SCHEDULE 4

Article 24

Modifications to [F1Monitoring and Reporting Regulation 2018]

Textual Amendments

F1 Words in Sch. 4 heading substituted (31.12.2020) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020 (S.I. 2020/1557), arts. 2(1), **35(2)**

1. [F2The Monitoring and Reporting Regulation 2018] is to be read as if—

(a) for "competent authority" in each place it occurs there were substituted " regulator ";

[F3(aa) for "greenhouse gas emissions permit" in each place there were substituted " permit ";]

(b) Articles 10, 52, 57, 70, 74, 75, 76 and 77 were omitted; and

(c) the words "This Regulation shall be binding in its entirety and directly applicable in all Member States", immediately following Article 78, were omitted,

and subject to the following additional modifications.

Textual Amendments

F2 Words in Sch. 4 para. 1 substituted (31.12.2020) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020 (S.I. 2020/1557), arts. 2(1), **35(3)(a)**

F3 Sch. 4 para. 1(aa) inserted (31.12.2020) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020 (S.I. 2020/1557), arts. 2(1), **35(3)(b)**

Commencement Information

I1 Sch. 4 para. 1 in force at 12.11.2020, see art. 2(1)

2. Article 1 is to be read as if for the words from "pursuant to" to the end there were substituted " for the purposes of the 2020 Order ".

Commencement Information

I2 Sch. 4 para. 2 in force at 12.11.2020, see art. 2(1)

3. Article 2 is to be read as if for the words from "greenhouse gas emissions" to the end of the first subparagraph there were substituted " specified emissions (as defined in the 2020 Order) from regulated activities, activity data from installations, CO_2 emissions from aviation activity and tonne-kilometre data from aviation activity ".

Commencement Information

I3 Sch. 4 para. 3 in force at 12.11.2020, see art. 2(1)

4. Article 3 is to be read as if—

(a) in the words before point (1), for "the following definitions" there were substituted " except where the context otherwise requires, terms defined in the Greenhouse Gas Emissions Trading Scheme Order 2020 have the meanings given by that Order and the following additional definitions ";

(b) before point (1), there were inserted—

"(A1) 'greenhouse gas emissions' and 'emissions' mean specified emissions (as defined in the 2020 Order) from regulated activities or CO_2 emissions from aviation activity;";

(c) for point (2), there were substituted—

"(2) 'trading period', in references to the trading period immediately preceding the first trading period of the UK ETS, means the period beginning with 1st January 2013 and ending with 31st December 2020;";

(d) after point (2), there were inserted—

"(2a) 'the 2020 Order' means the Greenhouse Gas Emissions Trading Scheme Order 2020;";

[[F4](e) after point (5), there were inserted—

"(5a) 'Implementing Regulation (EU) 2018/2067' or 'Commission Implementing Regulation (EU) 2018/2067' means the Verification Regulation 2018 (as defined in the 2020 Order);

(5b) 'monitoring plan' in relation to an aircraft operator, except in Articles 11 to 13 of this Regulation, means the aircraft operator's emissions monitoring plan as defined in article 4 of the 2020 Order;";**]**

(f) in point (12), the words from "or, for tonne-kilometre data" to the end were omitted;

(g) point (18) were omitted;

(h) in point (28), for "Annex II to Directive 2003/87/EC" substitute " column 2 of table C in Schedule 2 to the 2020 Order ";

(i) in point (44) ", or equivalent applicable international rules" were omitted;

(j) in each of points (46) and (47), "listed in Annex I to Directive 2003/87/EC" were omitted;

(k) point (50) were omitted;

(l) in each of points (54) and (55), for "under Directive 2009/31/EC" there were substituted " in accordance with the CCS licensing regime ";

(m) after point (55), there were inserted—

"(55a) 'the CCS licensing regime' means Chapter 3 of Part 1 of the Energy Act 2008 [M1] and other domestic legislation which immediately before IP completion day implemented Directive 2009/31/EC[M2];".

Textual Amendments

F4 Sch. 4 para. 4(e) substituted (31.12.2020) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020 (S.I. 2020/1557), arts. 2(1), **35(4)**

Commencement Information

I4 Sch. 4 para. 4 in force at 12.11.2020, see art. 2(1)

Marginal Citations

M1 2008 c. 32.

