

SCHEDULE 5

Article 25

Amendments to the Verification Regulation 2018

1. The Verification Regulation 2018 is amended as follows.
2. For “competent authority” in each place it occurs substitute “regulator”.
3. In Article 1, for “2012 Regulations” substitute “2020 Order”.
4. In Article 2, for the words from “2019” to the end substitute “2021, reported pursuant to Implementing Regulation (EU) 2018/2066”.
5. In Article 3—
 - (a) for the words before point (A1), substitute—

“In this Regulation, references to Implementing Regulation (EU) 2018/2066 are to that Regulation as modified by the Greenhouse Gas Emissions Trading Scheme Order 2020 and expressions used in that Regulation have the same meaning as in that Regulation; in addition.”;
 - (b) omit point (A1);
 - (c) in point (2), for “a” in the first place it occurs substitute “the”;
 - (d) in point (3), for “a national” substitute “the national”;
 - (e) after point (3), insert—

“(3a) ‘national accreditation body’ means the national accreditation body of the United Kingdom appointed in accordance with Article 4(1) of Regulation (EC) 765/2008(1);”;
 - (f) omit point (4a);
 - (g) omit point (4b);
 - (h) in point (7), for “regulation 35(4) and paragraph 2(1)(e)(ii) of Schedule 4 to the 2012 Regulations” substitute “a permit issued in accordance with Schedule 6 or 7 to the 2020 Order or pursuant to article 33 of the 2020 Order”;
 - (i) omit point (7a);
 - (j) omit point (7b);
 - (k) omit point (12a);
 - (l) in point (13)(a), omit “greenhouse gas emissions”;
 - (m) in points (22) and (23), for “EU” in each place it occurs substitute “UK”;
 - (n) in point (22), for “an” in the first place it occurs substitute “a”;
 - (o) in point (26), for “a” in the second place it occurs substitute “the”.
6. Omit Article 3a.
7. In Article 5, for “bodies” substitute “body”.
8. In Article 7—
 - (a) in paragraph 3, for “competent authorities” substitute “regulator”;
 - (b) in paragraph 4(b), omit “greenhouse gas emissions”.
9. In Article 10(1)(a), omit “greenhouse gas emissions”.

(1) Regulation (EC) 765/2008 is amended prospectively by S.I. 2019/696 with effect from IP completion day.

10. In Article 17(4) for “and the CO₂” substitute “or transferred N₂O is not counted in accordance with Article 50 of that Regulation and the CO₂ or N₂O transferred”.

11. In Article 27(3)(g), for “activity, other than aviation, listed in Annex 1 to [Directive 2003/87/EC](#)” substitute “regulated activity”.

12. In Article 31—

- (a) in paragraph 1, for “a” in the first place it occurs substitute “the”;
- (b) in paragraph 3(b), at the beginning insert “in the case of installations which are not within Article 32(5),”;
- (c) after paragraph 3, insert—

“**3A.** The verifier must carry out site visits to installations within Article 32(5) at least twice in the trading period.”.

13. In Article 36—

- (a) in paragraphs 2(b) and 6, for “EU” in each place it occurs substitute “UK”;
- (b) in paragraph 6, for “an” substitute “a”.

14. In Article 37—

- (a) in paragraph 2, for “an” substitute “a”;
- (b) in paragraphs 2 and 6, for “EU” in each place it occurs substitute “UK”;
- (c) in paragraph 5, in the first subparagraph, omit the second sentence.

15. In Article 38—

- (a) for “EU ETS” in each place it occurs (including the heading) substitute “UK ETS”;
- (b) in paragraph 1, in the words before point (a), for “An” substitute “A”;
- (c) in paragraph 1(a)—
 - (i) for “[Directive 2003/87/EC](#)” substitute “the 2020 Order”;
 - (ii) for “Secretary of State” substitute “the national authorities”.
- (d) in paragraph 2—
 - (i) for “An” substitute “A”;
 - (ii) for “an” substitute “a”.

16. In Article 39(2), for “an EU” substitute “a UK”.

17. In Article 40, for “EU” in each place it occurs substitute “UK”.

18. In Article 43(1), at the end insert “or under the trading scheme established by the 2020 Order”.

19. In Article 45, in the words before point (a), for “each” substitute “the”.

20. In Article 47(1), for “each” substitute “the”.

21. In Article 59(1)(b), for “[Directive 2003/87/EC](#)” substitute “the 2020 Order”.

22. In Article 60(2)(a), for “[Directive 2003/87/EC](#)” substitute “the 2020 Order”.

23. In Article 69—

- (a) in paragraph 1, omit “in accordance with Article 74(1) of Implementing Regulation (EU) 2018/2066”;
- (b) in paragraph 2, omit “in accordance with Article 74(2) of Implementing Regulation (EU) 2018/2066”.

24. In Article 70—

(a) in paragraph 1—

- (i) for “the Secretary of State” substitute “UK ETS authority”;
- (ii) for “their” substitute “the”;

(b) in paragraph 2—

- (i) for the words from “Where” to “competent authorities” substitute “The Environment Agency or such other regulator as may be designated by the national authorities from time to time is”;
- (ii) after “information” insert “for the purposes of this Chapter”.

25. In Article 71—

(a) in paragraph 1, in the words before point (a), for “that” in the first place it occurs substitute “the”;

(b) in paragraph 3—

- (i) in the words before point (a), for “that” in the second place it occurs substitute “the”;
- (ii) in point (a), for “that” in the second place it occurs substitute “the”.

26. In Article 76(1)—

- (a) for “National accreditation bodies, or where applicable national authorities referred to in Article 55(2),” substitute “The national accreditation body”;
- (b) for “competent authorities” substitute “regulators”.