

The Greenhouse Gas Emissions Charging Scheme (Northern Ireland) 2016

Department for Agriculture, Environment and Rural Affairs

9 May 2016

A Charging Scheme made under Regulation 4 of the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010 in respect of permits granted under the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations 2012

Department for Agriculture, Environment and Rural Affairs

A CHARGING SCHEME MADE UNDER REGULATION 4 OF THE GREENHOUSE GAS EMISSIONS TRADING SCHEME CHARGING SCHEME REGULATIONS (NORTHERN IRELAND) 2010 IN RESPECT OF PERMITS GRANTED UNDER THE GREENHOUSE GAS EMISSIONS TRADING SCHEME REGULATIONS 2012

The Greenhouse Gas Emissions Charging Scheme (Northern Ireland) 2014

The Department for Agriculture, Environment and Rural Affairs, in exercise of the powers conferred on it under Regulation 4 of the Greenhouse Gas Emissions Trading Scheme Charging Scheme Regulations (Northern Ireland) 2010 hereby makes the following Charging Scheme.

COMMENCEMENT AND CITATION

1. This Scheme shall be referred to as the Greenhouse Gas Emissions Charging Scheme (Northern Ireland) 2016 and shall come into operation on 9 May 2016. This Scheme supersedes the provisions of the Consolidated Greenhouse Gas Emissions Charging Scheme (Northern Ireland) 2014.

INTERPRETATION

2. In this Scheme, the following words and phrases shall have the following meanings:

“Accreditation and Verification Regulation” means Commission Regulation (EU) No 600/2012 OF 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometer reports and accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council, as amended from time to time;

“annual emissions from the installation” means for (i) installations that held a permit during the whole of the calendar year in the year two years prior to the relevant charge being due, the verified annual reportable emissions figure for that year; and (ii) installations not falling into the above category, the estimated annual reportable emissions;

“chief inspector” has the same meaning as under Regulation 3;

“estimated annual reportable emissions” means a reasonable estimate, in the opinion of the chief inspector, of the reportable emissions emitted from the installation in the previous calendar year (if the installation held a permit during the whole of the previous calendar year) or the reportable emissions likely to be emitted from the installation in a calendar year. Verified data will be used wherever available;

“Monitoring and Reporting Regulation” means Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council, as amended from time to time;

“permit” means a permit granted under Regulation 10;

“Registry” means the UK’s EU Emissions Trading Registry, administered and maintained by the Environment Agency;

“Regulated activity” means an activity (other than an aviation activity) that (a) is listed in Annex 1 to the Directive 2003/87/EC (as amended) and (b) results in specified emissions;

“Regulation” means a regulation within the 2012 Regulations;

“specified emissions”, in relation to an activity listed in Annex I to the Directive 2003/87/EC (as amended), means emissions of gases specified in Annex I in respect of that activity;

“the Regulations” means the Greenhouse Gas Emissions Trading Scheme Regulations 2012 SI No 3038 and expressions used in this Scheme shall have the meaning set out in the Regulations (as amended);

“UKAS” means the United Kingdom Accreditation Service;

“verified annual reportable emissions figure” means the annual reportable emissions from the installation verified by a verifier or determined by the chief inspector in accordance with regulation 44 of the 2012 Regulations.

‘verifier’ means a legal person or another legal entity carrying out verification activities pursuant to the Commission Regulation (EU) No 600/2012 of 21 June 2012 and accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008 or a natural person otherwise authorised, without prejudice to Article 5(2) of that Regulation, at the time a verification report is issued. Verification bodies accredited by organisations other than UKAS must also be endorsed by UKAS.

“year” means a period of 12 months commencing on 1 April, unless otherwise stated.

APPLICATION OF THIS SCHEME

3. This Scheme applies to:
- (a) an application made under Regulation 10 for a permit to carry out a regulated activity;
 - (b) the subsistence of a permit to carry out an Activity listed in Annex 1 of Directive 2009/29/EC;
 - (c) the variation of the provisions of a permit under Regulation 11(3)(a) for the variation of the provisions of a permit;
 - (d) the service by the chief inspector under Regulation 11(2), (3)(b) or 4 of a variation notice;
 - (e) the termination of an excluded installation emissions permit under Schedule 5(7) of the Regulations;
 - (f) an application made under Regulation 12 to transfer a permit, in whole or in part;
 - (g) an application made under Regulation 13 to surrender a permit;
 - (h) the service by the chief inspector of a revocation notice pursuant to Regulation 14(1);
 - (i) an application made under Schedule 6(2) of the Regulations for an allocation of allowances from the new entrant reserve;
 - (j) an application made under Schedule 5(5) of the Regulations for a revised emissions target following an increase in the capacity of an installation;
 - (k) charges in relation to UK aircraft operators as defined under Regulation 26;

PERMIT APPLICATION CHARGE

4. A permit application charge shall accompany an application for a permit made under Regulation 10(1) or (2).
5. The permit application charge is as follows:

Annual Emissions from the Installation	Charge
Less than 50kt per year	£1,413
At least 50kt and no more than 500kt	£2,645
More than 500kt per year	£6,315

SUBSISTENCE CHARGE

6. Subject to paragraphs 8 and 9 below, an annual subsistence charge shall be payable by an operator in respect of the subsistence of a permit on 1 April each year. In relation to the circumstances set out in paragraph 9 below, the charge shall be payable on or after 1 April as appropriate.
7. The subsistence charge shall be as follows:

Annual Emissions from the Installation	Charge
Less than 50kt	£2,692
At least 50kt and no more than 500kt	£3,508
More than 500kt	£4,312

8. The subsistence charge shall not be payable in respect of a permit relating to a planned installation which is not put into operation during the year to which the charge relates; or
9. Where during a year:
- (a) a permit is granted in relation to an installation under Regulation 10(4);
 - (b) a planned installation is put into operation; or
 - (c) a permit is partially transferred in accordance with Regulation 12(2);

the subsistence charge relating to the installation (or in the case of a partially transferred permit, the transferred unit) for the remainder of the year shall be a proportion of the charge calculated on a daily basis for the remainder of the period commencing on the date of the grant of the permit, the date on which the planned installation is put into operation or the date upon which the transfer took effect, as appropriate.