M2 OJ No. L 140, 5.6.2009, p. 114.

5. Article 4 is to be read as if for "under Directive 2003/87/EC" there were substituted " for the purposes of the Greenhouse Gas Emissions Trading Scheme Order 2020 ".

Commencement Information
I5 Sch. 4 para. 5 in force at 12.11.2020, see art. 2(1)

6. Article 5 is to be read as if for the words from "activities listed" to "that Directive" there were substituted " regulated activities and aviation activity ".

Commencement Information
I6 Sch. 4 para. 6 in force at 12.11.2020, see art. 2(1)

7. Article 9 is to be read as if for "Article 15 of Directive 2003/87/EC" there were substituted " Commission Implementing Regulation (EU) No 2018/2067 ".

Commencement Information
I7 Sch. 4 para. 7 in force at 12.11.2020, see art. 2(1)

[[F5]8. Article 12 is to be read as if—

(a) paragraph 3 were omitted;

(b) after paragraph 2 there were inserted—

"**4.** Where the operator of an installation has submitted a monitoring plan to the regulator, the regulator must, by notice to the operator:

(a) if the plan is in accordance with this Regulation, approve it; or

(b) reject it.

(See articles 28 to 30 of the 2020 Order in relation to the submission of a monitoring plan by an aircraft operator.)".**]**

Textual Amendments
F5 Sch. 4 para. 8 substituted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(2)**

9. Article 13 is to be read as if—

(a) for paragraph 1 there were substituted—

"**1.** Subject in each case to the approval of the regulator, operators and aircraft operators may use standardised or simplified monitoring plans that conform to templates published by the regulator.";

(b) in paragraph 2, for "Member States" there were substituted " The regulator ".

Commencement Information
I8 Sch. 4 para. 9 in force at 12.11.2020, see art. 2(1)

10. Article 14(1) is to be read as if "in accordance with Article 7 of Directive 2003/87/EC" were omitted.

Commencement Information

I9 Sch. 4 para. 10 in force at 12.11.2020, see art. 2(1)

11. Article 15 is to be read as if—

[F6(za) for paragraph 1 there were substituted—

"**1.** The operator or aircraft operator must notify the regulator of:

(a) any significant modification (within the meaning of paragraph 3) of the monitoring plan at least 14 days before making the modification or, where this is not possible, as soon as reasonably practicable; and

(b) any other modification of the monitoring plan on or before 31 December in the year in which the modification is made.";**]**

(a) in paragraph 3—

(i) in point (g), for "or *de minimis*" there were substituted " , *de minimis* or marginal ";

(ii) point (h) were omitted.

(b) in paragraph 4—

(i) in point (a)(ii), for "calculation methods as laid down in Annex III" there were substituted " the calculation methods referred to in Article 53(2) ";

(ii) in point (a)(iv), for "Article 28a(6) of Directive 2003/87/EC" there were substituted " article 33(2) of the 2020 Order ".

Textual Amendments

F6 Sch. 4 para. 11(za) inserted (31.12.2020) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020 (S.I. 2020/1557), arts. 2(1), **35(5)**

Commencement Information

I10 Sch. 4 para. 11 in force at 12.11.2020, see art. 2(1)

12. Article 16(1) is to be read as if for the words from "shall carry out" to the end there were substituted " must use, in parallel, both the modified and the original monitoring plan to carry out all monitoring and reporting, according to both plans, and must keep the results of both monitoring approaches in their records ".

Commencement Information

I11 Sch. 4 para. 12 in force at 12.11.2020, see art. 2(1)

13. Article 18 is to be read as if—

(a) in paragraph 1, for "EUR 20" there were substituted " £20 ";

(b) in paragraph 3(c)—

(i) for "Member State" there were substituted " United Kingdom ";

(ii) after "adopted", there were inserted " before IP completion day ";

(c) in paragraph 4—

(i) for "EUR 2000" there were substituted " £2000 ";

(ii) for "EUR 500" there were substituted " £500 ".

