
EXPLANATORY NOTE

(This note is not part of the Regulations)

[Directive 2003/87/EC](#) of the European Parliament and of the Council establishing a system for greenhouse gas emissions allowances trading within the Union (OJ L 275, 25.10.2003, p.32) is implemented in the United Kingdom by the Greenhouse Gas Emissions Trading Scheme Regulations 2012 (S.I. 2012/3038) (“the 2012 Regulations”).

Regulation 2(2) and (3) amends the interpretation provisions in the 2012 Regulations.

Regulation 2(4) amends regulation 42A(2) of the 2012 Regulations, changing the deadline for aircraft operators to surrender sufficient allowances to cover their annual reportable emissions for the 2018 scheme year. The surrender deadline is changed to 10.59 pm on 29th March 2019 and is further moved, either to immediately before the UK’s exit from the EU or to 30th April 2019 if “exit day” within the meaning of the European Union (Withdrawal) Act 2018 is changed so that it falls, respectively, on a day before 1st May 2019 or on or after 1st May 2019. These deadlines also apply if, before the new surrender deadline, “exit day” is subsequently changed again.

Regulation 2(5) amends regulation 54(7)(b) of the 2012 Regulations, changing the date from which a penalty is payable for the 2018 scheme year where an aircraft operator or installation has annual reportable emissions which are not included in the verified emissions report and where there is a failure to surrender sufficient allowances in relation to those unreported emissions. In such cases, the date is changed to reflect the changes to the surrender deadline (including any further changes made prior to the new surrender deadline).

In the case of installations, the relevant surrender requirements are set out as conditions of the permit. Regulation 2(6) amends Schedule 4 to the 2012 Regulations to change the date when operators of installations are required to surrender sufficient allowances to cover their annual reportable emissions for the 2018 scheme year to reflect the changes to the surrender deadline (including any further changes made prior to the new surrender deadline).

A full regulatory impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sectors is foreseen.