



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Climate and Energy (Revocation) (EU Exit) Regulations 2021**

DATE **22 March 2021**

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

The Climate and Energy (Revocation) (EU Exit) Regulations 2021

The 2021 Regulations revokes the following retained direct European Union legislations:

EU Regulations:

- Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC;
- Commission Delegated Regulation (EU) No 666/2014 of 12 March 2014 establishing substantive requirements for a Union inventory system and taking into account changes in the global warming potentials and internationally agreed inventory guidelines pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council;
- Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council;
- Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU;
- Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013;
- Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European

Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council;

- Commission Implementing Regulation (EU) 2020/1208 of 7 August 2020 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) 2018/1999 of the European Parliament and of the Council and repealing Commission Implementing Regulation (EU) No 749/2014; and
- Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism.

EU Decisions:

- Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020;
- Commission Decision 2013/162/EU of 26 March 2013 on determining Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council;
- Decision No 529/2013/EU of the European Parliament and of the Council of 21 May 2013 on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities;
- Commission Implementing Decision 2013/634/EU of 31 October 2013 on the adjustments to Member States' annual emission allocations for the period from 2013 to 2020 pursuant to Decision No 406/2009/EC of the European Parliament and of the Council;
- Council Decision (EU) 2015/1339 of 13 July 2015 on the conclusion, on behalf of the European Union, of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder;
- Commission Implementing Decision 2016/2132/EU of 5 December 2016 on greenhouse gas emissions for each Member State for the year 2013 covered by Decision No 406/2009/EC of the European Parliament and of the Council;
- Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU;
- Commission Implementing Decision 2017/1015/EU of 15 June 2017 on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2014 for each Member State;
- Commission Decision (EU) 2017/1471 of 10 August 2017 amending Decision 2013/162/EU to revise Member States' annual emission allocations for the period from 2017 to 2020;

- Commission Implementing Decision (EU) 2017/2377 of 15 December 2017 on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2015 for each Member State;
- Commission Implementing Decision (EU) 2018/1855 of 27 November 2018 on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2016 for each Member State;
- Commission Implementing Decision (EU) 2019/2005 of 29 November 2019 on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2017 for each Member State; and
- Commission Implementing Decision (EU) 2020/1834 of 3 December 2020 on greenhouse gas emissions covered by Decision No 406/2009/EC of the European Parliament and of the Council for the year 2018 for each Member State.

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

The 2021 Regulations do not impact on the Senedd’s legislative competence or the Welsh Ministers’ executive competence.

The purpose of the amendments

The purpose of the 2021 Regulations is to revoke retained direct European Union law, in the fields of climate change and energy, which has no practical application in relation to the United Kingdom (“UK”), as the UK is no longer a Member State.

The UK will continue to meet its domestic and international climate obligations through its own domestic climate change legal framework.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-climate-and-energy-revocation-eu-exit-regulations-2021?cachebust=1616158855>

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.