

UMBRELLA CLIMATE CHANGE AGREEMENT FOR THE [insert] SECTOR
Agreement dated [insert date]

THIS AGREEMENT is made the day of

BETWEEN :

- (1) the Environment Agency (“the Administrator”); and
- (2) The sector association set out in Schedule 2 (“the sector association”)

IT IS AGREED as follows:

1. INTERPRETATION

1.1 In this Agreement unless the context otherwise requires:

“buyout fee” means the fee calculated in accordance with Rule 6”;

“certification period” means, any of the following periods:

- (a) 1st April 2013 to 30th June 2015,
- (b) 1st July 2015 to 30th June 2017,
- (c) 1st July 2017 to 30th June 2019,
- (d) 1st July 2019 to 30th June 2021,
- (e) 1st July 2021 to 31st March 2023;

“charges” means charges due to the Administrator under the charging scheme;

“charging scheme” means the Climate Change Agreements Charges Scheme 2012 made by the Administrator or any replacement or revision of that charging scheme;

“decision notice” means a notice served by the Administrator under Rule 4;

“EU ETS” means the European Union Emissions Trading System established under the Emissions Trading Directive 2003/87EC as implemented by the Greenhouse Gas Emissions Trading Scheme Regulations 2005 S.I.2005/925;

“excluded installation” means an installation within the meaning of Schedule 5 of the Greenhouse Gas Regulations¹;

“facility” means a facility or facility to which an underlying agreement applies;

“facility number” means the unique identification number of a facility set out in an umbrella agreement;

“fuel” means one or more sources of energy;

¹ These Regulations will come into force by 31st December 2012 and no agreement will be signed before they come into force

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“Greenhouse Gas Regulations” means the Greenhouse Gas Emissions Trading Scheme Regulations 2012 S.I. 2012/xxx;

“guidance” means any guidance published from time to time by the Administrator available via the administrator’s website;

“operator” means a person who is a party to an underlying agreement other than the Administrator or a person who enters into such an agreement on the operator’s behalf;

“the Regulations” means the Climate Change Agreements (Appointment of an Administrator) Regulations 2012 S.I. 2012/xxx²;

“reconciliation date” means the last working day in the April immediately following the end of a target period;

“Rule or Rules” means the Rules for the Operation of Climate Change Agreements or any of them set out in Schedule 1 to this Agreement;

“Secretary of State” means the Secretary of State for Energy and Climate Change;

“sector” means the sector consisting of facilities which belong to the same sector and subject to the same umbrella agreement;

“sector target” means the target agreed between the Administrator and the sector association as set out in Schedule 5 of an umbrella agreement, as varied from time to time in accordance with the Rules;

“target unit” means a facility or a group of facilities with a target set under an underlying agreement which applies to that facility or group of facilities under common ownership;

“target unit target” means the target set out in Schedule 6 to an underlying agreement”;

“target unit target currency” means one of the following:

- (a) for an absolute carbon target, carbon dioxide emitted during the target period;
- (b) for an absolute energy target, energy used during the target period;
- (c) for a relative carbon target, carbon dioxide emitted during the target period per unit of throughput during that period or ratio thereof according to the Rules; or
- (d) for a relative energy target, energy used during the target period or ratio thereof according to the Rules;

² The intention is to rename the Regulations that went out to consultation in January 2012

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“throughput” means the measure of production, or factor related to the production, that has been selected and agreed with the Administrator used to determine the relationship between the amount of energy used by the target unit and the quantity of final products leaving the facility;

“the Tribunal” means the First-tier Tribunal established under the Tribunal Courts and Enforcement Act 2007³; and

“variation notice” means a notice served by the Administrator under Rule 11.

- 1.2 Other words and expressions used in this Agreement have the same meaning as they bear in Schedule 6 of the Finance Act 2000 or the Regulations .

3. FACILITIES TO WHICH THIS AGREEMENT APPLIES

- 3.1 This Agreement applies to the facilities set out in Schedule 4 .
- 3.2 A facility belongs to the sector if it is a facility which undertakes one or more of the activities set out in Schedule 3.