Commencement Information
I12 Sch. 4 para. 13 in force at 12.11.2020, see art. 2(1)

14. Article 19(3) is to be read as if—

(a) after point (b) there were inserted—

"(ba) marginal source streams, where the source streams selected by the operator jointly account for less than 10 tonnes of fossil CO_2 per year;";

[F7(aa) in point (c) for "points (a) and (b)" there were substituted "points (a), (b) and (ba)";]

(b) in the final subparagraph, for "or a *de minimis* source stream" there were substituted " , a *de minimis* source stream or a marginal source stream ".

Textual Amendments
F7 Sch. 4 para. 14(aa) inserted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(3)**

Commencement Information
I13 Sch. 4 para. 14 in force at 12.11.2020, see art. 2(1)

15. Article 20 is to be read as if—

(a) in paragraph 1, in the second subparagraph—

(i) after "belonging to" there were inserted " regulated ";

(ii) the words from "and listed in" to the end were omitted;

(b) in paragraph 3—

(i) in the first subparagraph, for "within the meaning of Directive 2009/31/EC" there were substituted " containing a storage site permitted in accordance with the CCS licensing regime ";

(ii) in the second subparagraph, for "pursuant to Article 16 of Directive 2009/31/EC have been taken", there were substituted " have been taken in accordance with the CCS licensing regime ".

Commencement Information
I14 Sch. 4 para. 15 in force at 12.11.2020, see art. 2(1)

16. Article 26(3) is to be read as if after "source streams" there were inserted " and marginal source streams ".

Commencement Information
I15 Sch. 4 para. 16 in force at 12.11.2020, see art. 2(1)

17. Article 31(1)(b) is to be read as if for "Member State" there were substituted " United Kingdom ".

Commencement Information

I16 Sch. 4 para. 17 in force at 12.11.2020, see art. 2(1)

18. Article 38 is to be read as if—

(a) in paragraph 2, after "zero" there were inserted ", but **[**[F8], subject to paragraph 2a,**]** the emission factor for bioliquids shall be zero only if the sustainability criteria set out in Article 17(2) to (5) of Directive 2009/28/EC have been fulfilled";

(aa) **[**[F9]after paragraph 2 there were inserted—

"**2a.** The emission factor for category 1 tallow or category 2 tallow may be treated as zero where the tallow concerned is used to produce heat that is used at the operator's installation (including heat used to generate electricity at the installation, but only if the electricity is used at the installation).

In this paragraph:

(a) "category 1 tallow" means tallow that is category 1 material under Article 8 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption;

(b) "category 2 tallow" means tallow that is category 2 material under Article 9 of that Regulation;"**]**

(b) in paragraph 4, after "*de minimis*" there were inserted " or marginal ".

Textual Amendments

F8 Words in Sch. 4 para. 18(a) inserted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(2)(a)**

F9 Sch. 4 para. 18(aa) inserted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(2)(b)**

Commencement Information

I17 Sch. 4 para. 18 in force at 12.11.2020, see art. 2(1)

19. Article 39 is to be read as if—

(a) in paragraph 2, the third subparagraph were omitted;

[[F10](b) paragraph 3 were omitted.**]**

Textual Amendments

F10 Sch. 4 para. 19(b) substituted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(3)**

Commencement Information

I18 Sch. 4 para. 19 in force at 12.11.2020, see art. 2(1)

20. Article 42(1) is to be read as if, in the second subparagraph, ", standards published by the Commission" were omitted.

Commencement Information
I19 Sch. 4 para. 20 in force at 12.11.2020, see art. 2(1)

[[F11]20A. Article 43(4)(c) is to be read as if for "Commission" there were substituted "UK ETS authority".**]**

Textual Amendments
F11 Sch. 4 para. 20A inserted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(4)**

21. Article 47(1) is to be read as if for "Annex I to Directive 2003/87/EC" there were substituted " paragraph 3 of Schedule 2 to the 2020 Order ".

Commencement Information
I20 Sch. 4 para. 21 in force at 12.11.2020, see art. 2(1)

22. Article 48(2) is to be read as if—

(a) for "activities covered by Annex I to Directive 2003/87/EC or included pursuant to Article 24 of that Directive" there were substituted " regulated activities ";

(b) for "activity covered by that Directive" there were substituted " regulated activity ";

(c) for "not covered by that Directive" there were substituted " not covered by the 2020 Order ".

