
STATUTORY INSTRUMENTS

2020 No. 1369

**The Greenhouse Gas Emissions Trading Scheme
(Withdrawal Agreement) (EU Exit) Regulations 2020**

PART 3

**Implementation of withdrawal agreement other than in relation
to electricity generation in Northern Ireland from 2021**

Modification of application of 2012 Regulations in the United Kingdom before 2021

45.—(1) Save as is provided in regulation 46(1)(b), the 2012 Regulations have effect, so far as they relate to emissions which arose before 1st January 2021, with the modifications specified in paragraph (2).

(2) The modifications are—

- (a) the 2012 Regulations apply as if the following provisions did not have effect—
 - (i) Part 2 of these Regulations,
 - (ii) the Greenhouse Gas Emissions Trading Scheme (Amendment) (EU Exit) Regulations 2019,
 - (iii) the Greenhouse Gas Emissions Trading Scheme (Amendment) (EU Exit) (No. 2) Regulations 2019;
- (b) in regulation 3 (interpretation) the definition of “Registries Regulation 2013” is to be read so that references in the 2012 Regulations include, so far as is possible, references to any equivalent provision in Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 supplementing [Directive 2003/87/EC](#) of the European Parliament and of the Council as regards the functioning of the Union Registry;
- (c) regulation 34 (issue of an emissions plan) applies as if any requirement on the regulator to issue a plan may be satisfied by the regulator serving a notice on A, and as any such notice is to be treated as a plan within the meaning of that regulation;
- (d) paragraph 6 of Schedule 5 (excluded installations) is to be read as if—
 - (i) in sub-paragraph (5), for “must vary the permit” there were substituted “must serve a notice on the operator”, and any such notice served by the regulator is to be treated as a variation of a permit,
 - (ii) in sub-paragraph (6), for “vary the permit” there were substituted “serve a notice on the operator”, and any such notice served by the regulator is to be treated as a variation of a permit;
- (e) in Schedule 6 (allocation and adjustment of allowances), paragraphs 6 and 8 do not require the operator to report a significant capacity reduction or a partial cessation of regulated activities (as the case may be), which occurred on or after 1st January 2020;
- (f) in Schedule 6A (allocation and adjustment of allowances: installations which cease to be excluded installations), paragraphs 7 and 9 do not require the operator to report a

significant capacity reduction of an excluded installation or partial cessation of regulated activities of an excluded installation (as the case may be), which occurred on or after 1st January 2020.

(3) In the modified application of the 2012 Regulations, terms which are not subject to modification by paragraph (2) are to be interpreted after IP completion day, as they were interpreted before these Regulations came into force, as if the implementation period were still in force.

Application of 2012 Regulations for specific purposes

46.—(1) Nothing in these Regulations limits the application of—

- (a) the 2012 Regulations, as they had effect before the amendments made by regulations 2 to 42 of these Regulations, for the purposes of Part 3 of the Finance Act 2019(1);
- (b) regulation 81 (the UK Registry) of the 2012 Regulations, or any other provision in the 2012 Regulations so far as it relates to the UK Registry.

(2) In paragraph (1)(b), “the UK Registry” has the same meaning as in regulation 3 of the 2012 Regulations.

(1) 2019 c. 1; Part 3 is amended by Schedule 12 to the Finance Act 2020 (c. 14).