

Environment, Planning and Countryside Committee

EPC(2) 14-06(p6) SI

subordinate legislation

2006 No. (W.)

environmental protection, wales

The Emissions Trading Scheme (Wales) Directions 2006

Given xxx

Coming into force xxx

The National Assembly for Wales, in exercise of the powers conferred upon it by regulation 42 of the Greenhouse Gas Emissions Trading Scheme Regulations 2005, gives the following Directions to the Environment Agency, with respect to the carrying out of its functions under those Regulations:

Title, commencement and extent

1. The title of these Directions is the Greenhouse Gas Emissions Trading Scheme (Wales) Directions 2006 and they come into force on the day after the day on which they are given.
2. These directions apply in relation to Wales.

Interpretation

3. A reference in these Directions to—

(a) a regulation is a reference to a regulation of the Greenhouse Gas Emissions Trading Scheme Regulations 2005(); and

(b) the Directive is a reference to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 on establishing a scheme for greenhouse gas emission allowance trading within the Community().

Refusal or variation of a permit

4. In relation to an application for a permit under regulation 8 or an application to vary a permit under regulation 14(2), and in exercise of its powers under regulations 9(4) and 14(7), the Environment Agency must refuse to grant a new permit or to vary a permit where—

(a) the application is received before the United Kingdom has submitted its National Allocation Plan for Phase II of the EU Emissions Trading Scheme to the European Commission in accordance with Article 9(1) of the Directive; and

(b) the application relates to—

(i) the commencement of a Schedule 1 activity; or

(ii) a change at an installation leading to an increase in the capacity of a Schedule 1 activity, that will occur after 31 December 2007.

Revocation or variation of a permit

5. Where the Environment Agency has granted or varied a permit—

(a) before the United Kingdom has submitted its National Allocation Plan for Phase II of the EU Emissions Trading Scheme to the European Commission in accordance with Article 9(1) of the Directive; and

(b) the Environment Agency becomes aware that—

(i) the commencement of the Schedule 1 activity will not occur before 1 January 2008, it must revoke the permit pursuant to regulation 17(1); or

(ii) a change at an installation leading to an increase in the capacity of a Schedule 1 activity will not occur before 1 January 2008, it must vary the permit pursuant to regulation 14(1) to reverse the variation previously made in respect of that increase in capacity.

Signed on behalf of the National Assembly for Wales

[Date]

Carwyn Jones

Minister for Environment, Planning and Countryside