Commencement Information
I21 Sch. 4 para. 22 in force at 12.11.2020, see art. 2(1)

23. Article 49 is to be read as if—

(a) in paragraph 1—

(i) in the words before point (a), for "activities covered by Annex I to Directive 2003/87/EC" there were substituted " regulated activities ";

(ii) in point (a), for "under Directive 2009/31/EC" in each place it occurs there were substituted " in accordance with the CCS licensing regime ";

(b) in paragraph 2—

(i) in the first subparagraph, the words from "the operator" in the first place it occurs to "other cases," were omitted;

(ii) for the second subparagraph there were substituted—

"In its annual emissions report, the operator of the receiving installation shall provide the name, address and contact information of a contact person for the transferring installation.".

[[F12](c) in paragraph 3 in the first subparagraph after "expressed as the quantity of CO_2 transferred." there were inserted "(But see subsection B.2 of section 21 of Annex 4, which provides for the use of a calculation-based methodology instead of a measurement-based methodology.)".**]**

Textual Amendments

F12 Sch. 4 para. 23(c) inserted (1.1.2024) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2023 (S.I. 2023/850), arts. 2, **8(2)**

Commencement Information

I22 Sch. 4 para. 23 in force at 12.11.2020, see art. 2(1)

24. Article 50 is to be read as if—

(a) in paragraph 1—

(i) in the first subparagraph, for "activities covered by Annex I to Directive 2003/87/EC for which that Annex specifies N_2O as relevant" there were substituted " regulated activities in respect of which N_2O emissions are specified emissions (as defined in the 2020 Order) ";

(ii) in the third subparagraph, for "not covered by Directive 2003/87/EC" there were substituted " not covered by the 2020 Order ";

(b) for paragraph 2 there were substituted—

"**2.** In its annual emissions report, the operator of the transferring installation shall provide the name, address and contact information of a contact person for the receiving installation.

In its annual emissions report, the operator of the receiving installation shall provide the name, address and contact information of a contact person for the transferring installation.".

Commencement Information

I23 Sch. 4 para. 24 in force at 12.11.2020, see art. 2(1)

25. Article 51 is to be read as if—

(a) in paragraph 1, for "activities for all flights included in Annex I to Directive 2003/87/EC that are" there were substituted " activity that is ";

(b) paragraphs 2 to 4 were omitted.

Commencement Information

I24 Sch. 4 para. 25 in force at 12.11.2020, see art. 2(1)

26. Article 53 is to be read as if—

(a) in paragraph 2, for "section 1 of Annex III" there were substituted " Appendix 2 to Annex 16, Volume IV to the Chicago Convention "[M3] ;

(b) in paragraph 3, for "section 1 of Annex III" there were substituted " Appendix 2 to Annex 16, Volume IV to the Chicago Convention ".

Commencement Information

I25 Sch. 4 para. 26 in force at 12.11.2020, see art. 2(1)

Marginal Citations

M3 1st Edition, October 2018, available electronically at https://www.icao.int/environmental-protection/CORSIA/Pages/SARPs-Annex-16-Volume-IV.aspx or in paper form from the International Civil Aviation Organisation, 999 Robert-Bourassa Boulevard, Montreal, Quebec, Canada H3C 5H7.

[[F13]27. Article 54 is to be read as if for the whole Article there were substituted—

"Article 54

Specific provisions for biofuels

1. For mixed fuels, the aircraft operator may either assume the absence of biomass and apply a default fossil fraction of 100% or determine a biomass fraction in accordance with paragraph 2 or 3.

2. Where biofuels are physically mixed with fossil fuels and delivered to an aircraft in physically identifiable batches, the aircraft operator may carry out analyses in accordance with Articles 32 to 35 to determine the biomass fraction on the basis of a relevant standard and the analytical methods set out in those Articles, provided that the use of that standard and those analytical methods is approved by the regulator. Where the aircraft operator provides evidence to the satisfaction of the regulator that such analyses would incur unreasonable costs or are technically not feasible, the aircraft operator may base an estimation of the biomass fraction on a mass balance of fossil fuels and biofuels purchased.

3. Where purchased biofuel batches are not physically delivered to a specific aircraft, the aircraft operator shall not use analyses to determine the biomass fraction of the fuels used. In such a case, the aircraft operator may determine the biomass fraction using purchase records of biofuel of equivalent energy content, provided that the aircraft operator provides evidence to the satisfaction of the regulator that there is no double counting of the same biofuel quantity, in particular that the biofuel purchased is not claimed to be used by anyone else.

