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STATUTORY INSTRUMENTS

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**2019 No. 544**

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

**PART 4**

Power to modify application of Annexes I and II to the Directive

**Power to modify application of Annexes I and II to the Directive**

6.—(1) This regulation applies to activities in respect of which the OGA is the licencing authority under section 18(2) of the Energy Act 2008 <sup>M1</sup>.

(2) Subject to paragraph (3), the Secretary of State may by regulations made by statutory instrument modify the requirements of Annex I or II to the Directive as they apply for the purposes of the relevant Regulations, to reflect technical progress or developments in scientific knowledge.

(3) Regulations under this regulation must not adversely affect—

- (a) the ability of the OGA to determine whether the requirements in regulation 7(1)(c) of the Licencing Regulations are satisfied, or
- (b) monitoring for the purposes specified in paragraph 2(3) of Schedule 2 to the Licencing Regulations.

(4) Before making regulations under this regulation the Secretary of State must consult the OGA.

(5) Regulations under this regulation are subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In this regulation—

“the Directive” means Directive [2009/31/EC](#) of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive [85/337/EEC](#), European Parliament and Council Directives [2000/60/EC](#), [2001/80/EC](#), [2004/35/EC](#), [2006/12/EC](#), [2008/1/EC](#) and Regulation (EC) No 1013/2006<sup>M2</sup>;

“Licencing Regulations” means the Storage of Carbon Dioxide (Licencing etc.) Regulations 2010;

“the OGA” means the Oil and Gas Authority;

“the relevant Regulations” means—

- (a) the Licensing Regulations (including provisions in Schedule 1 or 2 included in a licence or storage permit);
- (b) the Storage of Carbon Dioxide (Termination of Licences) Regulations 2011; and
- (c) 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.

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**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, Section 6. (See end of Document for details)

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**Commencement Information**

- I1** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)
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**Marginal Citations**

- M1** [2008 c. 32](#). Section 18(2) was amended by Energy Act 2016, Schedule 1, Part 1, paragraph 53, [S.I. 2011/2453](#), [S.I. 2017/524](#) and [S.S.I. 2011/224](#)
- M2** OJ No L 140, 5.6.2009, p 114, as last amended by Decision (EU) 2018/853 of the European Parliament and of the Council of 30 May 2018 OJ L 150, 14.6.2018.

**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, Section 6.