

Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

PART THREE

**SEPARATION PROVISIONS**

*TITLE X*

***UNION JUDICIAL AND ADMINISTRATIVE PROCEDURES***

*Chapter 2*

***ADMINISTRATIVE PROCEDURES***

*Article 96*

**Other ongoing procedures and reporting obligations**

1 Technical examinations conducted by United Kingdom Examination Offices in cooperation with the Community Plant Variety Office pursuant to Regulation (EC) No 2100/94 which were ongoing on the day before the date of entry into force of this Agreement shall continue and be concluded in compliance with that Regulation.

2 Article 12(2a) and (3) and Articles 14, 15 and 16 of Directive 2003/87/EC of the European Parliament and of the Council<sup>(1)</sup> shall apply to and in the United Kingdom in respect of greenhouse gases emitted during the last year of the transition period.

3 Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council<sup>(2)</sup> and Articles 26 and 27 of Regulation (EC) No 1005/2009 of the European Parliament and of the Council<sup>(3)</sup> shall apply to and in the United Kingdom in respect of data reporting for the last year of the transition period.

4 Article 8(1), (2), (3) and (7) of Regulation (EC) 443/2009 of the European Parliament and of the Council<sup>(4)</sup>, and Annex II to that Regulation, and Article 8(1), (2), (3), (8) and (10) of Regulation (EU) 510/2011 of the European Parliament and of the Council<sup>(5)</sup>, and Annex II to that Regulation, as well as Articles 2 to 5, 7 and 8(2) and (3) of Commission Regulation (EU) No 1014/2010 and Articles 3 to 6 and 8 and Article 9(2) and (3) of Commission Implementing Regulation (EU) No 293/2012<sup>(6)</sup> shall apply to and in the United Kingdom in respect of the monitoring and reporting of relevant vehicle carbon dioxide emissions during the last year of the transition period.

5 Articles 5, 7, 9 and 10, Article 11(3), points (a) and (d) of Article 17(1), and Articles 19, 22 and 23 of Regulation (EU) No 525/2013 of the European Parliament and of the Council<sup>(7)</sup> and Articles 3, 7 and 11 of Decision No 406/2009/EC of the European Parliament and of the Council<sup>(8)</sup> shall apply to the United Kingdom in respect of greenhouse gases emitted during 2019 and 2020, and Article 5 of Commission Regulation (EU) No 389/2013<sup>(9)</sup> shall apply to the United Kingdom until the closure of the second commitment period of the Kyoto Protocol.

- 6 By way of derogation from Article 8 of this Agreement:
- (a) to the extent necessary to comply with paragraphs 2, 4 and 5 of this Article, the United Kingdom and operators in the United Kingdom shall have access to:
    - (i) the Union Registry and the United Kingdom's Kyoto Protocol Registry established by Regulation (EU) No 389/2013; and
    - (ii) the Central Data Repository of the European Environment Agency as provided for by Regulation (EU) No 1014/2010, Implementing Regulation (EU) No 293/2012 and Commission Implementing Regulation (EU) No 749/2014<sup>(10)</sup>;
  - (b) to the extent necessary to comply with paragraph 3 of this Article undertakings in the United Kingdom shall have access to:
    - (i) the reporting tool based on the format set out in the Annex to Commission Implementing Regulation (EU) No 1191/2014<sup>(11)</sup> for the purposes of managing and reporting on fluorinated greenhouse gases; and
    - (ii) the Business Data Repository used for reporting by undertakings under Article 27 of Regulation (EC) No 1005/2009.

Upon a request from the United Kingdom, for a period ending one year after the end of the transition period, the Union shall provide the necessary information for the United Kingdom to:

- (a) comply with its reporting obligations under Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer; and
- (b) apply penalties in accordance with Article 25 of Regulation (EU) No 517/2014 and Article 29 of Regulation (EC) No 1005/2009.

- (1) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC ([OJ L 275, 25.10.2003, p. 32](#)).
- (2) Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 ([OJ L 150, 20.5.2014, p. 195](#)).
- (3) Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer ([OJ L 286, 31.10.2009, p. 1](#)).
- (4) Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles ([OJ L 140, 5.6.2009, p. 1](#)).
- (5) Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles ([OJ L 145, 31.5.2011, p. 1](#)).
- (6) Commission Implementing Regulation (EU) No 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council ([OJ L 98, 4.4.2012, p. 1](#)).
- (7) Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC ([OJ L 165, 18.6.2013, p. 13](#)).
- (8) Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 ([OJ L 140, 5.6.2009, p. 136](#)).
- (9) Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 ([OJ L 122, 3.5.2013, p. 1](#)).
- (10) Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council ([OJ L 203, 11.7.2014, p. 23](#)).
- (11) Commission Implementing Regulation (EU) No 1191/2014 of 30 October 2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases ([OJ L 318, 5.11.2014, p. 5](#)).