



UK Government



Department of
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and Rural Affairs

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Registry Data Publication consultation: UK ETS Authority response

A joint response from the UK Government, Scottish Government, Welsh Government and the Department of Agriculture, Environment and Rural Affairs for Northern Ireland

October 2022

Government Response

Summary of proposals

The consultation was targeted at installation and aviation operators, trading account holders and Hospital and Small Emitters (HSEs). The consultation set out proposals for introducing new obligations on the UK ETS Authority to publish compliance data; the publication of additional HSE data and a new aggregate figure detailing the number of allowances held in the Registry across user account types; and the introduction of new legal exemptions to enable the Authority to publish additional scheme data in the future.

Summary of responses

Question

- 1. Is there any other information, which is not currently published, that you think should be published on the Registry or elsewhere?**

There was a total of 47 responses to this question, with 7 (14.9%) of respondents sharing thoughts on what additional information should be published. None of these suggestions for additional data involved revealing new scheme data but rather making modifications to existing reports published via the UK ETS Registry – namely the emissions report and surrendered allowances report.

The seven respondents requested that the compliance reports be modified to include additional information such as the introduction of NACE codes, total free allocation by source and adjustments made by dynamic allocation, geospatial coordinates of facilities and other installation identifier data.

Question

- 2. Is there any information you think should not be published?**

There was a total of 46 responses to this question, with 17 (37%) respondents sharing thoughts on information they believed should not be published.

Respondents who provided thoughts on information they believe should not be published mostly cited confidentiality as a reason. This includes key information from Emissions Monitoring Plans, confidential company data and data on the number of allowances held in individual operator holding accounts, aircraft operator holding accounts and trading accounts. The UK ETS Authority acknowledges the

confidentiality associated with this information and does not intend to publish these data.

Question

3. Do you agree with the proposal to publish Hospital and Small Emitters data?

There was a total of 35 responses to this question with 27 (80%) of respondents agreeing to the publication of additional data on HSEs, which includes their recorded emissions. One respondent who opposed publishing HSE data highlighted the need to keep social pressures and competition away from hospitals. Another respondent argued that there was no need to publish this data because the emissions from HSEs are negligible and publishing their data according to the respondent would bring no utility.

Question

4. Do you agree with the proposal to publish data pertaining to the number of allowances held in the Registry in all user accounts?

There was a total of 42 responses to this question with 24 respondents (59.5%) in favour of publishing data pertaining to the number of allowances held in different user account types on the previous day. Seventeen respondents (40.5%) were opposed to the proposal.

The Authority notes that although the overall response to this question appears to suggest this proposal is contentious, the majority of respondents who opposed were objecting to the publication of individual level data. These respondents did however note that they would endorse the proposal if an aggregate figure was published instead. The Authority's intention with this proposal is to publish an aggregate figure detailing the total number of allowances held in each account type – that is, for example, the total number of allowances held across all Aircraft Operator Holding Accounts or all Trading Accounts. Data pertaining to the total number of allowances held in individual user accounts will not be published as this data would be considered confidential and not in the public interest to publish.

Question

5. Do you agree with the proposal to introduce a new exemption to enable the Authority to publish additional scheme data? Additional scheme data could include for example information on the reportable emissions of Ultra Small Emitters (USEs).

In total, there were 41 responses to this question with 28 (70.7%) respondents supporting the proposal to introduce new exemptions to enable the Authority to publish additional scheme data. Twelve (29.3%) respondents were opposed to the proposals.

Respondents who opposed the proposals highlighted concerns around confidential company data being published. Respondents also noted that as it currently stands, the Authority's proposals on what additional data might be published in the future were not specific enough and they welcomed greater clarity around the proposal. Other respondents stressed that in the future the Authority should consider consulting affected stakeholders before releasing additional scheme data. Some respondents highlighted that they were subject to undertakings with the Competition and Markets Authority (CMA) and expressed concern that some of the data published in the future could be found in breach of CMA undertakings.

UK ETS Authority response

The UK ETS Authority has decided to proceed with legislating to introduce new legal obligations to publish UK ETS compliance data and other scheme data that is currently published under the Environmental Information Regulations (EIR) 2004. The Authority recognises that it would be beneficial in the long-term to be able to publish compliance data under its parent legislation – the Greenhouse Gas Emissions Trading Scheme Order 2020.

Furthermore, in the interest of transparency and fairness to all operators, the Authority will proceed with legislating to enable the Authority to publish data pertaining to recorded emissions of Hospitals and Small Emitters. The Authority also notes the multiple requests across industry for existing compliance reports to include more information – such as the addition of NACE codes, information on free allocation and other installation identifier data. The Authority has temporarily published manually the NACE codes of each operator in the latest version of the Surrendered Emissions report. The Authority will explore the feasibility of making some of these changes permanent to the existing compliance reports.

Although the majority of respondents supported the introduction of a report detailing an aggregate figure of the total number of allowances held in the Registry across account type, the Authority recognises that there was a lot of misunderstanding about which data would be published exactly and what utility the report would bring to market participants. Respondents also put forward insightful suggestions for how the report could be developed further to create greater value. Based on what we have heard from respondents, the Authority recognises that the report itself would not bring a great deal of utility to market participants and has therefore chosen to not proceed with its publication. The Authority is committed to making more data available so long as it is of use to market participants. The Authority will therefore instead examine the publication of alternative reports which would be of greater utility to stakeholders.

The Authority acknowledges respondents' concerns surrounding plans to introduce a new legal exemption to enable the Authority to publish additional scheme data. The Authority recognises that as the UK ETS matures and develops further, there might be a need to publish additional scheme data which does not fit in to the currently specified provisions. It would therefore be beneficial in the long-term, and in the interest of ensuring data publication remains robust and efficient, to bestow upon the Authority greater powers to publish additional data.

The Authority acknowledges concerns around potentially confidential data being released. The Authority will publish additional scheme data strictly for the purposes of: (1) ensuring the effective operation of the UK ETS; (2) improving the operation of the UK ETS; and (3) to inform the public about the operation of the UK ETS.

In addition, the UK ETS Authority has robust mechanisms in place to ensure that confidential and commercially sensitive data is not published. The Authority notes that a considerable number of responses requested the Authority to consult affected stakeholders in the future if it decides to publish additional scheme data. The Authority will consider doing so in the future depending on the data in question.