



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Greenhouse Gas Emissions Trading Scheme (Withdrawal Agreement) (EU Exit) Regulations 2020**

**DATE**            **02 December 2020**

**BY**                **Rebecca Evans MS, Minister for Finance and Trefnydd**

**SO30C** – Notification in Relation to Statutory Instruments made by UK Ministers in devolved areas under the European Union (Withdrawal) Act 2018 not laid before the Senedd.

### **The Greenhouse Gas Emissions Trading Scheme (Withdrawal Agreement) (EU Exit) Regulations 2020**

The 2020 Regulations make amendments to the following:

#### Amendments to Domestic Legislation

The Greenhouse Gas Emissions Trading Scheme Regulations 2012

The Greenhouse Gas Emissions Trading (Amendment) (EU Exit) Regulations 2019

The Greenhouse Gas Emissions Trading Scheme (Amendment) (EU Exit) (No. 2) Regulations 2019

The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019

#### **Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence**

The 2020 Regulations amends domestic legislation which largely falls within the legislative competence of the Senedd and the Welsh Ministers' executive powers in relation to a carbon trading scheme set up by legislation.

#### **The purpose of the amendments**

The 2020 Regulations support a smooth exit from the EU ETS scheme, as required by Article 96 of the Withdrawal Agreement. They do so by ensuring an appropriate legislative basis for UK operators to meet their compliance obligations in respect of the 2020

scheme year, which fall due in 2021. The SI will also enact Article 9 and Annex 4 of the Northern Ireland Protocol by providing a continuing basis for electricity generators in Northern Ireland to remain in the EU ETS.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://www.legislation.gov.uk/uksi/2020/1369/contents/made>

### **Why consent was given**

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency and expediency. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU, by amending or revoking provisions that would otherwise be inoperable.