

2021 No. XXXX

EXITING THE EUROPEAN UNION

ENERGY

**The Renewable Energy, Energy Efficiency and Motor Fuel
Emissions (Miscellaneous Amendments) (EU Exit) Regulations
2021**

<i>Sift requirements satisfied</i>	***
<i>Made - - - -</i>	***
<i>Laid before Parliament</i>	***
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, 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. These Regulations may be cited as the Renewable Energy, Energy Efficiency and Motor Fuel Emissions (Miscellaneous Amendments) (EU Exit) Regulations 2021 and come into force on the 22nd day after the day on which they were laid.

Amendment of the Renewable Transport Fuel Obligations Order 2007

2.—(1) Article 16 of the Renewable Transport Fuel Obligations Order 2007(b) is amended as follows.

(2) In each of paragraphs (2)(a)(ii) and (3)(ea), for “another EEA state” substitute “an EEA state”.

(3) In each of paragraphs (2)(a)(ii) and (3)(ea), after “the directive,”, insert “reading that article as if for “a Member State or a group of Member States” there were substituted “an EEA state or a group of EEA states or the UK,”.

(a) 2018 c. 16. Section 8 was amended by section 27 of, and Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1) (the “2020 Act”). Paragraph 21 of Schedule 7 was amended by Schedule 5, Part 2, paragraph 53 of the 2020 Act.
(b) S.I. 2007/3072; relevant amending instruments are S.I. 2011/2937, 2015/534 and 2018/374.

Amendment of the Promotion of the Use of Energy from Renewable Sources Regulations 2011

3.—(1) The Promotion of the Use of Energy from Renewable Sources Regulations 2011(a) are amended as follows.

(2) In regulation 1(6), for “13” substitute “12”;

(3) In regulation 10(3), at the end of the definition of “support scheme”, insert “, reading that Article as if for “Member State or a group of Member States” there were substituted “responsible authority”.

(4) In regulation 11, for “Directive”, in each place it occurs, substitute “promotion of the use of energy from renewable sources”;

(5) Omit regulation 13.

Amendment of the Motor Fuel (Road Vehicle and Mobile Machinery) Greenhouse Gas Emissions Reporting Regulations 2012

4. In the Motor Fuel (Road Vehicle and Mobile Machinery) Greenhouse Gas Emissions Reporting Regulations 2012(b), omit regulation 25.

Amendment of the Energy Efficiency (Building Renovation and Reporting) Regulations 2014

5.—(1) The Energy Efficiency (Building Renovation and Reporting) Regulations 2014(c) are amended as follows.

(2) Omit regulation 3(4) and (5).

(3) Omit regulation 4.

(4) Omit regulation 5(b) and the preceding “and”.

Amendment of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014

6.—(1) The Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014(d) are amended as follows.

(2) In regulation 2, in the definition of “the Directive”, for “as amended from time to time” substitute “as they had effect in EU law immediately before IP completion day”.

(3) In regulation 3(1), in the definition of “small and medium-sized enterprise”—

(a) for “50 million euros” substitute “£44 million”;

(b) for “43 million euros” substitute “£38 million”.

(4) In regulation 4(1)—

(a) in the definition of “assessment”, omit the words from “carried out in accordance with” to the end;

(b) in the definition of “cost benefit analysis”, for “Part 1 of Annex IX to the Directive” substitute “Part 3 of Annex 8 to the Directive(e), as modified by paragraph (9)”;

(c) in the definition of “high-efficiency cogeneration”, after “Directive” insert—

“, reading that Annex as if—

(a) S.I. 2011/243, amended by S.I. 2013/829.

(b) S.I. 2012/3030, amended by S.I. 2018/374.

(c) S.I. 2014/952, amended by S.I. 2014/1403.

(d) S.I. 2014/1403.

(e) Annex 8 to the Directive was substituted by Commission Delegated Regulation (EU) 2019/826 of 4 March 2019 (OJ No L 137, 23.5.2019, p. 3).

