

# Consultation Response Form

Please use the tables below as a template to respond to the consultation. It will help us to record and take account of your views. Where possible, please could you provide evidence to support your answers and comments.

**Please Return by 31July 2012 to:**

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| Consultation | | | | |
| Amendments to UK greenhouse gas emissions trading scheme and national emissions inventory regulations | | | | |
| Please Return by 19 September 2013 | | | | |
| EU ETS Team  Department of Energy and Climate Change  Area 1A  3-8 Whitehall Place  London  SW1A 2AW  You can also submit this form by email:  [euets.consultation@decc.gsi.gov.uk](mailto:euets.consultation@decc.gsi.gov.uk) | | | | |
| Respondent from Northern Ireland, Scotland and Wales please copy responses to: | | | | |
| **Northern Ireland:**  Christopher McWilliams  Environmental Policy Division  Department of the Environment  6th Floor  Goodwood House  44-48 May Street  Belfast BT1 4NN  [chris.mcwilliams@doeni.gov.uk](mailto:chris.mcwilliams@doeni.gov.uk) | | | **Scotland:**  Climate Change Division  Scottish Government  1G Dockside  Victoria Quay  Edinburgh EH6 6QQ  [euets@scotland.gsi.gov.uk](mailto:euets@scotland.gsi.gov.uk) | **Wales:**  Climate Change Branch  Climate Change and Natural Resources Management  Welsh Government  Cathays Park  Cardiff, CF10 3NQ  [Climate-change@Wales.gsi.gov.uk](mailto:Climate-change@Wales.gsi.gov.uk) |
| Respondent Details | | | | |
| **Name** | |  | | |
| **Organisation** | |  | | |
| **Address** | |  | | |
| **Town/City** | |  | | |
| **Postcode** | |  | | |
| **Telephone** | |  | | |
| **Email** | |  | | |
| **Would you like this response to remain confidential?** | |  | | |
| **If yes please state your reason (this will help should we receive a request for information)** | |  | | |
| Consultation Question | | | | |
| 1. | Do you agree that the proposed amendments to Regulation 52: a) provide for a default civil penalty equal to the economic benefit gained from operating without a permit, with an additional percentage determined through Ministerial Direction; and b) make it clear that regulators are able to exercise discretion to waive or reduce penalties where they consider it appropriate to do so? | | | |
| Response |  | | | |
| 2. | Do you agree with our proposed approach to extend the €20 tCO2 penalty regime already in place for Phase III to operators that self-rectify under-reporting of emissions in previous years, and that the regulations as drafted give legal effect to it? | | | |
| Response |  | | | |
| 3. | Does the proposed drafting clarify that Regulators have the powers to reduce and waive civil penalties for breaches of the 2005 and Aviation Regulations in Phase III? | | | |
| Response |  | | | |
| 4. | Do you agree that the powers of entry and inspection are unnecessary and that removing such powers will help to reduce the regulatory burden on businesses? | | | |
| Response |  | | | |
| 5. | Do you agree with our proposed approach to removing criminal penalties and establishing a regime comprising of civil penalties only? | | | |
| Response |  | | | |
| 6. | Do you consider that the First-tier Tribunal is the appropriate body to hear and determine appeals against decisions to issue a civil penalty for failure to provide inventory information? | | | |
| Response |  | | | |
| 7. | Do you consider that the General Regulatory Chamber Rules of the First-tier Tribunal will suit the handling of these appeals against decisions by the Secretary of State? If not, why not?  The General Regulatory Chamber Rules may be found at: <http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/rules.htm> | | | |
| Response |  | | | |