This Statutory Instrument corrects an error in S.I. 2010/2221 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

EXITING THE EUROPEAN UNION ENVIRONMENTAL PROTECTION

The Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2018

Made - - - - ****

Coming into force in accordance with regulation 1

The Secretary of State is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the environment.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**3**).

In accordance with paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018 a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

(**1**) S.I. 2008/301.
(**2**) 1972 c. 68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
(**3**) 2018 c. 16.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2018.

(2) This regulation and Part 3 come into force on the day before that on which exit day falls.

(3) The remainder of the Regulations come into force on exit day.

PART 2

Amendments made under the European Union (Withdrawal) Act 2018 to legislation relating to the storage of carbon dioxide

Amendments to the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010

2.—(1) The Storage of Carbon Dioxide (Licensing etc.) Regulations 2010(**4**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (3)—

(i) after the definition of "the authority" insert—

""climate change legislation" means—

(a) legislation which before exit day implemented the ETS Directive;

(b) regulations made under Part 3 of the Climate Change Act 2008(**5**) on or after exit day, which impose obligations similar to obligations which existed, on the day before exit day, under legislation which implemented the ETS Directive; or

(c) legislation which levies a tax in relation to greenhouse gas emissions attributable to a person;";

(ii) after the definition of "the Directive" insert—

""emissions" (except in the definitions of "the ETS Directive" and "Monitoring Regulation") has the meaning given by section 97 of the Climate Change Act 2008;";

(iii) after the definition of "general exploration licence" insert—

""greenhouse gas" (except in the definitions of "the ETS Directive" and "Monitoring Regulation") has the meaning given by section 92 of the Climate Change Act 2008;";

(iv) in the definition of "legislation", before "means" insert "(except in paragraph (b) of the definition of "climate change legislation")";

(v) after the definition of "monitoring plan" insert—

(**4**) S.I. 2010/2221, amended by the Energy Act 2016 (c. 70), Schedule 1, Part 2, paragraphs 77-80, S.I. 2012/461 and S.I. 2016/912.

(**5**) 2008 c. 27, to which there are amendments not relevant to these Regulations.

““Monitoring Regulation” means Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council;”;

(b) in paragraph (4), omit ““substantial change””;

(c) after paragraph (4), insert—

“(5) In these Regulations, for the purposes of any reference to Annex II to the Directive, Article 13(2) of the Directive shall be read as if for the words “guidelines established pursuant to Article 14 and Article 23(2) of Directive 2003/87/EC” there were substituted “Monitoring Regulation”.”.

(3) In regulation 6 (applications for a storage permit)—

(a) in paragraph (3)(e), for the words after “under” substitute “the Monitoring Regulation”;

(b) in paragraph (3)(h), for “implementing” substitute “which before exit day implemented”;

(c) omit paragraph (4).

(4) In regulation 7 (grant of storage permits)—

(a) in paragraph (1)(b)—

(i) for “territories” substitute “territory”;

(ii) for “member States” substitute “United Kingdom or another state which is party to an agreement with the United Kingdom concerning cross-boundary cooperation in relation to the complex”;

(b) in paragraph (2), for “member State” substitute “state”;

(c) omit paragraph (7).

(5) In regulation 9(3) (information to be published on the register), omit sub-paragraph (f).

(6) In regulation 11 (review, modification and revocation of storage permit), after paragraph (8) insert—

“(9) In this regulation “substantial change” means any change not provided for in the storage permit which may have a significant effect on the environment or human health.”.

(7) In regulation 12 (consequences of revocation of a storage permit)—

(a) for paragraph (4)(d), substitute—

“(d) in relation to the offset of emissions which are leakage under climate change legislation (if any); and”;

(b) in paragraph (4)(e), for “implementing” substitute “which before exit day implemented”.

(8) In regulation 14 (post-closure obligations)—

(a) in paragraph (a), for “implementing” substitute “which before exit day implemented”;

(b) for paragraph (b), substitute—

“(b) relating to the offset of emissions which are leakage under climate change legislation (if any).”.

(9) In paragraph 3(7) of Schedule 2—

(a) after “person” insert “(if any)”;

(b) after “to” insert “emissions from”;

(c) for “legislation implementing the ETS Directive” substitute “climate change legislation”.

(10) In paragraph 7 of Schedule 2—