
STATUTORY INSTRUMENTS

2010 No. 768

The CRC Energy Efficiency Scheme Order 2010

PART 10

Achievement and performance tables, publication and verification

Achievement tables

- 75.**—(1) The administrator must in accordance with this article compile the following tables—
- (a) early action for each of the annual reporting years of the first phase; and
 - (b) absolute change and relative change for the annual reporting years in paragraph (2),
- and Schedule 8 has effect to calculate early action, absolute change and relative change.
- (2) The annual reporting years referred to in paragraph (1)(b) are—
- (a) the second and third annual reporting years of the first phase; and
 - (b) the second and subsequent annual reporting years of subsequent phases.
- (3) The tables compiled under paragraph (1) are achievement tables.
- (4) An achievement table must rank participants such that—
- (a) where a participant (“A”) has achieved x%; and
 - (b) another participant (“B”) has achieved less than x%,
- B ranks lower than A.
- (5) Participants which achieve the same percentage have equal ranking.
- (6) A participant’s ranking in an achievement table must be given a score, with the lowest ranking having a score of one.

No information on relative change and early action

76. Where the administrator has not been provided by a participant with the information required to calculate for an annual reporting year early action or relative change, the participant does not appear in the relevant table for that year.

Performance tables

- 77.**—(1) Subject to paragraph (2), the administrator must in accordance with this article compile a table (“a performance table”) in respect of—
- (a) each of the annual reporting years of the first phase; and
 - (b) the second and subsequent annual reporting years of subsequent phases.
- (2) For the first annual reporting year of the first phase, the early action table is also the performance table.
- (3) Except for the first annual reporting year of the first phase, the administrator must—

- (a) for the annual reporting year—
 - (i) calculate a participant's scores in each applicable achievement table for that year; or
 - (ii) where a participant is not listed in the early action or relative change table for that year, apply to it a score of zero in respect of the table where it does not appear;
- (b) apply to those scores the applicable weighting percentage; and
- (c) add those scores as weighted to determine the total weighted score for a participant.
- (4) A performance table must rank participants such that—
 - (a) where a participant ("A") has achieved a total weighted score of x; and
 - (b) another participant ("B") has achieved a total weighted score less than x,
 B ranks lower than A.
- (5) Participants which achieve the same total weighted score have equal ranking.
- (6) In paragraph (3), "the weighting percentage" means the percentage stated in the following table—

Weighting percentages

	<i>Second year: first phase</i>	<i>Third year: first phase</i>	<i>Second to seventh phases</i>
Early action table	40%	20%	
Absolute change table	45%	60%	75%
Relative change table	15%	20%	25%

Publication

- 78.—**(1) The administrator must publish the matters set out in paragraph (3) for each annual reporting year to the extent that it holds information on those matters.
- (2) Publication must be made as soon as possible after the last working day of July subsequent to the end of the annual reporting year.
- (3) The matters referred to in paragraph (1) are—
- (a) the performance table;
 - (b) in respect of each participant—
 - (i) its name or its trading or other name by which it is commonly known;
 - (ii) its CRC emissions and CRC emissions per unit of turnover;
 - (iii) absolute change;
 - (iv) relative change;
 - (v) if applicable, early action;
 - (c) where a participant is a group of undertakings, the significant group undertakings (if any) which are members of that participant;
 - (d) where a significant group undertaking is a participant separate from the group in which it would otherwise be a participant, that fact;
 - (e) the achievement tables;
 - (f) where applicable, that a participant has informed the administrator that—
 - (i) it discloses publicly each year—

- (aa) its emissions reduction targets; and
 - (bb) its performance against them;
 - (ii) a person with management control has responsibility in respect of those matters; or
 - (iii) it operates an employee engagement programme to reduce its emissions.
- (4) The administrator may publish—
- (a) the information provided in the annual report;
 - (b) tables concerning the performance of participants in the scheme, other than the achievement and performance tables.
- (5) Where a participant is required to provide for the same year—
- (a) an annual report in respect of the last year of one phase (“the first report”); and
 - (b) the second year of the subsequent phase,
- the administrator must publish the matters in paragraph (3) using the information in the first report only, so far as those matters are included in that report.

Verification

- 79.**—(1) A participant may request the administrator to carry out a verification of the participant’s position in the performance table published under article 78.
- (2) Such a request must be made in writing within 40 days of publication.
- (3) Where such a request is made—
- (a) the verification must be carried out by an independent person;
 - (b) the participant and the administrator must each pay half that person’s reasonable costs incurred in carrying out the verification; and
 - (c) the administrator must—
 - (i) seek the verification within 20 days of receiving the request; and
 - (ii) comply with the result of the verification.
- (4) The independent person is such person as the administrator and participant agree or, in default of agreement within a reasonable time, as appointed by the administrator.
- (5) In this article, “verification” means to check that the administrator has correctly calculated any of—
- (a) the participant’s CRC emissions under article 49(2) and any adjustments to those emissions under paragraph 4 of Schedule 8;
 - (b) the scores which are used to rank the participant in the performance table under article 77(3);
 - (c) absolute change and relative change under paragraphs 1 and 2 of Schedule 8;
 - (d) early action under paragraph 5 of Schedule 8,
- as the participant believes may have been incorrectly calculated.

Further publication

- 80.**—(1) Paragraph (2) applies where—
- (a) an appeal is made against—
 - (i) a determination under article 47(3); or
 - (ii) the penalty imposed under article 97(4)(a)(ii);

- (b) a request for verification is made under article 79.
- (2) Where this paragraph applies—
 - (a) the administrator may publish a list of those participants which have in respect of the annual reporting year made any such appeal or request;
 - (b) subject to paragraph (3), where any such appeal or request results in a participant's position in the performance table being changed, the administrator must as soon as possible publish an amended table.
- (3) Publication under paragraph (2)(b) must not take place until the completion of all such appeals or requests made by all participants.
- (4) The administrator may publish an amended performance table at any time where it discovers any error or omission in the table.