

SCHEDULE 4

Article 24

Modifications to Commission Regulation (EU) 2018/2066

1. Commission Implementing Regulation (EU) 2018/2066 is to be read as if—
 - (a) for “competent authority” in each place it occurs there were substituted “regulator”;
 - (b) Articles 10, 52, 57, 70, 74, 75, 76 and 77 were omitted; and
 - (c) the words “This Regulation shall be binding in its entirety and directly applicable in all Member States”, immediately following Article 78, were omitted,and subject to the following additional modifications.
2. Article 1 is to be read as if for the words from “pursuant to” to the end there were substituted “for the purposes of the 2020 Order”.
3. Article 2 is to be read as if for the words from “greenhouse gas emissions” to the end of the first subparagraph there were substituted “specified emissions (as defined in the 2020 Order) from regulated activities, activity data from installations, CO₂ emissions from aviation activity and tonne-kilometre data from aviation activity”.
4. Article 3 is to be read as if—
 - (a) in the words before point (1), for “the following definitions” there were substituted “except where the context otherwise requires, terms defined in the Greenhouse Gas Emissions Trading Scheme Order 2020 have the meanings given by that Order and the following additional definitions”;
 - (b) before point (1), there were inserted—

“(A1) ‘greenhouse gas emissions’ and ‘emissions’ mean specified emissions (as defined in the 2020 Order) from regulated activities or CO₂ emissions from aviation activity;”;
 - (c) for point (2), there were substituted—

“(2) ‘trading period’, in references to the trading period immediately preceding the first trading period of the UK ETS, means the period beginning with 1st January 2013 and ending with 31st December 2020;”;
 - (d) after point (2), there were inserted—

“(2a) ‘the 2020 Order’ means the Greenhouse Gas Emissions Trading Scheme Order 2020;”;
 - (e) after point (5), there were inserted—

“(5a) ‘monitoring plan’ in relation to an aircraft operator, except in Articles 11 to 13 of this Regulation, means the aircraft operator’s emissions monitoring plan as defined in article 4 of the 2020 Order;”;
 - (f) in point (12), the words from “or, for tonne-kilometre data” to the end were omitted;
 - (g) point (18) were omitted;
 - (h) in point (28), for “Annex II to [Directive 2003/87/EC](#)” substitute “column 2 of table C in Schedule 2 to the 2020 Order”;
 - (i) in point (44) “, or equivalent applicable international rules” were omitted;
 - (j) in each of points (46) and (47), “listed in Annex I to [Directive 2003/87/EC](#)” were omitted;
 - (k) point (50) were omitted;
 - (l) in each of points (54) and (55), for “under [Directive 2009/31/EC](#)” there were substituted “in accordance with the CCS licensing regime”;

(m) after point (55), there were inserted—

“(55a) ‘the CCS licensing regime’ means Chapter 3 of Part 1 of the Energy Act 2008⁽¹⁾ and other domestic legislation which immediately before IP completion day implemented Directive 2009/31/EC⁽²⁾.”

5. Article 4 is to be read as if for “under Directive 2003/87/EC” there were substituted “for the purposes of the Greenhouse Gas Emissions Trading Scheme Order 2020”.

6. Article 5 is to be read as if for the words from “activities listed” to “that Directive” there were substituted “regulated activities and aviation activity”.

7. Article 9 is to be read as if for “Article 15 of Directive 2003/87/EC” there were substituted “Commission Implementing Regulation (EU) No 2018/2067”.

8. Article 12 is to be read as if paragraph 3 were omitted.

9. Article 13 is to be read as if—

(a) for paragraph 1 there were substituted—

“1. Subject in each case to the approval of the regulator, operators and aircraft operators may use standardised or simplified monitoring plans that conform to templates published by the regulator.”;

(b) in paragraph 2, for “Member States” there were substituted “The regulator”.

10. Article 14(1) is to be read as if “in accordance with Article 7 of Directive 2003/87/EC” were omitted.

11. Article 15 is to be read as if—

(a) in paragraph 3—

(i) in point (g), for “or *de minimis*” there were substituted “, *de minimis* or marginal”;

(ii) point (h) were omitted.

