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STATUTORY INSTRUMENTS

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**2010 No. 768**

**The CRC Energy Efficiency Scheme Order 2010**

**PART 4**

**Footprint reports and residual measurement lists**

**Provision of footprint reports**

**39.**—(1) Subject to articles 37 and 40, a participant must—

- (a) provide to the administrator the information in section 2 of Schedule 5 (“a footprint report”); and
- (b) unless otherwise agreed by the administrator, provide the footprint report using the Registry.

(2) A participant must comply with paragraph (1) by no later than the last working day of July after the end of the footprint year.

(3) Where by 40 days after the due date, a participant has failed to provide a footprint report, the administrator may determine<sup>(1)</sup> the footprint report.

**Member CCA exemptions**

**40.** Where a participant has a member CCA exemption—

- (a) the provision of information on supplies and emissions in the footprint report; and
- (b) reference to supplies or emissions of the participant under the following articles in this Part,

excludes any supplies or emissions of a member of the group to which a member CCA exemption applies.

**Footprint emissions**

**41.**—(1) “Footprint emissions” means the emissions listed in paragraph (2) during the footprint year but deducting any electricity generating credit of the participant during that year.

(2) The emissions referred to in paragraph (1) are—

- (a) EU ETS emissions;
- (b) CCA emissions;
- (c) emissions calculated in accordance with paragraph 29 of Schedule 1 from footprint supplies.

(3) The lowest value of footprint emissions is zero.

(4) In paragraph (2), EU ETS emissions and CCA emissions are such emissions as defined by one of the ways given in paragraph 12 of Schedule 5 as chosen by the participant.

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<sup>(1)</sup> Such a determination must be made in accordance with article 74(2).

- (5) In paragraph (2)(c), “footprint supplies” means—
- (a) the amount of electricity, gas and fuel supplied to the participant calculated in accordance with sections 1 to 6 of Schedule 1; but
  - (b) excluding—
    - (i) supplies of gas and fuel made to an EU ETS installation; or
    - (ii) supplies of electricity, gas and fuel made to a CCA facility to which a member CCA exemption does not apply.

#### **Requirement for residual measurement lists**

**42.**—(1) Subject to article 37, a participant must compile a residual measurement list where the percentage which its emissions described in paragraph (2) bear to footprint emissions is less than the residual percentage.

- (2) The emissions referred to in paragraph (1) are—
- (a) core emissions;
  - (b) EU ETS emissions; and
  - (c) CCA emissions.
- (3) In paragraph (2), “core emissions” means—
- (a) emissions calculated in accordance with paragraph 29 of Schedule 1 in respect of core supplies less the deductions from those supplies under sections 4 and 5 of Schedule 1; but
  - (b) excluding—
    - (i) core supplies of gas made to an EU ETS installation; or
    - (ii) core supplies of electricity and gas made to a CCA facility to which a member CCA exemption does not apply.

#### **Residual percentage**

- 43.**—(1) Subject to paragraph (3), “the residual percentage” referred to in article 42(1) is 90%.
- (2) Paragraph (3) applies—
- (a) to the second and subsequent phases; and
  - (b) where a participant compiled a residual measurement list for the immediately previous phase.
- (3) Where this paragraph applies, “the residual percentage” referred to in paragraph (1) is the higher of—
- (a) 90%; or
  - (b) where it applies, the percentage which the sum of emissions described in paragraph (4) bears to footprint emissions.
- (4) The emissions referred to in paragraph (3) are—
- (a) the emissions from residual supplies in the residual measurement list in the penultimate year of the previous phase; and
  - (b) the emissions described in article 42(2) in the footprint year.

#### **Content of residual measurement lists**

**44.**—(1) Paragraph (2) applies where a participant is required to compile a residual measurement list under article 42.

(2) Where this paragraph applies, a participant must compile a list of residual supplies such that the percentage which—

- (a) the emissions from those supplies; and
- (b) the emissions described in article 42(2),

bear to footprint emissions is at least equal to the residual percentage referred to in article 43.

(3) A participant may—

- (a) include in its list of residual supplies more residual supplies than required under paragraph (2);
- (b) compile a list of residual supplies although it is not required to do so under article 42.

(4) The list of residual supplies compiled under—

- (a) paragraph (2) including any additional residual supplies under paragraph (3)(a); or
- (b) paragraph (3)(b),

is the participant's residual measurement list.

(5) "Residual supplies" means supplies which the participant expects to be made to it during the annual reporting years of a phase which if made in the footprint year would be the participant's footprint supplies other than core supplies.

#### **Compilation of residual measurement lists**

**45.** The residual measurement list must be compiled by the last working day of July after the end of the footprint year.

#### **Changes affecting participants**

**46.** Subject to article 37, where changes affecting a participant take place in a footprint year as described in Part 1 or 2 or section 2 of Part 3 of Schedule 6—

- (a) the participant; and
- (b) in respect of section 2 of Part 3 of Schedule 6, undertakings which are not participants,

must comply with such of those provisions as are applicable to them.