4. Where a biofuel meets the sustainability criteria [F14]..., the emission factor of the biofuel shall be zero; and for the purpose of determining whether the sustainability criteria are met, the biofuel (wherever supplied) must be treated as supplied in the United Kingdom.

5. Where a biofuel does not meet **[**[F15]the sustainability criteria**]**, the carbon content of the biofuel shall be treated as fossil carbon.

[[F16]**6.** In this Article, "sustainability criteria", in relation to biofuel, means the sustainability criteria (within the meaning of the Renewable Transport Fuel Obligations Order 2007) that applied for the purposes of that Order on the date of purchase of the biofuel."**].]**

Textual Amendments

F13 Sch. 4 para. 27 substituted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(5)**

F14 Words in Sch. 4 para. 27 omitted (1.1.2023) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(4)(a)**

F15 Words in Sch. 4 para. 27 substituted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(4)(b)**

F16 Words in Sch. 4 para. 27 inserted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(4)(c)**

28. Article 55(2) is to be read as if for "Commission" there were substituted " UK ETS authority ".

Commencement Information
I26 Sch. 4 para. 28 in force at 12.11.2020, see art. 2(1)

29. Article 58(1) is to be read as if the second subparagraph were omitted.

Commencement Information
I27 Sch. 4 para. 29 in force at 12.11.2020, see art. 2(1)

30. Article 68 is to be read as if for the whole Article there were substituted—

"Article 68

Obligations for reporting

Annex X (minimum content of annual reports) has effect for the purposes of article 33 of and paragraph 4(2)(b) of Schedule 6 and paragraph 11(2)(b) of Schedule 7 to the 2020 Order.".

Commencement Information
I28 Sch. 4 para. 30 in force at 12.11.2020, see art. 2(1)

31. Article 71 is to be read as if—

(a) the first sentence were omitted;

(b) for "With regard to the application of the exception, as specified in Article 4(2)(d) of Directive 2003/4/EC", there were substituted " With regard to the potential application in relation to emission reports of the exemption in section 43 of the Freedom of Information Act 2000 [M4], the exception in regulation 12(5)(e) of the Environmental Information Regulations 2004 [M5] or the exception in regulation 10(5)(e) of the Environmental Information (Scotland) Regulations 2004 [M6] ".

Commencement Information
I29 Sch. 4 para. 31 in force at 12.11.2020, see art. 2(1)

Marginal Citations
M4 2000 c. 36.
M5 S.I. 2004/3391, to which there are amendments not relevant to this Order.
M6 S.S.I. 2004/520, to which there are amendments not relevant to this Order.

[[F17]31A. Article 72(1) is to be read as if for the first subparagraph there were substituted—

"Total annual emissions of each of the greenhouse gases CO_2, N_2O and PFCs shall be reported as rounded tonnes of CO_2 or $CO_{2(e)}$. The total annual emissions of the installation shall be calculated as the sum of these three rounded values.".**]**

Textual Amendments

F17 Sch. 4 para. 31A inserted (31.12.2020) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020 (S.I. 2020/1557), arts. 2(1), **35(6)**

32. Article 72(3) is to be read as if "calculating the distance and payload pursuant to Article 57 and" were omitted.

Commencement Information

I30 Sch. 4 para. 32 in force at 12.11.2020, see art. 2(1)

33. Article 73 is to be read as if—

(a) in the words before point (a), for the words from "Each activity" to "aircraft operator" there were substituted " Each regulated activity carried out by an operator and each aviation activity carried out by an aircraft operator ";

(b) points (b) and (c) were omitted;

[F18](c) . . . . . .

