STATUTORY INSTRUMENTS

# 2018 No. 1093

# EXITING THE EUROPEAN UNION

# ELECTRICITY

# The Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) (Amendment) (EU Exit) Regulations 2018

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| *Sift requirements satisfied* | *12th September 2018* |
| *Made - - - -* | *16th October 2018* |
| *Laid before Parliament* | *17th October 2018* |
| *Coming into force in accordance with regulation 1(2)* | |

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

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.**—(1) These Regulations may be cited as the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) (Amendment) (EU Exit) Regulations 2018.

(2) These Regulations come into force on exit day.

**Amendment of Regulations**

**2.**—(1) Schedule 1 (which amends the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations 2003(**b**)) has effect.

(2) Schedule 2 (which amends the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations (Northern Ireland) 2003(**c**)) has effect.

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

16th October 2018

(**a**) 2018 c. 16.
(**b**) S.I. 2003/2562, amended by S.I. 2010/2715 and 2011/1043.
(**c**) S.R. 2003 No. 470, amended by S.R. 2010 No. 374 and S.I. 2011/1043; there are other amending instruments, but none is relevant.

# SCHEDULE 1

Regulation 2(1)

## Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations 2003

**Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations 2003 amended**

**1.** The Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations 2003 are amended in accordance with paragraphs 2 to 4.

**Regulation 2 amended (interpretation)**

**2.**—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) for the definition of "guarantee of origin" substitute—

""guarantee of origin" means, except in relation to regulation 9(2) to (5) and (so far as it relates to guarantees of origin issued in a member State or Northern Ireland) regulation 9(6), a certificate issued by the Authority certifying that the electricity in respect of which the certificate is issued was electricity produced from renewable energy sources;";

(b) for the definition of "Non-Great Britain authority" substitute—

""non-Great Britain authority" means—

(a) a member State; or

(b) a body or person in Northern Ireland or in a member State corresponding to a competent authority;";

(c) for the definition of "recognise" substitute—

""recognise", in relation to a guarantee of origin, means recognise as proof of the elements referred to in paragraphs 1 and 6(a) to (f) of Article 15 of the Directive(**a**);".

**Regulation 4 amended (request for issue of guarantees of origin and information required)**

**3.**—(1) Regulation 4 is amended as follows.

(2) In paragraph (5)(b) for "another Member State" substitute "a member State".

**Regulation 9 amended (recognition of guarantees of origin)**

**4.**—(1) Regulation 9 is amended as follows.

(2) For paragraph (2) substitute—

"(2) Subject to paragraph (3), a competent authority shall recognise—

(a) a guarantee of origin issued in a member State in accordance with Article 15(2) of the Directive; and

(b) a guarantee of origin issued in Northern Ireland in accordance with the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations (Northern Ireland) 2003.".

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(**a**) Directive 2009/28/EC of the European Parliament and of the Council of 23rd April 2009 on the promotion of the use of energy from renewable sources, O.J. No. L 140, 5.6.2009, p.16. The Directive has been amended, but the amendments are not relevant to these Regulations.

(3) In paragraph (3) for "another Member State" substitute "a member State".

(4) In paragraph (5) for "another Member State" substitute "a member State".

(5) In paragraph (6) for "another Member State" substitute "a member State".

(6) Omit paragraph (7).

# SCHEDULE 2

Regulation 2(2)

## Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations (Northern Ireland) 2003

**Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations (Northern Ireland) 2003 amended**

**1.** The Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations (Northern Ireland) 2003 are amended in accordance with paragraphs 2 to 4.

**Regulation 2 amended (interpretation)**

**2.**—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) for the definition of "guarantee of origin" substitute—

""guarantee of origin" means, except in relation to regulation 9(2) to (5) and (so far as it relates to guarantees of origin issued in a member State or Great Britain) regulation 9(6), a certificate issued by the Authority certifying that the electricity in respect of which the certificate is issued was electricity produced from renewable energy sources; ";

(b) for the definition of "non-Northern Ireland authority" substitute—

""non-Northern Ireland authority" means—

(a) a member State; or

(b) a body or person in Great Britain or in a member State corresponding to a competent authority;";

(c) for the definition of "recognise" substitute—

""recognise", in relation to a guarantee of origin, means recognise as proof of the elements referred to in paragraphs 1 and 6(a) to (f) of Article 15 of the Directive;".

**Regulation 4 amended (request for issue of guarantees of origin and information required)**

**3.**—(1) Regulation 4 is amended as follows.

(2) In paragraph (5)(b) for "another Member State" substitute "a member State".

**Regulation 9 amended (recognition of guarantees of origin)**

**4.**—(1) Regulation 9 is amended as follows.

(2) For paragraph (2) substitute—

"(2) Subject to paragraph (3), a competent authority shall recognise—

(a) a guarantee of origin issued in a member State in accordance with Article 15(2) of the Directive; and

(b) a guarantee of origin issued in Great Britain in accordance with the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations 2003.".

(3) In paragraph (3) for "another Member State" substitute "a member State".

(4) In paragraph (5) for "another Member State" substitute "a member State".

(5) In paragraph (6) for "another Member State" substitute "a member State".

(6) Omit paragraph (7).

## 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). They amend the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations 2003 (S.I. 2003/2562) and the Electricity (Guarantees of Origin of Electricity Produced from Renewable Energy Sources) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 470) (together, the "GOO Regulations") to address failures of the GOO Regulations to operate effectively and other deficiencies (in particular under section 8(2)(a), (b) and (c) of the European Union (Withdrawal) Act 2018) arising from the United Kingdom's withdrawal from the European Union.

The GOO Regulations provide for the Gas and Electricity Markets Authority (in Great Britain) and the Northern Ireland Authority for Utility Regulation (in Northern Ireland) to issue "guarantees of origin" ("GOOs") in respect of electricity generated from renewable energy sources. The GOO Regulations require a "competent authority" (as defined in regulation 2(1)) to recognise GOOs issued in EU member States in accordance with Directive 2009/28/EC of the European Parliament and of the Council of 23rd April 2009 on the promotion of the use of energy from renewable sources unless the authority that issued the GOO requests the competent authority to refuse recognition or the competent authority is satisfied that there is good reason to doubt the accuracy, reliability or veracity of the GOO.

The main changes made to the GOO Regulations (apart from changes made to reflect the fact that the United Kingdom will not be a member State of the EU) are as follows—

- the European Commission can no longer require competent authorities to recognise GOOs issued in EU member States;
- competent authorities are no longer required to notify the Commission if they refuse to recognise GOOs issued in EU member States.

An explanatory memorandum is available with these Regulations on www.legislation.gov.uk.

An impact assessment has not been produced for these Regulations as no significant impact on business or the public or voluntary sectors is foreseen.

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