
STATUTORY INSTRUMENTS

2020 No. 1557

CLIMATE CHANGE

**The Greenhouse Gas Emissions Trading
Scheme (Amendment) Order 2020**

Made - - - - 16th December 2020
Laid before Parliament 17th December 2020
*Laid before the Northern
Ireland Assembly 17th December 2020*
*Laid before the Scottish
Parliament - - 17th December 2020*
*Laid before Senedd
Cymru - - - - 17th December 2020*
Coming into force in accordance with article 2

**THE GREENHOUSE GAS EMISSIONS TRADING
SCHEME (AMENDMENT) ORDER 2020**

PART 1

Preliminary

1. Citation
2. Commencement
3. Extent

PART 2

Greenhouse Gas Emissions Trading Scheme Order 2020 amended

4. Greenhouse Gas Emissions Trading Scheme Order 2020 amended
5. Article 4 amended (interpretation)
6. Article 4A inserted
7. Article 8A inserted
8. Article 9 amended (meaning of regulator)
9. Article 14 amended (meaning of UK ETS authority, etc.)
10. Article 18 amended (allowances)
11. Article 20 amended (cap for scheme years)
12. Article 21 amended (cap: hospital and small emitter reduction factors)

Status: This is the original version (as it was originally made).

13. Article 24 amended (monitoring and reporting of emissions)
14. Article 25 substituted
15. Chapter 4 of Part 2 inserted
16. Article 27A inserted
17. Article 33 amended (reporting aviation emissions)
18. Part 4A inserted
19. Article 35 amended (charges)
20. Article 36 substituted and article 36A inserted
21. Article 37 substituted
22. Article 39 amended (inspections)
23. Article 40 amended (powers of entry, etc.)
24. Article 44 amended (enforcement notices)
25. Article 49 amended (regulator must publish names of persons subject to civil penalty under article 52)
26. Article 65 amended (failure to comply with enforcement notice)
27. Article 70 amended (right of appeal)
28. Article 71 amended (appeal body)
29. Article 72 amended (effect of appeals)
30. Article 73 amended (determination of appeals)
31. Article 75 amended (information notices)
32. Articles 75A to 75C inserted
33. Article 77 amended (transitional provisions)
34. Schedule 3 amended (applications, notices, etc.)
35. Schedule 4 amended (modifications to Monitoring and Reporting Regulation 2018)
36. Schedule 5 substituted
37. Schedule 5A inserted
38. Schedule 6 amended (permits)
39. Schedule 7 amended (hospitals and small emitters)
40. Schedule 8 amended (ultra-small emitters)
41. Schedule 9 amended (appeals to Scottish Land Court)
42. Schedule 10 amended (appeals to Planning Appeals Commission (Northern Ireland))
43. Schedule 11 amended (transitional provisions: installations)

PART 3

Amendments to other legislation

44. Climate Change Agreements (Amendment of Agreements) (EU Exit) Regulations 2018 amended
45. Greenhouse Gas Emissions Trading Scheme (Amendment) (EU Exit) (No. 2) Regulations 2019 amended
46. Free Allocation Regulation amended
47. Activity Level Changes Regulation amended
Signature

SCHEDULE 1 — Free Allocation Regulation amended

1. Free Allocation Regulation amended
2. “Regulator” substituted for “competent authority”
3. Article 1 amended (scope)
4. Article 2 amended (definitions)

5. Article 2a inserted
6. Article 3 omitted
7. Article 3a inserted
8. Article 4 amended (application for free allocation in 2026-2030 allocation period by operators of incumbent installations)
9. Article 5 substituted
10. Article 6 amended (general obligation to monitor)
11. Article 7 amended (monitoring principles)
12. Article 8 amended (content and submission of the monitoring methodology plan)
13. Article 9 amended (changes to the monitoring methodology plan)
14. Article 10 amended (division into sub-installations)
15. Article 12 amended (data gaps)
16. Articles 13 and 14 omitted
17. Article 15 amended (historical activity level for incumbent installations)
18. Article 15a inserted
19. Article 16 amended (preliminary allocation at installation level for incumbent installations)
20. Articles 16a and 16b inserted
21. Article 17 amended (historical activity level for new entrants)
22. Article 18 amended (preliminary allocation to new entrants)
23. Article 18a inserted
24. Article 19 amended (allocation in respect of steam cracking)
25. Article 20 amended (allocation in respect of vinyl chloride monomer)
26. Article 21 amended (heat flows between installations)
27. Article 22 amended (exchangeability of fuel and electricity)
28. Article 23 omitted
29. Article 24 substituted
30. Article 25 substituted
31. Articles 26 substituted
32. Final text omitted
33. Annex 3 amended (historical activity level for specific benchmarks referred to in Articles 15(8) and 17(1)(f))
34. Annex 4 amended (parameters for baseline data collection)
35. Annex 5 amended (factors applicable for reducing free allocation)
36. Annex 6 amended (minimum content of the monitoring methodology plan)
37. Annex 7 amended (data monitoring methods)

SCHEDULE 2 — Activity Level Changes Regulation amended

1. Activity Level Changes Regulation amended
2. Article 1 amended (scope)
3. Article 2 amended (definitions)
4. Article 3 amended (reporting requirements)
5. Articles 3a inserted
6. Article 4 amended (average activity levels)
7. Article 5 amended (adjustments to free allocation due to activity level changes)
8. Article 6 amended (other changes in the operation of the installation)
9. Article 6a inserted
10. Final text amended

Explanatory Note