4. SECTOR TARGET

- 4.1 The sector target for the sector to which this Agreement applies is set out in Schedule 5 to this Agreement.
- 4.2 The Secretary of State shall carry out a review of sector target during 2016 for the target period 1st January 2017 to 31st December 2018 and for the target period 1st January 2019 to 31st January 2020. The sector target shall be varied following the review to take account of the review in accordance with the procedure set out in Rule 11.

5. THE RULES

- 5.1 Schedule 1 to this Agreement which sets out the rules for the operation of Climate Change Agreements shall have effect.
- 5.2 The Sector Association agrees to comply with the Rules.

6. DURATION AND TERMINATION OF THIS AGREEMENT

³ Appeals are assigned to the General Regulatory Chamber of the First-tier Tribunal by virtue of article 3(a) of the First-tier Tribunal and Upper Tribunal (Chambers) Order 2010 (S.I. 2010/2655). The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (S.I. 2009/1976) sets out procedural rules relating to such appeals.

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6.1 Subject to clause 6.2, this Agreement shall continue in force from the date on which it is made until 31 March 2023.

6.2 This Agreement may be terminated before 31 March 2023:

6.2.1 At any time by a notice by the Sector Association giving at least 10 working days notice served on the Administrator; or

6.2.2 In accordance with the Regulations.

7. VARIATION OF AGREEMENT

7.1 The facilities to which this Agreement applies may be varied in the circumstances set out in the Rules and in accordance with the Rules.

7.2 Following a review of the sector targets by the Secretary of State in 2016, the sector targets shall be varied in accordance with Rule 11.

8. COLLECTION OF CHARGES

Where Rule 15 applies the parties agree that the Administrator shall not be liable pay to pay any expenses of the sector association in connection with or arising out of the collection of charges, nor to indemnify or be liable to remunerate the sector association in connection with or arising out of the collection of charges.

Signed by authority of
the Environment Agency

Signed on behalf of the
Sector Association

.....

.....
(Name and position)

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SCHEDULE 1

RULES FOR THE OPERATION OF CLIMATE CHANGE AGREEMENTS

1 OBLIGATIONS OF A SECTOR ASSOCIATION AND OF AN OPERATOR

- 1.1 To update personal information and input information to meet obligations under this Agreement using the Register.
- 1.2 As far as reasonably practicable, to communicate with the Administrator using the Register.
- 1.3 To take reasonable steps to ensure that the operation of the Register is secure from misuse, including by those not entitled to use it and, in particular, not to disclose any passwords to another person, other than to a person that the sector association or the operator has authorised to operate the account on its behalf.
- 1.4 To comply with any administrative rules for the operation of the Register issued from time to time by the Administrator.
- 1.5 To co-operate with any person appointed by the Administrator to undertake an independent audit of information provided by the sector association or provided by an operator to comply with any action plan prepared by the person so appointed within the period specified in the action plan.
- 1.6 To keep the records specified in Rule 13 for the periods specified in Rule 13 and make such records available for inspection and to provide copies for the Administrator or any person authorised by the Administrator.
- 1.7 To pay any charges due by the date specified in the charging scheme . If a charge remains unpaid it may recovered by the Administrator as a civil debt.

2 OBLIGATIONS OF A SECTOR ASSOCIATION

- 2.1 To encourage its members who operate facilities within its sector to enter into underlying agreements with the Administrator.
- 2.2 Not to impose unreasonable requirements on non-members who operate facilities within its sector who wish to enter into underlying agreements with the Administrator.
- 2.3 Not to impose unreasonable charges on operators or potential operators (whether members or non-members of the sector association) in respect of the negotiation of an umbrella agreement, underlying agreement or the carrying out of any of the sector association's obligations under these Rules.

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- 2.4 Within the period specified in a notice a sector association to supply such information as the Administrator may at any time request, in connection with the operation of an umbrella agreement or any underlying agreement.
- 2.5 Following a variation in the sector target under Rule 11 to distribute the sector target in accordance with Rule 11.4 and Rule 11.5.
- 2.6 To have regard to the potential in each target unit for cost effective energy or carbon savings and any other factors set out in guidance in proposing the distribution of the sector target or any revised sector target between each target unit within the sector.