Textual Amendments

F18 Sch. 4 para. 33(c) omitted (31.12.2020) by virtue of The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020 (S.I. 2020/1557), arts. 2(1), **35(7)**

Commencement Information

I31 Sch. 4 para. 33 in force at 12.11.2020, see art. 2(1)

34. Article 78 is to be read as if the words from "However" to the end were omitted.

Commencement Information

I32 Sch. 4 para. 34 in force at 12.11.2020, see art. 2(1)

35. Annex 1 is to be read as if—

[[F19](a) in section 1—

(i) in point (1)(a)—

(aa) in the opening words "a description of the installation and activities carried out by the installation to be monitored, containing" were omitted;

(bb) in point (i) for "description" there were substituted "list";

(cc) in point (ii) "describing the installation or" were omitted;

(ii) in point (2)(b) for "and *de minimis*" in both places it occurs there were substituted ", *de minimis* and marginal";**]**

(b) in section 2, in point 1—

(i) in point (a), "the administering Member State," were omitted;

(ii) in point (d), for "covered by Annex I to Directive 2003/87/EC" there were substituted " an aviation activity ";

(iii) in point (k), for "Article 28a(6) of Directive 2003/87/EC" there were substituted " article 33(2) of the 2020 Order ";

[[F20](c) in section 2, in point 2—

(i) in point (b)(i) "(Method A or Method B)" were omitted;

(ii) after point (e) there were inserted—

"(f) where applicable, a description of the procedure used to assess if biofuels meet the sustainability criteria **[**[F21](as defined in Article 54(6))**]**;

(g) where applicable, a description of the procedure used to determine biofuel quantities based on purchase records in accordance with Article 54(3).".**]**

Textual Amendments

F19 Sch. 4 para. 35(a) substituted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(5)(a)**

F20 Sch. 4 para. 35(c) substituted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(6)**

F21 Words in Sch. 4 para. 35(c)(ii) substituted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(5)(b)**

Commencement Information

I33 Sch. 4 para. 35 in force at 12.11.2020, see art. 2(1)

[[F22]**36.** Annex 2 is to be read as if—

(a) in section 2—

(i) in the first subparagraph before section 2.1—

(aa) for "all activities as listed in Annex I to Directive 2003/87/EC or included in the Union system under Article 24 of that Directive" there were substituted "all regulated activities";

(bb) for "section 5" there were substituted "section 4";

(ii) in the second subparagraph before section 2.1 for "sections 4 and 5" there were substituted "section 4";

(iii) in section 2.4 in the subparagraph relating to Tier 1 for "competent authority or the Commission" there were substituted "UK ETS authority";

(b) in section 4—

(i) for the heading there were substituted "DEFINITION OF TIERS FOR THE CALCULATION FACTORS FORCO_2 PROCESS EMISSIONS";

(ii) for the subparagraph before section 4.1 (beginning "For all process emissions" and ending "from the process") there were substituted—

"For all CO_2 process emissions (including emissions from the decomposition of carbonates and from process materials containing carbon other than in the form of carbonates, including urea, coke and graphite), where they are monitored using the standard methodology in accordance with Article 24(2), the tiers defined in this section for the applicable calculation factors shall be applied.

In the case of mixed materials which contain inorganic as well as organic forms of carbon, the operator may choose:

—to determine a total preliminary emission factor for the mixed material by analysing the total carbon content, and using a conversion factor and – if applicable – biomass fraction and net calorific value related to that total carbon content; or

—to determine the organic and inorganic contents separately and treat them as two separate source streams.

For emissions from the decomposition of carbonates, the operator may choose for each source stream one of the following methods:

(a) **Method A** (Input based): The emission factor, conversion factor and activity data are related to the amount of material input into the process.

(b) **Method B** (Output based): The emission factor, conversion factor and activity data are related to the amount of output from the process.

For other CO_2 process emissions, the operator shall apply only method A.";

(iii) in section 4.1 in the subparagraph relating to Tier 1 for point (a) there were substituted—

"(a) the standard factors listed in Table 2 of Annex 6 in the case of carbonate decomposition or in Tables 1, 4 or 5 of that Annex for other process materials;";

(iv) after section 4.4 there were inserted—

"4.5 **Tiers for the net calorific value**

If relevant, the operator shall determine the net calorific value ("NCV") of the process material using the tiers defined in section 2.2 of this Annex. NCV is considered not relevant for marginal or *de minimis* source streams or where the material is not itself combustible without other fuels being added. If in doubt, the operator shall seek confirmation by the regulator on whether NCV has to be monitored and reported.

