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STATUTORY INSTRUMENTS

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**2018 No. 1336**

**EXITING THE EUROPEAN UNION  
CLIMATE CHANGE**

**The CRC Energy Efficiency Scheme  
(Amendment) (EU Exit) Regulations 2018**

*Sift requirements satisfied*                      *6th December 2018*

*Made*       -       -       -       -                      *11th December 2018*

*Laid before Parliament*                      *13th December 2018*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**Citation and commencement**

1. These Regulations may be cited as the CRC Energy Efficiency Scheme (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

**Amendment of the CRC Energy Efficiency Scheme Order 2013**

2.—(1) The CRC Energy Efficiency Scheme Order 2013<sup>(2)</sup> (as it continues to have effect under article 3 of the CRC Energy Efficiency Scheme (Revocation and Savings) Order 2018<sup>(3)</sup>) is amended as follows.

(2) In Schedule 1—

(a) for paragraph 16(3A) substitute—

“(3A) Sub-paragraph (2) does not apply where—

(a) the unconsumed supply is consumed by B—

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(1) 2018 c. 16.

(2) S.I. 2013/1119, as amended by S.I. 2013/1773, 2014/502, 2015/664 and 2018/841 and modified by section 4(4)(a) of the Wales Act 2014 (c. 29). The Order was revoked with savings on 1st October 2018 by S.I. 2018/841.

(3) S.I. 2018/841.

- (i) before exit day, on the premises occupied by B to operate an EU ETS installation;
    - (ii) on or after exit day, on the premises occupied by B in circumstances which, had that supply been consumed before exit day, would have been treated as falling within sub-paragraph (i);
  - (b) the unconsumed supply is consumed by B on the premises occupied by B to operate a CCA facility;
  - (c) the unconsumed supply is consumed by B on the premises occupied by B to operate a metallurgical process; or
  - (d) the unconsumed supply is consumed by B on the premises occupied by B to operate a mineralogical process.”;
- (b) for paragraph 28(1), substitute—
- “(1) Subject to sub-paragraph (2), A is not supplied with electricity or gas to the extent that supply is consumed by A—
  - (a) before exit day for the purposes of operating an EU ETS installation; or
    - (b) on or after exit day in circumstances which, had that supply been consumed before exit day, would have been treated as being for the purposes of operating an EU ETS installation.”;
- (c) in paragraph 29A(5)(4), after “NACE Revision 2”, insert “as it applied immediately before exit day”.

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy.

*Claire Perry*  
Minister of State for Energy and Clean Growth  
Department for Business, Energy and Industrial  
Strategy

11th December 2018

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (d) and (g) of section 8(2)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation relating to the CRC Energy Efficiency Scheme in the CRC Energy Efficiency Scheme Order 2013 (S.I. 2013/1119) as saved with amendments by the CRC Energy Efficiency Scheme (Revocation and Savings) Order 2018 (S.I. 2018/841) and, in particular, provide for the continuation after exit day of exemptions applicable immediately before exit day.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.