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STATUTORY INSTRUMENTS

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**2013 No. 3135**

The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory (Amendment) Regulations 2013

PART 2

Amendment of the Greenhouse Gas Emissions Trading Scheme Regulations 2012

**Registries**

5.—(1) In regulation 3 (interpretation)—

- (a) omit the definition of “the Registries Regulation 2011”, and at the appropriate place insert—

““the Registries Regulation 2013” means 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(1), as amended from time to time;”;

- (b) in the definition of “registry account”—

(i) for “or “excluded”” substitute “, “excluded” or “closed””; and

(ii) for “Article 9 of the Registries Regulation 2011” substitute “Article 10 of the Registries Regulation 2013”; and

- (c) in the definition of “the Union Registry” for “2011” substitute “2013”.

(2) In regulation 8 (Commission Regulations: designations)—

- (a) in paragraph (1), for “2011” substitute “2013”;

- (b) for paragraphs (2) and (3) substitute—

“(2) Subject to paragraph (3), the regulator is the competent authority designated by the United Kingdom for the purposes of the Registries Regulation 2013 (other than Articles 25(3) and 34(6)).

(3) The Secretary of State is the competent authority so designated for the purposes of—

- (a) Article 19;  
(b) Article 32(2);  
(c) Article 33(1);  
(d) Article 34(7); and  
(e) Article 97(1).”; and

- (c) omit paragraphs (4) and (5).
- (3) In paragraph (5) of regulation 44 (power to determine reportable emissions), for “Article 32(6) of the Registries Regulation 2011” substitute “Article 35(6) of the Registries Regulation 2013”.
- (4) In paragraph (6)(e) of regulation 45 (provision of information), for “2011” substitute “2013”.
- (5) In regulation 74 (rights of appeal: registries)—
  - (a) in paragraph (1)—
    - (i) after “registry administrator” insert “or KP registry administrator”; and
    - (ii) for “2011” substitute “2013”;
  - (b) for paragraph (2) substitute—
    - “(2) Those provisions are—
      - (a) Article 22(3);
      - (b) Article 24(6);
      - (c) Article 25(3);
      - (d) Article 33(5);
      - (e) Article 34(6).”; and
  - (c) omit paragraphs (3) and (4).
- (6) In regulation 77 (determination of an appeal)—
  - (a) for paragraph (2) substitute—
    - “(2) In determining an appeal under regulation 74, the appeal body may give directions to the registry administrator or the KP registry administrator as to the exercise of their functions under the Registries Regulation 2013.”; and
  - (b) in paragraph (3), for “2010 or 2011” substitute “2013”.
- (7) In regulation 79 (interpretation)—
  - (a) for paragraph (1) substitute—
    - “(1) In this Part, a reference to a numbered Article is to that Article of the Registries Regulation 2013.”; and
  - (b) in paragraph (2), for “Article 49” substitute “Article 51(1)” and for “Article 53(1)” substitute “Article 54(1)”.
- (8) In regulation 80 (the Union Registry)—
  - (a) omit paragraph (1);
  - (b) in paragraph (2), for “Article 32(2)” substitute “Article 35(2)”;
  - (c) in paragraph (3), for “Articles 32(4) and (5)” substitute “Article 35(4) and (5)”;
  - (d) in paragraph (4), for “Article 14(1) or 15(1)” substitute “Article 16(1) or 17(1)”;
  - (e) in paragraph (6), for “Article 34” substitute “Article 37”;
  - (f) in paragraph (11), for “Article 50(1) or 54(1)” substitute “Article 52(1) or 55(1)”;
  - (g) in paragraph (12), for “Article 50(2) or 54(2)” substitute “Article 52(2) or 55(2)”;
  - (h) in paragraph (16), for “Article 36(3)” substitute “Article 39(3)”.
- (9) In paragraph (1) of regulation 81 (the UK Registry), for “Article 3(1) of the Registries Regulation 2010” substitute “Article 5(1) of the Registries Regulation 2013”.
- (10) Omit paragraph 81(2).

(11) In paragraph 2 of regulation 84 (guidance), for “the Registries Regulations 2011 or the Registries Regulations 2010” substitute “the Registries Regulations 2013”.

(12) In paragraph 3(12) of Schedule 4 (permits), for “Article 50(1)(d) or (e) of the Registries Regulation 2011” substitute “Article 52(1)(c) or (d) of the Registries Regulation 2013”.

(13) In paragraph 8(9) and (10) of Schedule 5 (excluded installations), for “2011” substitute “2013”.