

# 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 TeamDepartment of Energy and Climate ChangeArea 1A3-8 Whitehall PlaceLondonSW1A 2AWYou can also submit this form by email:euets.consultation@decc.gsi.gov.uk  |
| Respondent from Northern Ireland, Scotland and Wales please copy responses to:  |
| **Northern Ireland:**Christopher McWilliamsEnvironmental Policy DivisionDepartment of the Environment6th FloorGoodwood House44-48 May StreetBelfast BT1 4NNchris.mcwilliams@doeni.gov.uk  | **Scotland:**Climate Change DivisionScottish Government1G DocksideVictoria QuayEdinburgh EH6 6QQeuets@scotland.gsi.gov.uk  | **Wales:**Climate Change BranchClimate Change and Natural Resources ManagementWelsh GovernmentCathays ParkCardiff, CF10 3NQClimate-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 |  |