10. Where an operator has paid the subsistence charge for a year in full and during that year:
- (a) a permit is surrendered under Regulation 13; or
 - (b) a permit is revoked under Regulation 14(1)(b);

the chief inspector shall make a refund to the operator of a proportion of the subsistence charge in respect of the remainder of the year calculated on a daily basis for the remainder of the year commencing on the date on which the notice of surrender or revocation takes effect.

VARIATION

11. Subject to paragraph 12 below, a variation charge of £448 shall:
- (a) accompany an application for a variation to the provisions of a permit made under Regulation 11(3)(a);
 - (b) be payable in respect of a variation notice varying the provisions of a permit served under Regulation 11(2), (3)(b) or (4) by the date specified in the variation notice.
12. No variation charge shall be payable where the chief inspector considers that a variation amounts to a change of a purely administrative nature.

TRANSFER

13. A transfer charge of £448 shall accompany an application to transfer a permit, in whole or in part made under Regulation 12.

SURRENDER

14. A surrender charge of £712 shall accompany an application to surrender a permit made under Regulation 13.

REVOCAATION

15. A revocation charge of £712 shall be payable in respect of a revocation notice served under Regulation 14
16. The revocation charge shall be payable by the date specified in the revocation notice.

ALLOCATION FROM NEW ENTRANT RESERVE

17. A charge of £1,184 shall accompany an application for an allocation from the new entrant reserve as set out in Schedule 6 Paragraph (2) & (3) of the Regulations.

CHARGE FOR INCREASE TO EMISSIONS TARGET

18. A charge of £1,184 must accompany an application by an excluded installation for an increase in the emissions target for the installation under Schedule 5, paragraph 6 of the Regulations.

DETERMINATION CHARGE

19. A charge of **£125** per hour is payable in relation to time spent by the Chief Inspector in determining reportable emissions under Regulation 44 of the Regulations or Article 70 of the Monitoring and Reporting Regulation.

UK AIRCRAFT OPERATOR CHARGES

20. Any UK administered aircraft operator carrying out an activity as described in Regulation 26, the following charges apply —

- (a) determining an application for a benchmarking plan under Schedule 7, paragraph 2 of the 2012 Regulations, £842;
- (b) determining an application for a free allocation from the special reserve (including an application for a benchmarking plan) under Schedule 8, paragraphs 2 and 6 of the 2012 Regulations, £1,136;
- (c) determining an application for an emissions plan under regulation 32, £761;
- (d) determining emissions under regulation 44, **£125** per hour;
- (e) varying an emissions plan under regulation 37(1), (2)(b), or (3) £436;
- (f) determining an application for a variation of a emissions plan pursuant to the conditions in an emissions plan, £436;
- (g) subject to paragraph (I) and (II) the following charges apply to the subsistence of a person as a UK aircraft operator:

Aviation Emissions	Charge
Where the estimated aviation emissions are less than 50 kilotonnes:	(a) £1,948 plus (b) £639
Where the estimated aviation emissions are between 50 and 500 kilotonnes:	(a) £2,527 plus (b) £842
Where the estimated aviation emissions are over 500 kilotonnes:	(a) £3,105 plus (b) £1,035

(I) In the year that the emissions plan is issued under Regulation 34 of the 2012 Regulations ("the relevant year"), the charge will be $N/365$ of any of the sums specified in paragraphs (b) in the table above, where N is the number of days remaining in the relevant year after the day on which the emissions plan was issued.

(II) In the year that a person permanently ceases to be a UK aircraft operator ("the relevant year"), the charge will be $N/365$ of any of the sums specified in paragraphs (b) in the table above, where N is the number of days in the relevant year up to and including the day on which the UK aircraft operator has completed all requirements connected with its aviation activities performed in the relevant year.

LIABILITY TO PAY CHARGE

21. The person or persons set out below shall be liable to pay the charges payable under this Scheme:

- (a) in respect of an application for a permit, the variation of a permit, the transfer of a permit, the surrender of a permit, an allocation from the new entrant reserve or an application to retain an allocation, the person or persons making that application;
- (b) in respect of the subsistence charge, the holder of the permit in respect of which the charge is payable;
- (c) in respect of all other matters, the person or persons upon whom the relevant notice is served.

TIME OF PAYMENT

22. Charges payable under this Scheme shall be due and payable to the Department in full at the following times:

- (a) in respect of charges relating to an application for a permit, the variation of a permit, the transfer of a permit, the surrender of a permit, an allocation from the new entrant reserve or an application to retain an allocation, on the making of the relevant application;
- (b) in respect of subsistence charges, annually on 1 April except in the circumstances set out in paragraph 9 of this Scheme, in which case the charge is payable on demand;
- (c) for all other fees and charges, on demand.

Sealed with the Official Seal of the Department of the Agriculture, Environment and Rural Affairs on 28 June 2016.



DAVID SMALL

A senior officer of the Department of Agriculture, Environment and Rural Affairs.

(L.S.)