(b) in paragraph 4—

(i) in point (a)(ii), for “calculation methods as laid down in Annex III” there were substituted “the calculation methods referred to in Article 53(2)”;

(ii) in point (a)(iv), for “Article 28a(6) of Directive 2003/87/EC” there were substituted “article 33(2) of the 2020 Order”.

12. Article 16(1) is to be read as if for the words from “shall carry out” to the end there were substituted “must use, in parallel, both the modified and the original monitoring plan to carry out all monitoring and reporting, according to both plans, and must keep the results of both monitoring approaches in their records”.

13. Article 18 is to be read as if—

(a) in paragraph 1, for “EUR 20” there were substituted “£20”;

(b) in paragraph 3(c)—

(i) for “Member State” there were substituted “United Kingdom”;

(ii) after “adopted”, there were inserted “before IP completion day”;

(c) in paragraph 4—

(i) for “EUR 2000” there were substituted “£2000”;

(ii) for “EUR 500” there were substituted “£500”.

(1) 2008 c. 32.

(2) OJ No. L 140, 5.6.2009, p. 114.

14. Article 19(3) is to be read as if—
- (a) after point (b) there were inserted—
 - “(ba) marginal source streams, where the source streams selected by the operator jointly account for less than 10 tonnes of fossil CO₂ per year;”;
 - (b) in the final subparagraph, for “or a *de minimis* source stream” there were substituted “, a *de minimis* source stream or a marginal source stream”.
15. Article 20 is to be read as if—
- (a) in paragraph 1, in the second subparagraph—
 - (i) after “belonging to” there were inserted “regulated”;
 - (ii) the words from “and listed in” to the end were omitted;
 - (b) in paragraph 3—
 - (i) in the first subparagraph, for “within the meaning of [Directive 2009/31/EC](#)” there were substituted “containing a storage site permitted in accordance with the CCS licensing regime”;
 - (ii) in the second subparagraph, for “pursuant to Article 16 of [Directive 2009/31/EC](#) have been taken”, there were substituted “have been taken in accordance with the CCS licensing regime”.
16. Article 26(3) is to be read as if after “source streams” there were inserted “and marginal source streams”.
17. Article 31(1)(b) is to be read as if for “Member State” there were substituted “United Kingdom”.
18. Article 38 is to be read as if—
- (a) in paragraph 2, after “zero” there were inserted “, but the emission factor for bioliquids shall be zero only if the sustainability criteria set out in Article 17(2) to (5) of [Directive 2009/28/EC](#) have been fulfilled”;
 - (b) in paragraph 4, after “*de minimis*” there were inserted “or marginal”.
19. Article 39 is to be read as if—
- (a) in paragraph 2, the third subparagraph were omitted;
 - (b) in paragraph 3, for “Articles 2(j) and 15 of [Directive 2009/28/EC](#)” there were substituted “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)”.
20. Article 42(1) is to be read as if, in the second subparagraph, “, standards published by the Commission” were omitted.
21. Article 47(1) is to be read as if for “Annex I to [Directive 2003/87/EC](#)” there were substituted “paragraph 3 of Schedule 2 to the 2020 Order”.
22. Article 48(2) is to be read as if—
- (a) for “activities covered by Annex I to [Directive 2003/87/EC](#) or included pursuant to Article 24 of that Directive” there were substituted “regulated activities”;
 - (b) for “activity covered by that Directive” there were substituted “regulated activity”;

(3) [S.I. 2003/2562](#), amended by [S.I. 2010/2715](#) and [2011/1043](#) and amended prospectively by [S.I. 2018/1093](#) with effect from IP completion day.

(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.

