

## SCHEDULE

Regulation 30

### Excluded installations: Article 27a installations

#### Commencement Information

**II** Sch. in force at 1.1.2021, see [reg. 1\(4\)](#)

“SCHEDULE 5A

Regulations 15A, 58ZA, 58ZB

#### Interpretation

1. In this Schedule—

- (a) “maximum amount” means an amount of less than 2,500 tonnes of carbon dioxide equivalent, disregarding emissions from biomass;
- (b) “the operator's preferred alternative permit” has the meaning given in paragraph 3(1).

#### Duty to monitor emissions

2.—(1) The operator of an Article 27a installation must monitor the installation's emissions of carbon dioxide equivalent in accordance with an appropriate monitoring plan.

(2) An appropriate monitoring plan for the first allocation period is a monitoring plan that—

- (a) was approved in relation to the installation in accordance with Articles 11 to 13 of the Monitoring and Reporting Regulation, for the purposes of the scheme year immediately before the first allocation period; or
- (b) is otherwise approved by the regulator, following an application made by the operator, as a plan that is capable of monitoring whether the installation has exceeded the maximum amount in any scheme year.

(3) An appropriate monitoring plan for the second allocation period is a monitoring plan that—

- (a) was approved in relation to the installation in accordance with Articles 11 to 13 of the Monitoring and Reporting Regulation, for the purposes of the scheme year immediately before the first allocation period;
- (b) was approved in relation to the installation in accordance with Article 11 to 13 of the Monitoring and Reporting Regulation 2018, for the purposes of the scheme year immediately before the second allocation period; or
- (c) is otherwise approved by the regulator, following an application made by the operator, as a plan that is capable of monitoring whether the installation has exceeded the maximum amount in any scheme year.

#### The operator's preferred alternative permit

3.—(1) The operator of an Article 27a installation may notify the regulator that, if the installation exceeds the maximum amount in any scheme year, the operator prefers to comply with the conditions of an Article 27 installation emissions permit or, alternatively, a greenhouse gas emissions permit in respect of the installation (“the operator's preferred alternative permit”).

(2) A notice under sub-paragraph (1) must be received by the regulator by 31st August 2024, in relation to the second allocation period.

*Changes to legislation: There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019, SCHEDULE. (See end of Document for details)*

### **Duty to notify if emissions exceed maximum amount during an allocation period**

4.—(1) The operator of an Article 27a installation must notify the regulator by the relevant date if the reportable emissions from the installation in any scheme year exceed the maximum amount.

(2) For the purposes of sub-paragraph (1), the relevant date is 31st March in the year following the scheme year in question.

### **Termination of Article 27a status**

5.—(1) Where the regulator is satisfied that an Article 27a installation has exceeded the maximum amount in any scheme year, the regulator must, as soon as is reasonably practicable, give a notice to the operator.

(2) A notice that is given pursuant to sub-paragraph (1) must state that, from the beginning of the scheme year following the year in which the notice is given—

- (a) the installation will not be treated as an Article 27a installation; and
- (b) the operator will be required to comply with the conditions of the operator's preferred alternative permit for the remainder of the allocation period during which the notice is given.

(3) Where the regulator has not received [<sup>F1</sup>notification of the operator's preferred alternative permit in accordance with paragraph 3], the notice under sub-paragraph (1) must state that, from the beginning of the scheme year following the year in which the notice is given, until the end of the allocation period during which the notice is given, the operator will be required to comply with the conditions of a greenhouse gas emissions permit in respect of the installation.

(4) <sup>F2</sup>The operator of an Article 27a installation who has received a notice ... pursuant to sub-paragraph (1) may apply for—

- (a) a greenhouse gas emissions permit, under regulation 10(1); or
- (b) an Article 27 installation emissions permit, under regulation 10(2),

whichever is stated in the notice given pursuant to sub-paragraph (2)(b) or sub-paragraph (3).”

#### **Textual Amendments**

- F1** Words in Sch. substituted (31.1.2020) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Regulations 2020 \(S.I. 2020/18\)](#), regs. 1, **16(2)**
- F2** Word in Sch. omitted (31.1.2020) by virtue of [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) Regulations 2020 \(S.I. 2020/18\)](#), regs. 1, **16(3)**

**Changes to legislation:**

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