
STATUTORY INSTRUMENTS

2009 No. 3130

**The Greenhouse Gas Emissions Data and National
Implementation Measures Regulations 2009**

Interpretation

2. In these Regulations—

“2005 Regulations” mean the Greenhouse Gas Emissions Trading Scheme Regulations 2005(1) as amended from time to time;

“allowance” has the meaning given to it in Article 3 of the Directive;

“Annex I” means Annex I to the Directive;

“appropriate authority” means—

- (a) in relation to an installation situated in England or an offshore installation, the Secretary of State;
- (b) in relation to an installation (other than an offshore installation) situated in Wales, the Welsh Ministers;
- (c) in relation to an installation (other than an offshore installation) situated in Scotland, the Scottish Ministers;
- (d) in relation to an installation (other than an offshore installation) situated in Northern Ireland, the Department of the Environment in Northern Ireland;
- (e) in respect of appeals against decisions of the chief inspector, the Planning Appeals Commission;

“chief inspector” means the chief inspector constituted under regulation 8(3) of the Northern Ireland Regulations;

“combustion” has the meaning given to it in the Directive;

“the Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council establishing a scheme for greenhouse gas emissions allowance trading within the Community and amending Council Directive [96/61/EC](#)(2), as amended from time to time;

“electronic communication” has the same meaning as in the Electronic Communications Act 2000(3);

“emissions” means the release of greenhouse gases into the atmosphere from sources in an installation;

“emissions data” means a record of emissions during the relevant period which are attributable to a Phase 3 activity, or, in relation to an installation which carried out a Phase 3 activity for only part of the relevant period, a record of emissions relating to that period;

“greenhouse gases” means the gases listed in Annex I to the Directive;

(1) [S.I. 2005/925](#).

(2) OJNo. L 275, 25.10.03, p.32. The Directive is amended by Directive [2004/101/EC](#), OJ No. L 338, 13.11.2004, p.18.

(3) [2000 c.7](#); the definition of electronic communication in section 15(1) was amended by the Communications Act [2003 \(c.21\)](#), section 406(1) and Schedule 17, paragraph 158.

“incumbent installation” means an installation whose emissions are authorised by a permit issued under the 2005 Regulations;

“independent verifier” means a person or body accredited or endorsed by UKAS to carry out the verification requirements of Article 15 of the Directive;

“installation” has the meaning given to it in the Directive;

“Monitoring and Reporting Decision” means Commission Decision [2007/589/EC](#)(4) as amended from time to time establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to the Directive;

“Northern Ireland Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(5);

“offshore installation” has the meaning given to it in the 2005 Regulations;

“operator” has the meaning given to it in the 2005 Regulations;

“other relevant data” has the meaning given by regulation 4(4);

“Phase 3 activity” means—

- (a) in relation to activities other than combustion activities, those activities listed in Annex I which are only included in the scheme for greenhouse gas emission allowance trading established in the Directive from 2013 onwards; or
- (b) those combustion activities which are only included in the scheme for greenhouse gas emission allowance trading established in the Directive from 2013 onwards

where, in relation to any of those activities, they are carried on at an installation other than an incumbent installation;

“Planning Appeals Commission” means the Planning Appeals Commission established under Article 110 of the Planning (Northern Ireland) Order 1991(6);

“production data” has the meaning given by regulation 4(3);

“proper address” has the meaning given by regulation 10(5);

“regulator” has the meaning given to it in the 2005 Regulations;

“relevant period” means the period beginning on 1st January 2005 and ending on 31st December 2008;

“UKAS” means the United Kingdom Accreditation Service;

“the United Kingdom’s national implementation measures” means—

- (a) a list of installations situated in the United Kingdom covered by the Directive; and
- (b) any free allocation of allowances to such installations calculated in accordance with the rules referred to in articles 10a and 10c of the Directive.

(4) OJ No. L 229, 31.8.07, p.1.

(5) S.R. (NI) 2003 No 46, amended by S.I. 2003/496, 2003/3311; there is another amending instrument which is not relevant.

(6) S.I. 1991/1220 (N.I. 11); relevant amending instruments are S.I. 1993/663, 2003/430 (N.I. 8).