

SCHEDULE 2

Activity Level Changes Regulation amended

Article 5 amended (adjustments to free allocation due to activity level changes)

7.—(1) Article 5 is amended as follows.

(2) In paragraph 1—

- (a) for “competent authority” substitute “ regulator ”;
- (b) for “to that installation” substitute “ in respect of the sub-installation ”;
- (c) for “That adjustment shall be made” substitute “ The regulator must calculate that adjustment ”.

(3) In paragraph 2—

- (a) for “has been made” substitute “ has been approved by the UK ETS authority under Article 6a ”;
- (b) for “to that installation” substitute “ in respect of the sub-installation ”.

(4) In paragraph 3—

- (a) for “to that sub-installation” substitute “ in respect of the sub-installation ”;
- (b) for “determined by Article 16 or 18 of Delegated Regulation (EU) 2019/331” substitute “ approved under Article 16b or 18a of the Free Allocation Regulation or under Article 6a of this Regulation ”;
- (c) after “determining the average activity level.” insert “ The regulator must calculate an adjustment to the free allocation of the sub-installation accordingly. ”.

(5) In paragraph 4 for “the free allocation of this sub-installation shall be set to” substitute “ the regulator must calculate an adjustment to the free allocation of the sub-installation so that it is ”.

(6) Omit paragraph 6.

(7) After paragraph 5 insert—

“7. In this Article, a reference to the historical activity level of a sub-installation includes a reference to the historical activity level approved under Article 6a.”.

Commencement Information

II Sch. 2 para. 7 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 7.