
STATUTORY INSTRUMENTS

2019 No. 544

The Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2019

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^{M1} 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^{M2} 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—

““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—
- (a) for sub-paragraph (5)(c) substitute—

“(c) any obligations of the operator arising in respect of the storage site under climate change legislation which relate to—

 - (i) monitoring, reporting or verification of greenhouse gas emissions; or
 - (ii) the offset of emissions which are leakage,

of which the authority has notified the operator under sub-paragraph (5A); and”;

(b) after sub-paragraph (5) insert—

“(5A) The authority must notify the operator of any climate change legislation it considers gives rise to obligations which should be taken into account under sub-paragraph (5)(c).”.

Commencement Information

I1 Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M1 [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](#).

M2 [2008 c. 27](#), to which there are amendments not relevant to these Regulations.

Amendments to the Storage of Carbon Dioxide (Termination of Licences) Regulations 2011

3.—(1) The Storage of Carbon Dioxide (Termination of Licences) Regulations 2011 ^{M3} are amended as follows.

(2) Omit regulation 6 (information to be provided to the European Commission).

(3) In regulation 9 (issuing a draft termination notice), omit paragraph (4).

(4) In regulation 11 (serving a termination notice), omit paragraphs (1)(a) and (3).

(5) In regulation 14 (transfer of obligations)—

(a) for paragraph (2)(c), substitute—

“(c) the offset of emissions which are leakage under climate change legislation (if any); and”;

(b) in paragraph (2)(d), for “implementing” substitute “ which before exit day implemented ”;

(c) for paragraph (3), substitute—

“(3) In this regulation—

(a) “climate change legislation” means—

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

(ii) regulations made under Part 3 of the Climate Change Act 2008 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

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

(b) “corrective measures” has the meaning given to it by Article 3 of the Directive;

(c) “emissions” (except in sub-paragraphs (d) and (g)) has the meaning given to it by section 97 of the Climate Change Act 2008;

(d) “ETS Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive [96/61/EC](#);

(e) “greenhouse gas” (except in sub-paragraphs (d) and (g)) has the meaning given to it by section 92 of the Climate Change Act 2008;

- (f) “legislation” (except in sub-paragraph (a)(ii)) means legislation in force in the United Kingdom (whether passed, or made, before or after the commencement of these Regulations);
- (g) for the purposes of the references to Article 13 of the Directive and Annex II to the Directive in paragraph (2)(a), Article 13(2) 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 “ 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 ”.”.

Commencement Information

I2 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M3 [S.I. 2011/1483](#), amended by [S.I. 2016/912](#).

Amendments to the Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011

4.—(1) The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011 ^{M4} are amended as follows.

(2) In regulation 12(5)(h) (acquisition of rights to use relevant infrastructure), omit “and to European Union legislation”.

Commencement Information

I3 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

M4 [S.I. 2011/2305](#).

Changes to legislation:

There are currently no known outstanding effects for the The Storage of Carbon Dioxide (Amendment and Power to Modify) (EU Exit) Regulations 2019, PART 2.