](#)” substitute “EN ISO 14065:2013”.

Amendment of Annex 3

96. In Annex 3 for “the harmonised standard pursuant to Regulation [\(EC\) No 765/2008](#)” substitute “EN ISO 17011:2017(2)”.

Amendment of Commission Regulation (EU) 601/2012

97. [Commission Regulation \(EU\) No 601/2012](#) of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to [Directive 2003/87/EC](#) of the European Parliament and of the Council is amended in accordance with regulations 98 to 132.

Amendment of Article 1

98. In Article 1, omit the words from “pursuant to” to the end.

Amendment of Article 2

99. In Article 2, for “greenhouse gas emissions specified in relation to the activities” substitute “carbon dioxide emissions in relation to aviation activities, greenhouse gas emissions specified in relation to the activities, other than aviation,”.

Amendment of Article 3

100. In Article 3—

(2) ISO/IEC 17011:2017 specifies requirements for the competence, consistent operation and impartiality of accreditation bodies assessing and accrediting conformity assessment bodies. Available at: <https://www.iso.org/standard/67198.html>. Copy available for inspection at the Department for Business, Energy & Industrial Strategy.

- (a) after paragraph (1), insert the following—

“(1a) ‘aviation activity’ has the same meaning as in regulation 3(1) of the Greenhouse Gas Emissions Trading Scheme Regulations 2012;”;
- (b) for paragraph (2), substitute—

“(2) ‘trading period’ has the same meaning as in regulation 3(1) of the Greenhouse Gas Emissions Trading Scheme Regulations 2012;”;
- (c) after paragraph (13), insert the following—

“(13a) ‘the CCS licensing regime’ means Chapter 3 of Part 1 of the Energy Act 2008 and other domestic legislation which immediately before exit day implemented [Directive 2009/31/EC](#);”;
- (d) in each of paragraphs (45) and (46), omit “listed in Annex I to [Directive 2003/87/EC](#)”;
- (e) in each of paragraphs (51) and (52), for “under [Directive 2009/31/EC](#)” substitute “in accordance with the CCS licensing regime”.

Amendment of Article 4

101. In article 4, for “[Directive 2003/87/EC](#)”, substitute “the Greenhouse Gas Emissions Trading Scheme Regulations 2012”.

Amendment of Article 5

102. In Article 5—

- (a) after “belonging to activities”, insert “undertaken by installations”;
- (b) after “[Directive 2003/87/EC](#)” insert “, aviation activities”;
- (c) omit “and other relevant activities included pursuant to Article 24 of that Directive,”.

Amendment of Article 9

103. In Article 9 for “Article 15 of [Directive 2003/87/EC](#)”, substitute “[Commission Regulation \(EU\) No 600/2012](#) of 21 June 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”.

Substitution of Article 10

104. For Article 10 substitute—

“Article 10

Coordination

Where there is more than one competent authority designated in the United Kingdom, each competent authority shall coordinate its work undertaken pursuant to this Regulation with the other competent authorities.”.

Amendment of Article 12

105. In Article 12 omit paragraph 3.

Amendment of Article 13

106. In Article 13—

(a) in paragraph 1—

- (i) for “Member States” in both places where it occurs substitute “the competent authority”;
- (ii) in the first subparagraph omit “, without prejudice to Article 12(3)”;
- (iii) in the second subparagraph omit “, based on the templates and guidelines published by the Commission”;

(b) in paragraph (2) for “Member States” substitute “the competent authority”.

Amendment of Article 18

107. In Article 18—

(a) in paragraph 3(c)—

- (i) for “Member State” substitute “United Kingdom”;
- (ii) after “adopted” insert “before exit day”;

(b) in paragraph (4)—

- (i) for “EUR 2000” substitute “£1743”;
- (ii) for “EUR 500” substitute “£436”.