3 OBLIGATIONS OF AN OPERATOR

- 3.1 To serve a notice on the Administrator, copied to the sector association within 20 working days if the operator has reason to believe that a facility to an underlying agreement may not be eligible for inclusion in the underlying agreement.
- 3.2 Where there is any change in the name and/or contact details of a person who can be contacted in respect of each facility supplied to the administrator on the signing of the underlying agreement , to serve a notice on the Administrator specifying the change within 10 working days of that change.
- 3.3 To notify the administrator within 20 working days of any changes that would result in a variation of the underlying agreement.
- 3.4 To provide to the administrator using the Register the following information following the end of a target period:
 - 3.4.1 the proposed revised target after consideration of changes in throughput by the last working day in February;
 - 3.4.2 any disrupted power supply information by the last working day in February; and
 - 3.4.3 the target period information by the last working day in April;
- 3.5 To provide any information requested at any time by the Administrator by the date specified in the request to enable the Administrator to determine that the account holder—
 - 3.5.1 has met its target; or
 - 3.5.2 is complying with the terms of its underlying agreement.

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- 3.6 To keep a record of energy saving actions and measures that an operator implements during each target period of the underlying agreement and to comply with any notice served on it by the Administrator or the sector association requesting such information.
- 3.7 Where the Administrator enters into an underlying agreement before a target unit target has been agreed, conditional upon the operator providing sufficient information within a specified period in order to set the target for the facility, to supply data to the Administrator within the period specified by the Administrator on energy use and throughput of the facility in accordance with guidance.
- 3.8 To meet its target in accordance with Rule 6
- 3.9 To pay any financial penalty imposed under the Regulations in accordance with the notice served on the operator by the Administrator.

4 NOTICE TO COMPLY

- 4.1 Where the Administrator considers that a sector association or an operator has failed to comply with any obligation under these Rules, the Administrator may serve a notice on the sector association or the operator:
 - 4.1.1 Identifying the obligation that has not been complied with;
 - 4.1.2 Setting out the steps that must be taken to comply with the obligation; and
 - 4.1.3 Specifying the period in which the steps must be taken in order to comply with the obligation.

5 CERTIFICATION OF A FACILITY

- 5.1 The Administrator shall certify that a facility is covered by a climate change agreement from the signing of an underlying agreement to the end of the certification period in which the underlying agreement is signed.
- 5.2 Subject to Rule 5.1, the Administrator shall certify that a facility is covered by a climate change agreement where it appears to the Administrator that progress made in the immediately preceding certification period, whether under the underlying agreement or under any previous climate change agreement, towards meeting targets set for the facility is, or is likely to be, satisfactory.
- 5.3 For the purposes of this Rule, progress made in the immediately preceding certification period towards meeting targets set for the facility is, or is likely to be satisfactory where:

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- 5.3.1 The target set for the target unit in the underlying agreement for the relevant target period is met in accordance with Rule 6; and
- 5.3.2 Sufficient allowances have been surrendered by the target unit to meet any compliance obligations under the EU ETS; or
- 5.3.3 In the case of an excluded installation, has met its obligations under the Greenhouse Gas Regulations.

5.4 Where:

- 5.4.1 A target unit has failed to meet its target in accordance with Rule 6;
- 5.4.2 Insufficient allowances have been surrendered by the target unit to any compliance obligations under the EU ETS;
- 5.4.3 In the case of an excluded installation, there are unpaid penalties;
- 5.4.4 A facility is not or ceases to be eligible for inclusion in an underlying agreement;
- 5.4.5 A facility is excluded from an underlying agreement under these Rules; or
- 5.4.6 The underlying agreement is terminated in accordance with these Rules

the Administrator shall not certify that the facility is covered by a climate change agreement or, where a certificate has been issued, the Administrator shall vary that certificate in accordance with paragraph 45 of Schedule 6.