- (a) in each of points (c) and (d), for “Member States” there were substituted “The Secretary of State”;
 - (b) in point (f), for “differences between Member States” there were substituted “conditions of the United Kingdom”.
- (5) In regulation 4(3) for “paragraph (6)” substitute “paragraph (5)”.
- (6) For regulation 4(5) substitute—
- “(5) The Secretary of State or, as the case may be, the Scottish Ministers must each from time to time—
- (a) update the most recent assessment carried out or updated by them in accordance with this regulation and publish the updated assessment; or
 - (b) publish a statement setting out the reasons why the assessment has not been updated.
- (6) The updated assessment or first statement must be published on or before 31st December 2025.
- (7) Subsequent updated assessments or statements must be published at intervals not exceeding five years.
- (8) An update to an assessment under paragraph (5) must—
- (a) be carried out in accordance with and contain the information set out in Annex 8 to the Directive^(a), as modified by paragraph (9);
 - (b) take full account of the analysis of the national potential for high-efficiency cogeneration carried out before IP completion day under Directive 2004/8/EC of the European Parliament and of the Council on the promotion of cogeneration based on a useful heat demand in the internal energy market^(b); and
 - (c) set out the procedures used for the economic analysis required by point 8(a)(i) of Annex 8, as modified by paragraph (9).
- (9) The modifications to Annex 8 to the Directive referred to in paragraphs (1), (8)(a) and (c) are as follows—
- (a) in point 2(c)—
 - (i) omit “, in line with Directive (EU) 2018/2001”;
 - (ii) in footnote (4), omit the words from “shall, after the methodology” to “Until then it”;
 - (b) in point 4, omit “, such as long-term building renovation strategies under Directive (EU) 2018/844”;
 - (c) omit points 5 and 6;
 - (d) in point 7, for “Article 14(3)” substitute “regulation 4(3) of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014”;
 - (e) in point 8(a)(i)—
 - (i) for “Article 14(3)” substitute “regulation 4(3) of the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014”;
 - (ii) omit footnote (6);
 - (f) in point 8(a)(ii), omit “and point 6 of Part II”;

(a) See regulation 2 of S.I. 2014/1403 for the definition of “the Directive”.

(b) OJ L 52, 21.2.2004, p. 50. The Directive was amended by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 and repealed by Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency (OJ No L 315, 14.11.2012, p.1). The analysis is dated 11 April 2011 and can be accessed electronically from https://ec.europa.eu/energy/sites/ener/files/documents/second_progress_reports_enversion.zip. A hard copy is available for inspection free of charge at the offices of the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

- (g) in point 8(a)(iii), omit “shall take into account energy efficiency and renewable energy objectives of Regulation (EU) 2018/1999. Each scenario”;
- (h) omit point 8(c)(ii);
- (i) in points 8(e)(i) and (iii), for “Member States” substitute “The Secretary of State and the Scottish Ministers”;
- (j) in points 8(e)(ii) and (iv), omit “European or”;
- (k) in point 8(e)(iii), omit “, European”;
- (l) in point 9, in footnote 8, omit “, not prejudging a separate notification of the public support schemes for a State aid assessment”.

(7) Omit regulation 9.

	<i>Name</i> Minister of State
Date	Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c), (d) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of renewable energy, energy efficiency and motor fuel emissions.

Regulation 2 amends the Renewable Transport Fuel Obligations Order 2007; regulation 3 amends the Promotion of the Use of Energy from Renewable Sources Regulations 2011; regulation 4 amends the Motor Fuel (Road Vehicle and Mobile Machinery) Greenhouse Gas Emissions Reporting Regulations 2012; regulation 5 amends the Energy Efficiency (Building Renovation and Reporting) Regulations 2014; and regulation 6 amends the Energy Efficiency (Encouragement, Assessment and Information) Regulations 2014.

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