Amendment of Article 20

108. In Article 20—

(a) in paragraph 1, in the second subparagraph, omit the words from “as well as” to the end;

(b) in paragraph 3—

- (i) in the first subparagraph for “pursuant to [Directive 2009/31/EC](#)” substitute “containing a storage site permitted in accordance with the CCS licensing regime”;
- (ii) in the second subparagraph after “pursuant to” insert “domestic legislation which immediately before exit day implemented”.

Amendment of Article 31

109. In Article 31(1)(b), for “Member State” substitute “United Kingdom”.

Amendment of Article 35

110. In Article 35(1), omit the words “Annex VII will be reviewed” to the end.

Amendment of Article 39

111. In Article 39(3), for “Articles 2(j) and 15 of [Directive 2009/28/EC](#)” substitute “the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations 2003(3) or the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations (Northern Ireland) 2003(4)”.

(3) [S.I. 2003/2562](#), amended by [S.I. 2010/2715](#) and [2011/1043](#).

(4) [S.R. 2003 No. 470](#), amended by [S.R. 2010 No. 374](#) and [S.I. 2011/1043](#); there are other amending instruments, but none is relevant.

Amendment of Article 48

112. In Article 48(2)—

- (a) omit “or included pursuant to Article 24 of that Directive”;
- (b) for “not covered by that Directive” substitute “not covered by the Greenhouse Gas Emissions Trading Scheme Regulations 2012”.

Amendment of Article 49

113. In Article 49(1), in points (a), (b) and (c), for “under [Directive 2009/31/EC](#)” in each place it occurs substitute “in accordance with the CCS licensing regime”.

Amendment of Article 50

114. In article 50—

- (a) in paragraph 1, omit “included in Annex I to [Directive 2003/87/EC](#)”;
- (b) omit paragraph 2.

Amendment of Article 51

115. In Article 51—

- (a) in paragraph 1—
 - (i) omit “covered by Annex I to [Directive 2003/87/EC](#)” in both cases where it occurs;
 - (ii) omit the third subparagraph;
- (b) omit paragraph 2.

Amendment of Article 53

116. In Article 53 —

- (a) omit the first four subparagraphs;
- (b) in the fifth subparagraph, for “Article 18 of [Directive 2009/28/EC](#)” substitute “Articles 12 and 13A of the Renewable Transport Fuel Obligations Order 2007(5)”.

Omission of Article 56

117. Omit Article 56.

Amendment of Article 57

118. In Article 57(1), omit the second subparagraph.

Amendment of Article 67

119. In Article 67, omit paragraph 2.

Omission of Article 68

120. Omit Article 68.

Amendment of Article 70

121. In Article 70, omit paragraph 3.

Amendment of Article 71

122. In Article 71—

- (a) for “national rules adopted pursuant to [Directive 2003/4/EC](#)” substitute “the Environmental Information Regulations 2004⁽⁶⁾ or, as applicable, the Environmental Information (Scotland) Regulations 2004⁽⁷⁾”;
- (b) for “in Article 4(2)(d) of that Directive”, substitute “in regulation 12(5)(e) or regulation 10(5)(e) of those Regulations respectively”.

Amendment of Article 72

123. In Article 72(3), for “pursuant to Article 56 as well as reporting the tonne-kilometre data” substitute “for the purpose of reporting the tonne-kilometre data”.

Amendment of Article 73

124. In Article 73—

- (a) in the first paragraph,
 - (i) after “listed”, insert “for installations”;
 - (ii) for “or aircraft operator” substitute “and every aviation activity carried out by an aircraft operator”;
- (b) for point (d) substitute—
 - (d) the UK Standard Industrial Classification (SIC) of Economic Activity, issued under section 9 of the Statistics and Registration Service Act 2007⁽⁸⁾, and as updated from time to time.”.

Amendment of Article 74

125. In Article 74—

- (a) in paragraph 1—
 - (i) in the first subparagraph, for “Member States” substitute “The competent authority”;
 - (ii) omit the second subparagraph;
- (b) in paragraph 2 for “Member States” substitute “competent authority”.

