

## UK MINISTERS ACTING IN DEVOLVED AREAS

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

*Laid in the UK Parliament: 5 April 2019*

#### **Sifting**

Subject to sifting in UK Parliament?	No
Procedure:	Proposed Negative
Date of consideration by the House of Commons European Statutory Instruments Committee	24 April 2019
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known
Date sifting period ends in UK Parliament	2 May 2019
Written statement under SO 30C:	Paper 15
SICM under SO 30A (because amends primary legislation)	Not required

#### **Scrutiny procedure**

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

#### **Commentary**

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of the European Union (Withdrawal) Act 2018.

In the event that the UK withdraws from the EU without a deal ('No Deal'), the UK would not have an agreement in place to continue participating in the EU Emissions Trading System (EU ETS), which would create inoperabilities in existing legislation. The Greenhouse Gas Emissions Trading Scheme (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/107) revoked certain provisions that will cease to apply on exit day and amended others to address those inoperabilities.

This instrument makes further amendments for the same purpose, following amendments to EU law governing the EU ETS (predominantly relating to the verification of emissions, and accreditation of verifiers). These amendments to EU law would result in further inoperabilities in the

event of a no-deal exit. The need for this further instrument was explained in the Explanatory Memorandum which accompanied S.I. 2019/107.

Following these amendments to EU law, the provisions made by S.I. 2019/107 still provide functioning monitoring and reporting regulations for UK operators, as the amendments to EU law were predominantly made to accreditation and verification requirements. This instrument accounts for those changes and will be in force before UK operators begin the accreditation and verification processes. No material impact of the inoperabilities introduced by the amendments to EU law will be felt by operators on exit day.

Legal Advisers agree with the statement laid by the Welsh Government dated 11 April 2019 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.