4.6 **Tiers for the biomass fraction**

If relevant, the operator shall determine the biomass fraction of the carbon contained in the process material using the tiers defined in section 2.4 of this Annex.";

(c) section 5 were omitted.**]**

Textual Amendments

F22 Sch. 4 para. 36 substituted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(7)** (with art. 28)

37. Annex 3 is to be read as if section 1 were omitted.

Commencement Information

I34 Sch. 4 para. 37 in force at 12.11.2020, see art. 2(1)

38. Annex 4 is to be read as if—

[[F23](a) in section 1—

(i) in subsection A for "all activities as listed in Annex I to Directive 2003/87/EC or included in the Union system under Article 24 of that Directive" there were substituted "all regulated activities";

(ii) in subsection C.2 in the first subparagraph for "section 5" there were substituted "section 4";

(aa) in each of the headings of sections 2 to 20 for "Annex I to Directive 2003/87/EC" there were substituted "Schedule 2 to the Greenhouse Gas Emissions Trading Scheme Order 2020";

(ab) in section 4 in subsection B for "sections 2, 4 and 5" there were substituted "sections 2 and 4";

(ac) in section 8—

(i) in subsection A ", and any guidelines published by the Commission for this purpose" were omitted;

(ii) in subsection B in calculation method B (overvoltage method) for "F_{CF2F6}" in both places there were substituted "F_{C2F6}";

(ad) in section 9—

(i) in subsection A for "organic" there were substituted "non-carbonate";

(ii) in subsection B in the second subparagraph for "organic" there were substituted "non-carbonate";

(iii) in subsection D for "The following tier definitions" in both places there were substituted "By way of derogation from section 4 of Annex 2, the following tier definitions";

(ae) in section 10—

(i) in subsection B in the first subparagraph—

(aa) "and section 5" were omitted;

(bb) for "organic" there were substituted "non-carbonate";

(ii) after subsection B there were inserted—

"C. Emissions from non-carbonate carbon in raw materials

The operator shall determine the emissions from non-carbonate carbon at least from limestone, shale or alternative raw materials in the kiln in accordance with Article 24(2).

By way of derogation from section 4 of Annex 2, the following tier definitions for the emission factor shall apply:

Tier 1: The content of non-carbonate carbon in the relevant raw material shall be estimated using industry best practice guidelines.

Tier 2: The content of non-carbonate carbon in the relevant raw material shall be determined at least annually following the provisions of Articles 32 to 35.

By way of derogation from section 4 of Annex 2, the following tier definitions for the conversion factor shall apply:

Tier 1: A conversion factor of 1 shall be applied.

Tier 2: The conversion factor shall be calculated applying industry best practice.";

(af) in section 11 in subsection B in the first subparagraph for "section 5" there were substituted "section 4";

(ag) in section 12—

(i) in subsection A for "fossil organic material" there were substituted "non-carbonate carbon content";

(ii) in subsection B in the first subparagraph—

(aa) for "sections 4 and 5" there were substituted "section 4";

(bb) for "organic content" there were substituted "non-carbonate carbon content";

(cc) for "organic carbon" there were substituted "non-carbonate carbon".**]**

(b) in each of the headings of sections 21, 22 and 23, for "Directive 2009/31/EC" there were substituted " the CCS licensing regime ";

(c) in section 21, in subsection A, for "other activities covered by Directive 2003/87/EC" there were substituted " other regulated activities ";

(d) in section 22, in subsection B, for "Directive 2003/87/EC" in both places it occurs there were substituted " the 2020 Order ";

(e) in section 23—

(i) in subsection A, in the first subparagraph, for "Directive 2009/31/EC" there were substituted " the CCS licensing regime ";

(ii) in subsection A, in the second subparagraph, after "with", there were inserted " domestic legislation which immediately before IP completion day implemented ";

(iii) in subsection B.3, in the definition of "T_{end}", after "with", there were inserted " domestic legislation which immediately before IP completion day implemented ".

Textual Amendments

F23 Sch. 4 para. 38(a)-(ag) substituted for Sch. 4 para. 38(a)(aa) (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(8)** (with art. 28)

Commencement Information

I35 Sch. 4 para. 38 in force at 12.11.2020, see art. 2(1)

[F24 38A. Annex 5 is to be read as if in Table 1 in the eighth row (scrubbing (urea))—

(a) in the entry in the column headed "net calorific value" for "1" there were substituted "n.a.";

(b) in the entry in the column headed "oxidation factor" for "1" there were substituted "n.a.";

(c) in the entry in the column headed "conversion factor" for "n.a." there were substituted "1".

