

2022 No. 467

ELECTRICITY, ENGLAND

**The Emissions Performance Standard (Amendment) Regulations
2022**

<i>Made</i>	- - - -	<i>20th April 2022</i>
<i>Laid before Parliament</i>		<i>25th April 2022</i>
<i>Coming into force</i>		<i>17th May 2022</i>

In accordance with section 62(4) of the Energy Act 2013^(a), this instrument was laid before Parliament and neither House has resolved that the instrument should not be made.

The Secretary of State, in exercise of the powers conferred by section 60 of that Act, makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Emissions Performance Standard (Amendment) Regulations 2022 and come into force on 17th May 2022.

(2) These Regulations extend to England.

Amendment of the Emissions Performance Standard Regulations 2015

2. Regulation 2 (interpretation) of the Emissions Performance Standard Regulations 2015^(b) is amended as follows—

- (a) after the definition of “generating unit” insert—
 - ““the GGETS Order” means the Greenhouse Gas Emissions Trading Scheme Order 2020(c);”;
- (b) for the definition of “Greenhouse Gas Emissions Permit” substitute—
 - ““Greenhouse Gas Emissions Permit” has the meaning given by article 4(1) of the GGETS Order;”;
- (c) for the definition of “Greenhouse Gas Emissions Report” substitute—
 - ““Greenhouse Gas Emissions Report” means—
 - (a) for emissions occurring before 1 January 2021, a report required to be submitted by an operator by virtue of Article 67(1) of the Monitoring and Reporting Regulation 2012(d);

(a) 2013 c. 32.
(b) S.I. 2015/933.
(c) S.I. 2020/1265.
(d) Commission Regulation (EU) No 601/2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council.

- (b) for emissions occurring on or after 1 January 2021, a report required to be submitted in accordance with a monitoring and report condition in the operator’s greenhouse gas emissions permit, by virtue of article 26(3) of, and paragraph 4(2)(b) of Schedule 6 to, the GGETS Order;”;
- (d) for the definition of “the Monitoring and Reporting Regulation” substitute—
 - ““the Monitoring and Reporting Regulation” means—
 - (a) for emissions and activity data occurring before 1 January 2021, 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, as it had effect immediately before IP completion day; and
 - (b) for emissions and activity data occurring on or after 1 January 2021, Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council, as given effect by article 24 of the GGETS Order;”;
- (e) for the definition of “the Verification Regulation” substitute—
 - ““the Verification Regulation 2018” means Commission Implementing Regulation (EU) 2018/2067 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council, as given effect by virtue of article 25 of the GGETS Order; and”;
- (f) in the definition of “verified”, after Verification Regulation insert “2018”.

Greg Hands
Minister of State

20th April 2022

Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Emissions Performance Standard Regulations 2015 (“the 2015 Regulations”) (S.I. 2015/933) to update certain definitions that apply in respect of the monitoring and enforcement of the emissions performance standard in England.

Certain terms defined in the 2015 Regulations require amending to refer to the relevant legislation that is currently in force. These terms are only used in Part 3 of the 2015 Regulations.

Regulation 2 of this instrument therefore provides for the amendment of regulation 2 of the 2015 Regulations. This inserts a new definition of the Greenhouse Gas Emissions Trading Scheme Order 2020, and amends the definitions of “Greenhouse Gas Emissions Permit”, “Greenhouse Gas Emissions Report”, “the Monitoring and Reporting Regulation”, “the Verification Regulation” and “verified”.

An impact assessment of the effect that the UK Emissions Performance Standard has on the costs of business, the voluntary sector and the public sector is available from the Industrial Energy Directorate, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET and is available alongside this instrument on www.legislation.gov.uk.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2022/467>

ISBN 978-0-34-823456-5



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