5.5 Where the information supplied to the Administrator is insufficient to determine whether:

- 5.5.1 The target unit target for the target period has been met; or
- 5.5.2 Sufficient allowances have been surrendered to meet any compliance obligations under the EU ETS
- 5.5.3 In the case of an excluded installation, has met its obligations under the Greenhouse Gas Regulations

the Administrator may refuse to certify that the facility is covered by a climate change agreement or, where a certificate has been issued, the Administrator may vary that certificate in accordance with paragraph 45 of Schedule 6.

5.6 Where the Administrator does not certify a facility or varies a certificate that has been issued, the Administrator shall serve a decision notice on the sector association and the operator of the facility setting out the reasons for the decision unless a notice of termination has already been served.

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- 5.7 The Administrator is not required to issue a variation notice where a facility has been certified under this Rule and it is subsequently discovered that the target unit target for the relevant target period had not been met because of an error in the information originally supplied to the Administrator provided that:
- 5.7.1 The sector association and the operator have satisfied the Administrator that the error was unintentional; and
- 5.7.2 The operator has paid the buyout fee in accordance with Rule 7.
- 5.8 Where the Administrator certifies that a facility is covered by a climate change agreement, the Administrator shall issue a certificate to the Commissioners of Her Majesty's Revenue and Customs.
- 5.9 The Administrator shall publish and maintain a list of certified facilities on its website.
- 5.10 Where a facility ceases to be certified the Administrator shall issue a variation certificate to the Commissioners of Her Majesty's Revenue and Customs and shall remove the facility from the list of certified facilities.

6 MEETING THE TARGET UNIT TARGET

- 6.1 A target unit meets its target for a target period for the purpose of Rule 5.3.1 where:
- 6.1.1 The target unit has not exceeded the target for the target period; or
- 6.1.2 The target unit has exceeded the target for the target period but the operator has paid a buyout fee in accordance with Rule 7.
- 6.2 Where there is an unexpected:
- 6.2.1 Disruption in the supply of energy to a facility; or
- 6.2.2 Total failure in excess of 240 hours of a dedicated electricity generation plant located within a facility; and
- 6.2.3 The operator submits such evidence as requested by the Administrator to demonstrate that the dedicated electricity generation plant was properly maintained and was being correctly operated at the time of the total failure

any increase in the number of units or carbon emitted from a facility during the target period, compared with the number of units which would otherwise have been emitted in that period, may, with the consent of the Administrator, be

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disregarded in calculating whether the target unit has met its target for the target period.

6.3 For the purposes of Rule 5.3 disruption in the supply or total failure of the dedicated electricity generation plant is only unexpected if the disruption or total failure was not anticipated when setting the target unit target. Routine down time or interruptions within the terms of an interruptible supply contract are not unexpected for the purpose of Rule 5.3.

6.4 For the purpose of determining whether a target unit target meets its target:

6.4.1 The units of energy used by the target unit shall be measured in kilowatt hours or an equivalent unit agreed with the Administrator;

6.4.2 The units of carbon dioxide associated with the energy used in the target unit applies shall be expressed as tCO₂ ;

6.4.3. The throughput of the target unit shall be as set out in Schedule 5 to the underlying agreement; and

6.4.4 The performance of target units producing diverse products using a relative carbon target or a relative energy target shall be calculated in accordance with the procedure set out in guidance

shall be calculated in accordance with the procedures set out in guidance.

7 BUYOUT MECHANISM

7.1.1 At the end of a target period where an operator fails to meet its target for a target period; or

7.1.2 At any other time where an account holder is found to have failed to meet a target,

the administrator shall serve a notice on the operator informing the operator that progress towards meeting its target may be achieved by the payment of a fee in accordance with Rule 7.

7.2 A notice served under Rule 7.1 must contain the following information—

7.2.1 that the operator had failed to meet its target;

7.2.2 the fee to be paid, calculated in accordance with Rule 7.3 or 7.4;

7.2.3 the date by which the fee must be paid, such date to be no more than 15 working days from the date of the notice;

7.2.4 to whom the fee must be paid;

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7.2.5 how the fee is to be paid; and

7.2.6 that failure to pay the fee in accordance with the notice will result in the issue of a variation certificate in accordance with paragraph 45 of Schedule 6.