- (c) for “not covered by that Directive” there were substituted “not covered by the 2020 Order”.
- 23.** Article 49 is to be read as if—
- (a) in paragraph 1—
- (i) in the words before point (a), for “activities covered by Annex I to [Directive 2003/87/EC](#)” there were substituted “regulated activities”;
- (ii) in point (a), for “under [Directive 2009/31/EC](#)” in each place it occurs there were substituted “in accordance with the CCS licensing regime”;
- (b) in paragraph 2—
- (i) in the first subparagraph, the words from “the operator” in the first place it occurs to “other cases,” were omitted;
- (ii) for the second subparagraph there were substituted—
- “In its annual emissions report, the operator of the receiving installation shall provide the name, address and contact information of a contact person for the transferring installation.”.
- 24.** Article 50 is to be read as if—
- (a) in paragraph 1—
- (i) in the first subparagraph, for “activities covered by Annex I to [Directive 2003/87/EC](#) for which that Annex specifies N₂O as relevant” there were substituted “regulated activities in respect of which N₂O emissions are specified emissions (as defined in the 2020 Order)”;
- (ii) in the third subparagraph, for “not covered by [Directive 2003/87/EC](#)” there were substituted “not covered by the 2020 Order”;
- (b) for paragraph 2 there were substituted—
- “**2.** In its annual emissions report, the operator of the transferring installation shall provide the name, address and contact information of a contact person for the receiving installation.
- In its annual emissions report, the operator of the receiving installation shall provide the name, address and contact information of a contact person for the transferring installation.”.
- 25.** Article 51 is to be read as if—
- (a) in paragraph 1, for “activities for all flights included in Annex I to [Directive 2003/87/EC](#) that are” there were substituted “activity that is”;
- (b) paragraphs 2 to 4 were omitted.
- 26.** Article 53 is to be read as if—
- (a) in paragraph 2, for “section 1 of Annex III” there were substituted “Appendix 2 to Annex 16, Volume IV to the Chicago Convention”⁽⁵⁾;
- (b) in paragraph 3, for “section 1 of Annex III” there were substituted “Appendix 2 to Annex 16, Volume IV to the Chicago Convention”.
- 27.** Article 54 is to be read as if—
- (a) the second, third and fourth subparagraphs were omitted;

(5) 1st Edition, October 2018, available electronically at <https://www.icao.int/environmental-protection/CORSIA/Pages/SARPs-Annex-16-Volume-IV.aspx> or in paper form from the International Civil Aviation Organisation, 999 Robert-Bourassa Boulevard, Montreal, Quebec, Canada H3C 5H7.

- (b) in the fifth subparagraph, for “Article 18 of [Directive 2009/28/EC](#)” there were substituted “Articles 12 and 13A of the Renewable Transport Fuel Obligations Order 2007(6)”.
28. Article 55(2) is to be read as if for “Commission” there were substituted “UK ETS authority”.
29. Article 58(1) is to be read as if the second subparagraph were omitted.
30. Article 68 is to be read as if for the whole Article there were substituted—

“Article 68

Obligations for reporting

Annex X (minimum content of annual reports) has effect for the purposes of article 33 of and paragraph 4(2)(b) of Schedule 6 and paragraph 11(2)(b) of Schedule 7 to the 2020 Order.”.

31. Article 71 is to be read as if—
- (a) the first sentence were omitted;
 - (b) for “With regard to the application of the exception, as specified in Article 4(2)(d) of [Directive 2003/4/EC](#)”, there were substituted “With regard to the potential application in relation to emission reports of the exemption in section 43 of the Freedom of Information Act 2000(7), the exception in regulation 12(5)(e) of the Environmental Information Regulations 2004(8) or the exception in regulation 10(5)(e) of the Environmental Information (Scotland) Regulations 2004(9)”.
32. Article 72(3) is to be read as if “calculating the distance and payload pursuant to Article 57 and” were omitted.
33. Article 73 is to be read as if—
- (a) in the words before point (a), for the words from “Each activity” to “aircraft operator” there were substituted “Each regulated activity carried out by an operator and each aviation activity carried out by an aircraft operator”;
 - (b) points (b) and (c) were omitted;
 - (c) for point (d) there were substituted—
 - “(d) the UK Standard Industrial Classification (SIC) of Economic Activities, issued under section 9 of the Statistics and Registration Service Act 2007(10), and as updated from time to time.”.
34. Article 78 is to be read as if the words from “However” to the end were omitted.
35. Annex 1 is to be read as if—
- (a) in section 1, in point (2)(b), for “and *de minimis*” in both places it occurs there were substituted “, *de minimis* and marginal”;
 - (b) in section 2, in point 1—
 - (i) in point (a), “the administering Member State,” were omitted;
 - (ii) in point (d), for “covered by Annex I to [Directive 2003/87/EC](#)” there were substituted “an aviation activity”;
 - (iii) in point (k), for “Article 28a(6) of [Directive 2003/87/EC](#)” there were substituted “article 33(2) of the 2020 Order”;

