

SCHEDULE 2

Activity Level Changes Regulation amended

Article 3 amended (reporting requirements)

- 4.—(1) Article 3 is amended as follows.
- (2) In paragraph 1—
- (a) in the first subparagraph—
- (i) for “to which free allocation has been given, in accordance with Article 10a of Directive 2003/87/EC, for the trading period from 2021 until 2030” substitute “ that are FA installations ”;
- (ii) after “its submission.” insert “ In 2026 this report must include data for the 2 years preceding its submission if the operator is not required under this Article to submit in 2025 a report including data for 2024. ”;
- (b) omit the second subparagraph.
- (3) In paragraph 2—
- (a) in the first subparagraph—
- (i) after “must” insert “ be verified as satisfactory in accordance with the Verification Regulation 2018 and ”;
- (ii) omit “on the structure of the group, if any, to which the installation belongs and”;
- (iii) for “to operate” substitute “ operation ”;
- (b) omit the second subparagraph.
- (4) In paragraph 3—
- (a) in the first subparagraph for the words from “by 31 March” to “submission” substitute “ to the regulator on or before 30 June in the 2021 scheme year and on or before 31 March in each subsequent scheme year ”;
- (b) omit the second to fifth subparagraphs.
- (5) In paragraph 4—
- (a) for “competent authority” in each place substitute “ regulator ”;
- (b) in the first subparagraph—
- (i) in point (a)—
- (aa) omit “verified”;
- (bb) omit “and the issuance of the allowances has not been suspended”;
- (ii) in point (c) after “verified” insert “ as satisfactory ”;
- (c) omit the second subparagraph (that is to say, the words from “The competent authority shall not” to “point (a).”).
- (6) After paragraph 4 insert—
- “5. Where the regulator makes an estimate of the value of a parameter under paragraph 4, the regulator must give notice of the value to the operator
6. Subject to paragraph 8, where notice of an estimate of the value of a parameter is given, for the purposes of this Regulation, the operator must be treated as having submitted an activity level report including the estimated value.

Changes to legislation: There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020, Paragraph 4. (See end of Document for details)

7. Where, after making an estimate of a parameter (including a rectified estimate, or a further rectified estimate, made under this paragraph), the regulator considers that there is an error in the estimate, the regulator must:

- (a) withdraw any notice of the estimate given under paragraph 5;
- (b) make a rectified estimate; and
- (c) give notice of the rectified estimate in accordance paragraph 5,

and paragraph 6 applies to a notice of the rectified estimate as it does to the notice of the previous estimate.

8. Where no activity level report has been submitted by the operator of an installation by the time limit referred to in paragraph 3 and the regulator makes an estimate of the value of a parameter under paragraph 4(a):

- (a) Article 3a does not apply;
- (b) the regulator must not send to the UK ETS authority under Article 6a(2) any adjustment to free allocation calculated on the basis of such an estimate, or any recalculation of the preliminary or final annual number of allowances to be allocated in respect of the installation calculated on the basis of such an estimate, if the effect of the adjustment is to increase the final annual number of allowances to be allocated.”.

Commencement Information

II Sch. 2 para. 4 in force at 31.12.2020 on IP completion day, see [art. 2\(2\)\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2020, Paragraph 4.