7.3 Where the operator has failed to meet its target under Rule 7.1.1, the amount of the fee under Rule 6.2.2 shall be—

$$£12 \times \text{tCO}_2 \times (W - S)$$

where W represents the amount by which the emissions exceed the target and S represents any surplus.

7.4 Where the operator has failed to meet its target under Rule 7.1.2, the amount of the fee under Rule 6.2.2 shall be—

$$£12 \times \text{tCO}_2 \times W$$

where W represents the amount by which the emissions exceed the target.

7.5 Payment is deemed to have been made when the administrator receives full cleared funds.

8 SURPLUS

8.1 Where a facility leaves a target unit, the operator of the target unit shall determine how any surplus should be distributed between the facilities that have left the target unit and the target unit and shall serve notice of that redistribution on the Administrator within 20 working days of the facility leaving the target unit.

8.2 Where an operator fails to serve notice of the redistribution in accordance with Rule 8.1 any surplus remains with the target unit.

8.3 Where facilities join a target unit, any surplus attributable to those joining facilities may be used by the target unit as a whole.

9 VARIATION BY INCLUSION OF ADDITIONAL FACILITIES

9.1. A facility is eligible at any time to be considered for inclusion in an umbrella agreement or an underlying agreement where:

9.1.1 It is a facility within the meaning of paragraph 50 of Schedule 6;

9.1.2 It is a facility that belongs to a sector which has entered into an umbrella agreement with the Administrator;

9.1.3 It is a facility undertaking the activities set out in Schedule 3 to an umbrella agreement ;

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- 9.1.4 It is not already included in an umbrella agreement or an underlying agreement;
- 9.1.5 Where the facility forms part of a target unit carrying on activities covered by more than one Umbrella agreement it shall be eligible to enter into an underlying agreement under the Umbrella agreement for the sector for which it uses the majority of its energy.
- 9.2 An additional facility cannot be added to an umbrella agreement or an underlying agreement during the final target period under an umbrella agreement or an underlying agreement has commenced.
- 9.3 Where a sector association wishes to add an additional facility to an umbrella agreement or an operator wishes to add an additional facility to an underlying Agreement the sector association shall serve a notice on the Administrator not less than two months before the commencement of the next target period setting out:
 - 9.3.1 The name of the operator of the facility;
 - 9.3.2 The address of the facility;
 - 9.3.3 A description of the facility; and
 - 9.3.4 Such information as will enable the Administrator to reach a decision on establishing eligibility of the facility or varying the target unit and sector.
- 9.4 Following receipt of the notice, the Administrator shall:
 - 9.4.1 Consent to include facility in an umbrella agreement or an underlying agreement; or
 - 9.4.2 Refuse consent to include the facility in an umbrella agreement or an underlying agreement, giving reasons for the decision; or
 - 9.4.3 Shall request such further information as is required in order to establish eligibility of the facility or reach a decision on the target for the facility.
- 9.5 Within 20 working days of an umbrella agreement or an underlying agreement being varied, a sector association shall serve notice of the variation on the Administrator, copied to the operator of the facility or facilities affected by the variation, specifying the date on which the variation shall take effect.
- 9.6 Where a facility has previously been included in an underlying agreement and that underlying agreement has been terminated in relation to that facility:
 - 9.6.1 For any reason other than a breach of Rule 3.8, the Administrator shall refuse consent to include that facility in an umbrella agreement or an

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underlying agreement until the beginning of the second certification period following the certification period in which the termination occurred .

- 9.6.2 For a breach of Rule 3.8, the Administrator shall refuse consent to include that facility in an umbrella agreement or an underlying agreement until the beginning of the next certification period following the certification period in which the termination occurred.