(6) [S.I. 2007/3072](#); relevant amending instruments are [S.I. 2011/2937](#) and [2018/374](#).

(7) 2000 c. 36.

(8) [S.I. 2004/3391](#), to which there are amendments not relevant to this Order.

(9) [S.S.I. 2004/520](#), to which there are amendments not relevant to this Order.

(10) 2007 c. 18.

(c) in section 2, in point 2(b)(i), the words “(Method A or Method B)” were omitted.

36. Annex 2 is to be read as if, before section 2.1, in the first subparagraph, for “all activities as listed in Annex I to [Directive 2003/87/EC](#) or included in the Union system under Article 24 of that Directive” there were substituted “all regulated activities”.

37. Annex 3 is to be read as if section 1 were omitted.

38. Annex 4 is to be read as if—

- (a) in section 1, in subsection A, for “all activities as listed in Annex I to [Directive 2003/87/EC](#) or included in the Union system under Article 24 of that Directive” there were substituted “all regulated activities”;
- (b) in each of the headings of sections 21, 22 and 23, for “[Directive 2009/31/EC](#)” there were substituted “the CCS licensing regime”;
- (c) in section 21, in subsection A, for “other activities covered by [Directive 2003/87/EC](#)” there were substituted “other regulated activities”;
- (d) in section 22, in subsection B, for “[Directive 2003/87/EC](#)” in both places it occurs there were substituted “the 2020 Order”;
- (e) in section 23—
 - (i) in subsection A, in the first subparagraph, for “[Directive 2009/31/EC](#)” there were substituted “the CCS licensing regime”;
 - (ii) in subsection A, in the second subparagraph, after “with”, there were inserted “domestic legislation which immediately before IP completion day implemented”;
 - (iii) in subsection B.3, in the definition of “T_{end}”, after “with”, there were inserted “domestic legislation which immediately before IP completion day implemented”.

39. Section 2(7) of Annex 9 is to be read as if—

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

40. Annex 10 is to be read as if—

- (a) in the heading, for “68(3)” there were substituted “68”;
- (b) in section 1—
 - (i) in point (6), for “Information” there were substituted “Subject to the subparagraph after point (13), information”;
 - (ii) in the subparagraph after point (13), at the end there were inserted “Emissions occurring from marginal source streams may be reported in an aggregate manner.”;
 - (iii) in the final subparagraph, after “with”, there were inserted “domestic legislation which immediately before IP completion day implemented”;
- (c) in section 2—
 - (i) in point (1), after “[Directive 2003/87/EC](#)”, there were inserted “(read as if references in that Annex to “its administering Member State” and “in the administering Member State” were omitted and as if references to “aviation activities listed in Annex I” were references to “aviation activity”);”;

- (ii) in point (6), for “aviation activities covered by Annex I to [Directive 2003/87/EC](#)” there were substituted “aviation activity”;
 - (iii) in point (9), for “Member State” there were substituted “state”;
 - (iv) in point (13), for “operator” in both places it occurs there were substituted “aircraft operator”;
- (d) in section 3—
- (i) in point (1), after “[Directive 2003/87/EC](#)”, there were inserted “(read as if references in that Annex to “its administering Member State” and “in the administering Member State” were omitted and as if references to “aviation activities listed in Annex I” were references to “aviation activity”)”;
 - (ii) in point (6), for “aviation activities covered by Annex I to [Directive 2003/87/EC](#)” there were substituted “aviation activity”;
 - (iii) in point (8), for “aviation activities listed in Annex I of [Directive 2003/87/EC](#)” there were substituted “aviation activity”.