
STATUTORY INSTRUMENTS

2021 No. 1455

The Greenhouse Gas Emissions Trading
Scheme (Amendment) Order 2021

PART 3

Other

Installations: transitional provision for reporting in 2021 and 2022 scheme years

28.—(1) In preparing a report of an installation’s reportable emissions in the 2021 or 2022 scheme year in accordance with the condition referred to in paragraph 4(2)(b) of Schedule 6, or paragraph 11(2)(b) of Schedule 7, to the Greenhouse Gas Emissions Trading Scheme Order 2020, the operator of the installation may do so as if the amendments made by article 22(7) and (8) of this Order were in force throughout the scheme year.

(2) This article must be interpreted as if it were part of the Greenhouse Gas Emissions Trading Scheme Order 2020.

Aviation: recalculation of aviation free allocation entitlement of certain applicants

29.—(1) In this article, “relevant applicant” means a person who applied for an aviation free allocation entitlement in accordance with article 34L of the Greenhouse Gas Emissions Trading Scheme Order 2020 (the “UK ETS Order”) on or before 31st March 2021 in reliance on a person’s historical aviation activity level within article 34J(1)(c) of that Order.

(2) As soon as reasonably practicable after this Order comes into force, the regulator must, for every relevant applicant, submit to the UK ETS authority a recalculation of the relevant applicant’s aviation free allocation entitlement for each scheme year in the 2021-2025 allocation period, applying article 34M(2) to (6) of the UK ETS Order and taking account of the amendments to article 34J of that Order made by article 15 of this Order.

(3) The UK ETS authority must—

(a) approve the relevant applicant’s aviation free allocation entitlement, making any corrections to the recalculation referred to in paragraph (2) that the UK ETS authority considers appropriate;

(b) inform the regulator accordingly.

(4) Where, as a result of approvals of the UK ETS authority under paragraph (3) in respect of every relevant applicant, there is an increase in the total number of allowances representing the aviation free allocation entitlements for the 2021 scheme year of all relevant applicants, the number of allowances representing the increase must be treated, for the purpose of determining “AFA” within regulation 9(1)(b)(i) of the Greenhouse Gas Emissions Trading Scheme Auctioning Regulations 2021(1), as allowances to be allocated free of charge in the 2022 scheme year (and not in the 2021 scheme year).

(5) This article must be interpreted as if it were part of Chapter 2 of Part 4A of the UK ETS Order.

Free Allocation Regulation amended

30.—(1) Commission Delegated Regulation (EU) 2019/331 is amended as follows.

(2) After Article 8(7)(b) insert—

“(c) where the monitoring methodology plan must, by virtue of paragraph 8(4) of Schedule 6, or paragraph 3(2) of Schedule 8A, to the UK ETS Order, be treated as if it had been submitted under this Article, as soon as reasonably practicable.”.