10 VARIATION BY EXCLUSION OF FACILITIES

- 10.1 Where the Administrator or the sector association wish to exclude a facility, or part of it, from an umbrella agreement or an underlying Agreement, either shall serve a notice on the other, copied to the operator of the facility, setting out:

10.1.1 The name of the operator of the facility;

10.1.2 The facility number, or a description of the part that is to be excluded;
and

10.1.3 The reason for the exclusion;

- 10.2 Within 20 working days of an umbrella agreement or an underlying agreement being varied, a sector association shall serve notice of the variation on the Administrator, copied to the operator of the facility or facilities affected by the variation, specifying the date on which the variation shall take effect.

11 VARIATION OF SECTOR TARGET FOLLOWING A REVIEW

- 11.1 The sector target will be varied following a review of the sector target by the Secretary of State by the Administrator serving a variation notice on the sector association following the issue of a direction by the Secretary of State to the Administrator to vary the sector target.

- 11.2 The variation notice must state:

11.2.1 The date from which the proposed variation will take effect; and

11.2.2 The proposed variation.

- 11.3 The sector association shall, within 20 working days of receipt of the variation notice, serve notice on the Administrator setting out the proposed distribution of the revised sector target between each target unit under the umbrella agreement.

- 11.4 Within 20 working days of the Administrator agreeing to the proposed distribution, the Administrator shall serve notice of the variation on each

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operator of the facility or facilities affected by the variation, specifying the date on which the variation shall take effect.

- 11.5 Any variation of a sector target required by the inclusion or exclusion of a facility or facilities shall be effected at the end of the target period which ends after the inclusion or exclusion of that facility.

12 RIGHT OF APPEAL

- 12.1 Where a decision notice or a variation notice is served under these Rules the sector association or the operator may appeal to the Tribunal against that notice setting out the reasons why they disagree with the notice.
- 12.2 The bringing of an appeal suspends the decision notice or the variation notice.
- 12.3 On determining an appeal under these Rules the Tribunal must;
- 12.3.1 Vary the decision notice;
 - 12.3.2 Quash the decision notice;
 - 12.3.3 Confirm the variation notice; or
 - 12.3.4 Agree to the variation of the sector targets requested by the appellant.

13 RECORDS AND INFORMATION

- 13.1 The records required to be kept under Rule 1.6 include the information required to be supplied to the Administrator under these Rules. Records must be sufficient to allow the accurate verification of throughput and annual consumption of energy of each target unit in order to enable the verification of the accuracy of any energy data provided to the Administrator under these Rules.
- 13.2 The information required to be supplied under Rule 1.6 for each target unit is:
- 13.2.1 The total number of units of primary energy used during the relevant target period by the target unit and total energy used by each type of fuel;
 - 13.2.2 The total throughput; and
 - 13.2.3 Where a target unit target is to be adjusted under these Rules, the information needed to calculate the adjustment.
- 13.3 Units of energy, units of carbon and throughput shall be calculated in accordance with any guidance issued by the EA.

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- 13.4 Records required to be kept and information required to be supplied must be retained by the sector association and the operator throughout the duration of the umbrella agreement and the underlying agreement and for the period of one year after their termination.

14 CONFIDENTIALITY

- 14.1 The Administrator shall be entitled to publish:
- 14.1.1 An umbrella agreement;
 - 14.1.2 A list of facilities to which an underlying agreement applies;
 - 14.1.3 The facility target set out in Schedule 5 to an underlying agreement;
 - 14.1.4 A list of facilities that are certified as being covered by a climate change agreement;
 - 14.1.5 A list of facilities that cease to be certified;
 - 14.1.6 A list of facilities where certificates have been varied;
 - 14.1.7 A list of underlying agreements that have been terminated; and
 - 14.1.8 tCO₂ emissions for each operator.
- 14.2 Information and records supplied by a sector association or an operator to the Administrator or to any person appointed by the Administrator to carry out an independent audit may be disclosed by the Administrator or the person so appointed without the consent of the person who supplied that information or those records:
- 14.2.1 To the Secretary of State at any time and for any purpose in connection with any of his functions;
 - 14.2.2 To a relevant authority for any purposes relating to any of its functions, powers and duties;
 - 14.2.3 Where disclosure is necessary for the purpose of or in connection with any legal proceedings, including the obtaining of legal advice;
 - 14.2.4 Where disclosure is required to comply with any Act of Parliament or subordinate legislation made under an Act of Parliament, including requests made under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004;
 - 14.2.5 Where disclosure is required to meet any obligation to the European Union; or

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14.2.6 To any person appointed by the Administrator to carry out an independent audit or authorised by the Administrator to inspect such information or records.