Amendment of Article 75

126. In Article 75—

- (a) in paragraph 1 for “a Member State” substitute “the competent authority”;
- (b) in paragraph 2 for “Member States” substitute “the competent authority”.

(6) [S.I. 2004/3391](#), amended by [S.I. 2015/1897](#), [S.I. 2018/942](#) and the Data Protection Act 2018 c. 12.

(7) [SSI 2004/520](#), amended by [SSI 2013/127](#) and the Data Protection Act 2018 c. 12.

(8) [2007 c. 18](#).

Amendment of Article 77

127. At the end of Article 77 omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Amendment of Annex 1

128. In Annex 1, paragraph 2.1—

- (a) in point (a), omit “the administering Member State,”;
- (b) in point (d), for “covered by Annex I to [Directive 2003/87/EC](#)”, substitute “an aviation activity”.

Amendment of Annex 2

129. In Annex 2, before section 2.1, in the first subparagraph omit “or included in the Union Scheme under Article 24 of that Directive”.

Amendment of Annex 4

130. In Annex 4—

- (a) in section 1, subsection A, omit “or included in the Union Scheme under Article 24 of that Directive”;
- (b) in each of the headings of sections 21, 22 and 23, for “[Directive 2009/31/EC](#)” substitute “the CCS licensing regime”;
- (c) in section 21, subsection A, for “covered by [Directive 2003/87/EC](#)” substitute “listed in Annex 1 to [Directive 2003/87/EC](#)”;
- (d) in section 22, in subsection B, in both places where it occurs for “[Directive 2003/87/EC](#)” substitute “the Greenhouse Gas Emissions Trading Scheme Regulations 2012”;
- (e) in section 23—
 - (i) in subsection A—
 - (aa) in the first subparagraph, for “[Directive 2009/31/EC](#)” substitute “to the CCS licensing regime”;
 - (bb) in the second subparagraph after “with” insert “domestic legislation which immediately before exit day implemented”;
 - (ii) in subsection B.3 in the definition of “ T_{end} ”, after “with” insert “domestic legislation which immediately before exit day implemented”.

Amendment of Annex 9

131. In Annex 9, section 2(7) —

- (a) in point (c)—
 - (i) after “storage permit”, insert “for the storage site”;
 - (ii) for “Article 9 of [Directive 2009/31/EC](#)”, substitute “the CCS licensing regime”;
- (b) in each of points (d), (e) and (f)—
 - (i) after “with”, insert “domestic legislation which immediately before exit day implemented”.

Amendment of Annex 10**132.** In Annex 10—

- (a) in section 1, in the final subparagraph, after “with” insert “domestic legislation which immediately before exit day implemented”;
- (b) in section 2 —
 - (i) in subsection (1), after “[Directive 2003/87/EC](#)” insert “(read as if references in that Annex to “its administering state” and “in the administering state” were omitted and as if references to “aviation activities listed in Annex I” were references to “aviation activities”);”;
 - (ii) in subsection (6), for “aviation activities covered by Annex I to [Directive 2003/87/EC](#)” substitute “aviation activities”;
 - (iii) in subsection (8), for “Member State” substitute “state”;
- (c) in section 3 —
 - (i) in subsection (1), after [Directive 2003/87/EC](#)” insert “(read as if references in that Annex to “its administering state” and “in the administering state” were omitted and as if references to “aviation activities listed in Annex I” were references to “aviation activities”);”;
 - (ii) in subsection (6), for “aviation activities covered by Annex I to [Directive 2003/87/EC](#)” substitute “aviation activities”;
 - (iii) in subsection (8), for “aviation activities listed in Annex I to [Directive 2003/87/EC](#)” substitute “aviation activities”.

Amendment of Annex XX to the EEA Agreement

133. In Annex 20 to the EEA Agreement, omit paragraphs 21ala to 21alj, 21ao, 21ap, 21apb, 21apd, 21api and 21as.