
STATUTORY INSTRUMENTS

2005 No. 2903

The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005

PART 1

GENERAL

Title and commencement

1. These Regulations may be cited as the Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005 and shall come into force on 13th November 2005.

[^{F1}Duty to review these Regulations

1A.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Emissions Trading Directive and Decision [280/2004/EC](#) are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which the Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory (Amendment) Regulations 2013 come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.]

Textual Amendments

- F1** Reg. 1A inserted (31.1.2014) by [The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory \(Amendment\) Regulations 2013 \(S.I. 2013/3135\)](#), regs. 1, **8**

Interpretation

2.—(1) In these Regulations—

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...

“Annex I party” means a country which—

- (a) is listed in Annex I to the UNFCCC or which has given notice in accordance with Article 4(2)(g) of the UNFCCC; and
- (b) has ratified the Kyoto Protocol to the UNFCCC signed at Kyoto on 11th December 1997;

“approval” means, in relation to a proposed project activity—

- (a) the approval of an Article 6 project activity required by Article 6(1)(a) of the Kyoto Protocol; or
- (b) the approval of voluntary participation in an Article 12 project activity required by Article 12(5)(a) of the Kyoto Protocol,

and “approve” shall be construed accordingly;

“Article 6 project activity” means a project within the meaning of Article 6 of the Kyoto Protocol, that is to say a project in an Annex I party aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases in any sector of the economy;

“Article 12 project activity” means a project activity within the meaning of Article 12 of the Kyoto Protocol, that is to say a project activity under the clean development mechanism;

“the Emissions Trading Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community⁽¹⁾ as amended by Directive [2004/101/EC](#)⁽²⁾;

“Kyoto Protocol” means the Kyoto Protocol to the UNFCCC signed at Kyoto on 11th December 1997⁽³⁾;

“national inventory” means the estimation, under Article 4(1)(a) of the UNFCCC, of anthropogenic emissions of greenhouse gases (that is, those gaseous constituents of the atmosphere that absorb and reemit infrared radiation) by sources and removals of all greenhouse gases by sinks not controlled by the Montreal Protocol on Substances that Deplete the Ozone Layer adopted at Montreal on 16th September 1987;

“project activity” means an Article 6 project activity or an Article 12 project activity;

“sink” means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere; and

“UNFCCC” means the United Nations Framework Convention on Climate Change signed in New York on 9th May 1992⁽⁴⁾.

(2) Expressions used in these Regulations have the same meaning as in the Emissions Trading Directive unless otherwise stated.

(3) For the purposes of these Regulations—

- (a) “Scottish applicant” means a person whose principal place of residence is in Scotland or, where the applicant is a body corporate or partnership, whose principal office is in Scotland;

(1) OJNo. L 275, 25.10.2003, p.32. The Directive is amended by Directive [2004/101/EC](#), OJ No.L 338, 13.11.2004, p.18.

(2) OJ No. L 338, 13.11.2004, p.18.

(3) This is available at <http://unfccc.int/resource/docs/convkp/kpeng.html>.

(4) This is available at <http://unfccc.int/resource/docs/convkp/conveng.pdf>.

- (b) “NI applicant” means a person whose principal place of residence is in Northern Ireland or, where the applicant is a body corporate or a partnership, whose principal office is in Northern Ireland; and
- (c) “Welsh applicant” means a person whose principal place of residence is in Wales or, where the applicant is a body corporate or a partnership, whose principal office is in Wales.

Textual Amendments

- F2** Words in [reg. 2\(1\)](#) omitted (1.2.2015) by virtue of [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) and National Emissions Inventory \(Amendment\) Regulations 2014 \(S.I. 2014/3075\)](#), [regs. 1\(1\), 2\(2\)](#) (with [reg. 3](#))

Notices

3. [^{F3}Schedule 2 to the Greenhouse Gas Emissions Trading Scheme Regulations 2012] shall apply to a notice or document served under these Regulations.

Textual Amendments

- F3** Words in [reg. 3](#) substituted (31.1.2014) by [The Greenhouse Gas Emissions Trading Scheme and National Emissions Inventory \(Amendment\) Regulations 2013 \(S.I. 2013/3135\)](#), [regs. 1, 9](#)

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005, PART 1.