14.3 The relevant authority referred to in this Rule means:

14.3.1 Either House of Parliament including any committee of either or both Houses;

14.3.2 The European Commission;

14.3.3 The Commissioners of Her Majesty's Revenue and Customs;

14.3.4 A person or body prescribed by or appointed under Part I of the Environmental Protection Act 1990 or regulations made under section 2 of the Pollution Prevention and Control Act 1999 or any corresponding legislation for Northern Ireland;

14.3.5 Any regulator appointed under section 54 of the Competition Act 1998;
or

14.3.6 An adjudicator appointed under these Rules.

15 COLLECTION OF CHARGES BY THE SECTOR ASSOCIATION

15.1 Where a sector association wishes to collect charges due from an operator to the Administrator under Rule 1.7, the sector association shall serve a notice in writing on the Administrator by the last working day in February in the year before the charges fall due.

15.2 A notice served under Rule 15.1 shall specify the target units in respect of which the sector association intends to collect charges from, being not less than 50% of the target units covered by an umbrella agreement.

15.3 Following receipt of the notice, the Administrator shall:

15.3.1 Consent to the sector association collecting charges; or

15.3.2 Refuse consent to the sector association collecting charges, giving reasons for the decision.

15.4 Where the Administrator consents to the sector association collecting charges the sector association shall:

15.4.1 Itemise charges separately in any invoices that it issues in respect of charges;

15.4.2 Collect and remit all charges collected to the Administrator without deduction or set off by the last working day in November in each year;

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- 15.4.3 Prepare an annual report to the Administrator by the last working day in December in the year in which it has collected charges setting out which operators it has collected charges from and which operators have failed to pay charges due to the sector association.
- 15.5 A sector association shall not collect [any outstanding] charges after the last working day in November in any year in which they fall due.
- 15.6 Where a sector association has failed to meet any of its obligations under this Rule the Administrator may serve 20 working days notice on the sector association withdrawing its consent to the sector association continuing to collect charges.

16 SERVICE OF NOTICES

- 16.1 Any notice served under these Rules shall be in writing and may be served by sending it by 1st class post to or electronically.
- 16.2 The address for the service of all notices on the Administrator is:
- Postal: Environment Agency
Lutra House
Dodd Way, Off Seedlee Road
- Walton Summit, Bamber Bridge,
Preston, Lancs
PR5 8BCX
- Electronic: **CCA-operations@environment-agency.gov.uk**
- 16.3 A notice served on the sector association may be served by sending it by post or electronically to the address set out in Schedule 2 to the umbrella agreement.
- 16.4 A notice served on an operator may be served by sending it by post or electronically to the address set out in Schedule 2 to the underlying agreement.

SCHEDULE 2
THE SECTOR ASSOCIATION

[insert name]

Which represents facilities that belong to the [insert name] sector.

Whose address for service of all notices under this Agreement is

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By post:
[insert postal address]

Electronically:
[insert electronic address]

SCHEDULE 3
THE SECTOR

ACTIVITIES UNDERTAKEN BY A FACILITY FALLING WITHIN THE SECTOR

SCHEDULE 4
LIST OF FACILITIES

Facility number	Operator of facility	Address of facility	Description of facility

SCHEDULE 5
THE SECTOR TARGET

The throughput of a facility shall be given in the following units:

--

The reference throughput for the targets is

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--

The reference [energy consumption/ carbon dioxide emissions] are:

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Target period	Target (as % improvement on reference year)
1 January 2013 to 31 December 2014	
1 January 2015 to 31 December 2016	
1 January 2017 to 31 December 2018	
1 January 2019 to 31 December 2020	