
STATUTORY INSTRUMENTS

2019 No. 1440

**The Greenhouse Gas Emissions Trading
Scheme (Amendment) (No. 3) Regulations 2019**

Amendment of regulation 3

3.—(1) Regulation 3 is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “allocation”, insert—

““allocation period” means—

(a) the period which begins with 1st January 2021 and ends with 31st December 2025 (“the first allocation period”);

(b) the period which begins with 1st January 2026 and ends with 31st December 2030 (“the second allocation period”);”;

(b) after the definition of “annual reportable emissions”, insert—

““Article 27 installation” means an installation of the kind described in regulation 15(A1);

“Article 27a installation” means an installation of the kind described in regulation 15A(1);

“Article 27 installation emissions permit” means a permit which—

(a) is granted following an application under regulation 10(2); or

(b) results from a variation made under regulation 88 or paragraph 2 of Schedule 5;”;

(c) for the definition of “change of status notice”^{M1} substitute—

““change of status notice” means a notice under—

(a) paragraph 8(1) or 8(4) of Schedule 5 that an installation will cease to be treated as an Article 27 installation;

(b) paragraph 5(1) of Schedule 5A, that an installation will cease to be treated as an Article 27a installation;”;

(d) after the definition of “emissions”, insert—

““emissions target”, in relation to a scheme year, means an amount of reportable emissions specified in an Article 27 installation emissions permit as the target for that excluded installation in that year;”;

(e) for the definition of “excluded installation” substitute—

““excluded installation” means—

(a) an Article 27 installation; or

(b) an Article 27a installation;”;

(f) omit the definition of “excluded installation emissions permit”;

(g) after the definition of “the Free Allocation Decision”, insert—

““the Free Allocation Regulation” means Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised

free allocation of emission allowances pursuant to Article 10a of Directive [2003/87/EC](#) of the European Parliament and of the Council, as amended from time to time ^{M2}”;

- (h) after the definition of “the Monitoring and Reporting Regulation”, insert—
- ““the Monitoring and Reporting Regulation 2018” means Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive [2003/87/EC](#) of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012, as amended from time to time ^{M3}”;
- (i) in the definition of “permit”, in paragraph (b), for “excluded” substitute “ Article 27 ”;
- ^{F1}(j)
- (k) in the definition of “trading period”—
- (i) in the words before paragraph (a), omit “eight-year”; and
- (ii) in paragraph (b), for “eight” substitute “ ten ”;
- (l) for the definition of “the Verification Regulation”, substitute—
- ““the Verification Regulation 2018” means Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive [2003/87/EC](#) of the European Parliament and of the Council, as amended from time to time ^{M4}”;
- (m) in the definition of “written procedures”, at the end, insert “ 2018 ”.
- (3) In paragraph (2)—
- (a) in sub-paragraph (b), after “an installation”, insert “ that is not an Article 27a installation ”;
- (b) after sub-paragraph (b)—
- (i) omit “and”;
- (ii) insert—
- “(ba) an Article 27a installation has ceased operation, the operator is the person who had control over its operation immediately before the installation ceased operation; and”.

Textual Amendments

- F1** [Reg. 3\(2\)\(j\)](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Greenhouse Gas Emissions Trading Scheme \(Withdrawal Agreement\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1369\)](#), regs. 1(2), **44(b)**

Commencement Information

- I1** [Reg. 3\(1\)\(2\)\(b\)\(c\)\(e\)\(f\)\(h\)-\(k\)\(m\)\(3\)](#) in force at 1.1.2021, see [reg. 1\(4\)](#)
- I2** [Reg. 3\(2\)\(a\)](#) in force at 1.2.2020 for specified purposes, see [reg. 1\(2B\)\(a\)](#)
- I3** [Reg. 3\(2\)\(a\)](#) in force at 1.1.2021 in so far as not already in force, see [reg. 1\(4\)](#)
- I4** [Reg. 3\(2\)\(d\)](#) in force at 1.2.2020 for specified purposes, see [reg. 1\(2B\)\(b\)\(4\)](#)
- I5** [Reg. 3\(2\)\(d\)](#) in force at 1.1.2021 in so far as not already in force, see [reg. 1\(4\)](#)
- I6** [Reg. 3\(2\)\(g\)\(l\)](#) in force at 21.11.2019, see [reg. 1\(2\)](#)

Marginal Citations

- M1** The definition of “change of status notice” was inserted by [S.I. 2015/1849](#).
- M2** OJ L No 59, 27.02.2019, p. 8.
- M3** OJ L No 334, 31.12.2018, p. 1.

M4 OJ L No 334, 31.12.2018, p. 94.

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019, Section 3.