Textual Amendments

F24 Sch. 4 paras. 38A, 38B inserted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(6)**

38B.—(1) Annex 6 is to be read as if in section 3 for Table 6 there were substituted—

Gas	Global warming potential
N_2O	265 t $CO_{2(e)}$ /t N_2O
CF_4	6 630 t $CO_{2(e)}$/t CF_4

C_2F_6	11 100 t $CO_{2(e)}$/t C_2F_6

(2) The modifications made by sub-paragraph (1) have effect in relation to the 2023 and subsequent scheme years.**]**

Textual Amendments

F24 Sch. 4 paras. 38A, 38B inserted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(6)**

39. Section 2(7) of Annex 9 is to be read as if—

(a) in point (c)—

(i) after "storage permit", there were inserted " for the storage site ";

(ii) for "Article 9 of Directive 2009/31/EC" there were substituted " the CCS licensing regime ";

(b) in each of points (d), (e) and (f), after "with", there were inserted " domestic legislation which immediately before IP completion day implemented ".

Commencement Information

I36 Sch. 4 para. 39 in force at 12.11.2020, see art. 2(1)

40. Annex 10 is to be read as if—

(a) in the heading, for "68(3)" there were substituted " 68 ";

(b) in section 1—

[[F25](ai) for point (1) there were substituted—

"(1) Name and address of the installation and details of the following:

(a) type and number of regulated activities carried out at the installation;

(b) address, telephone number and email address of two contact persons;

(c) name of the operator of the installation;

(d) permit number;";**]**

(i) in point (6), for "Information" there were substituted " Subject to the subparagraph after point (13), information ";

[[F26](ia) in point (8)(g) for "as recognised in accordance with the acts adopted pursuant to Article 19(3) of Directive 2003/87/EC" there were substituted "in the registry";**]**

(ii) in the subparagraph after point (13), at the end there were inserted "Emissions occurring from marginal source streams may be reported in an aggregate manner.";

(iii) in the final subparagraph, after "with", there were inserted " domestic legislation which immediately before IP completion day implemented ";

(c) in section 2—

(i) in point (1), after "Directive 2003/87/EC", there were inserted "(read as if references in that Annex to "its administering Member State" and "in the administering Member State" were omitted and as if references to "aviation activities listed in Annex I" were references to "aviation activity")";

(ii) in point (6), for "aviation activities covered by Annex I to Directive 2003/87/EC" there were substituted " aviation activity ";

(iii) in point (9), for "Member State" there were substituted " state ";

[[F27](iiia) for point (12) there were substituted—

"(12) Memo-items:

(a) amount of biofuels used during the reporting year (in tonnes or m^3) listed per fuel type, and whether the biofuels meet the sustainability criteria **[**[F28](as defined in Article 54(6))**]**;

(b) the net calorific value of biofuels and alternative fuels;";**]**

(iv) in point (13), for "operator" in both places it occurs there were substituted " aircraft operator ";

(d) in section 3—

(i) in point (1), after "Directive 2003/87/EC", there were inserted "(read as if references in that Annex to "its administering Member State" and "in the administering Member State" were omitted and as if references to "aviation activities listed in Annex I" were references to "aviation activity")";

(ii) in point (6), for "aviation activities covered by Annex I to Directive 2003/87/EC" there were substituted " aviation activity ";

(iii) in point (8), for "aviation activities listed in Annex I of Directive 2003/87/EC" there were substituted " aviation activity ".

Textual Amendments

F25 Sch. 4 para. 40(b)(ai) inserted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(9)(a)(i)**

F26 Sch. 4 para. 40(b)(ia) inserted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(9)(a)(ii)**

F27 Sch. 4 para. 40(c)(iiia) inserted (7.2.2022) by The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 (S.I. 2021/1455), arts. 2, **22(9)(b)**

F28 Words in Sch. 4 para. 40(c)(iiia) substituted (1.1.2023) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022 (S.I. 2022/1173), arts. 2, **13(7)**

Commencement Information

I37 Sch. 4 para. 40 in force at 12.11.2020, see art. 2(1)

Changes to legislation:
There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme Order 2020, SCHEDULE 4.