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| Statutory Notice: Withholding of Issue of Allowances | competent authority logo |

The Greenhouse Gas Emissions Trading Scheme Regulations 2012 (SI 2012 No. 3038) (the Regulations)

Schedule 6 Regulation 16(3) and Commission Regulation (EC) No 1193/2011 (the Registries Regulation) - Article 50

# Notice of Withholding Issue of Allowances

**Permit reference:** «${(permitId)!}»

To: «${(account.legalEntityName)!}» **(the Operator),**

whose (Registered) office address is

«${(account.legalEntityLocation)!}»

which relates to the operation of (part of) the Installation(s) at

«${(account.siteName)!}»

«${(account.location)!}»

The «${(competentAuthority.name)!}», in exercise of his powers under Schedule 6 of the Regulations, hereby gives you notice that Article 50 of the Registries Regulation applies to your Installation. Therefore, the issue of allowances (allocated to your installation in the national allocation table) to your Operator Holding Account in the Registry will be withheld for the reasons, and until such time, as specified in the Schedule to this Notice.

|  |  |
| --- | --- |
| Signed | Date |
| signature | «${currentDate?date?string('dd MMMM yyyy'» |

«${signatory.fullName}»

Authorised to sign on behalf of the «${(competentAuthority.name)!}»

**About this notice**

Allowances are usually issued to Operator Holding Accounts in the Registry by 28th February each year. However, the regulations set out a number of situations where the issue of these allowances may be withheld.

The Schedule to this Notice sets out the reason why this Notice has been served on you, states that the withholding of allowances will continue until a certain situation arises and contains conditions that must be satisfied before the allowances will be issued to you.

A further notice will be served on you if the conditions in the Schedule are satisfied.

You have a right of appeal if you are aggrieved by this notice. In relation to the withholding of allowances allocated to you in the national allocation plan, an appeal must be lodged within a period of 28 days beginning with the date of this notice.

You should refer to the Regulations for details of the appeal process.

**SCHEDULE**

Allowances are next due to be issued to your Operator Holding Account by 28th February «${currentDate?date?string('dd MMMM yyyy'».

However, the issue of these allowances will be withheld for the following reason:

However, the issue of these allowances will be withheld for the following reason: «${(params.reasonType.type)!}»

* the «${(competentAuthority.name)!}» is investigating whether or not the installation has permanently ceased the carrying out of regulated activities.

«[/#if]»

«[#if params.reasonType=='DETERMINING\_A\_S»

* the application you have made to surrender your permit is being determined by the «${(competentAuthority.name)!}».

«[/#if]»

«[#if params.reasonType=='SURRENDER\_OR\_RE»

* you have received a surrender or revocation notice from the «${(competentAuthority.name)!}» but the notice has not yet taken effect.

«[/#if]»

The withholding of allowances under this Notice will continue until the following situation arises:

* the «${(competentAuthority.name)!}» has determined that the installation has not permanently ceased the carrying out of regulated activities.

«[/#if]»

«[#if params.reasonType=='DETERMINING\_A\_S»

* the Surrender Notice served in response to your surrender application takes effect;
* the surrender application is withdrawn; or
* the surrender application is refused.

«[/#if]»

* the surrender or revocation notice served on you takes effect; or
* the surrender or revocation notice is withdrawn

«[/#if]»

In this case, your allowances will be issued to your Operator Holding Account if the following condition is satisfied:

* You submit sufficient evidence to the «${(competentAuthority.name)!}» to prove that you have not permanently ceased carrying out all of the Annex I activities, or that you permanently ceased carrying out all of the Annex I activities at your Installation **after** 31 December [previous calendar year].

«[/#if]»

* You withdraw your surrender application *and* the «${(competentAuthority.name)!}» is satisfied that you have not ceased carrying out all Schedule 1 activities at your Installation authorised by your permit;
* The «${(competentAuthority.name)!}» refuses your application; or

*Note that allowances in relation to the years after the date of closure will be permanently withheld from your Operator Holding Account when a Surrender Notice takes effect.*

«[/#if]»

* The surrender notice is withdrawn;
* The revocation notice is withdrawn; or
* You submit sufficient evidence to the «${(competentAuthority.name)!}» to prove that you ceased carrying out all of the Schedule 1 activities at your Installation after 31 December.

«[/#if]»

The «${(competentAuthority.name)!}» will further notify you if the above condition is met. This further notice will specify the date on which you will be issued with your allowances.