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

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

**Regulation 16 and Schedule 6 and Commission Regulation (EU) No 389/2013 (the Registries Regulation) - Article 52**

# Notice of Withholding Issue of Allowances

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

To: **(the Operator),**

Office address:

«${(account.legalEntityLocation)!}»

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

«${(account.siteName)!}»

Co-ordinates:

«${(account.location)!}»

The , in exercise of its powers under Schedule 6 of the Regulations, hereby gives you notice that Article 52 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 specified in the Schedule to this Notice, and until such time, as specified in the Schedule to this Notice.

The allowances will be withheld until it has been determined either that the allocation of allowances to your Installation should be permanently reduced or the allowances (or a proportion of them) should be issued. We will notify you, if necessary, once that determination has been made.

If your permit is surrendered or revoked on the grounds that the Installation has permanently ceased the carrying out of regulated activities, then the Regulations provide that no allocation of allowances may be made for any year following the year in which the permanent cessation occurs.

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

«${signatory.fullName}»

«${signatory.jobTitle}»

Authorised to sign on behalf of the Secretary of State for Business, Energy and Industrial Strategy

**With regard to this notice**

Allowances are usually issued to Operator Holding Accounts in the Registry during 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 such time as the situation is determined 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. An appeal must be lodged within a period of 28 days from the date of this notice.

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

**SCHEDULE**

**Section A – duty to withhold allowances**

We have a duty to withhold the issue of allowances allocated to your installation for as long as the following circumstances apply:

* We are investigating whether or not your installation has permanently ceased the carrying out of regulated activities;
* You have submitted an application for a suspension of the carrying out of regulated activities at your installation to be treated as temporary under Schedule 6, paragraph 7(7) of the Regulations but the application has not yet been determined, or the application has been refused and the ‘relevant period’ has not yet expired;
* You have submitted an application to surrender your permit under regulation 13(1) of the Regulations but we have not yet determined it;
* We have issued a surrender or revocation notice but that notice has not yet taken effect;
* An appeal against a surrender or revocation notice has been made but has not been determined or withdrawn;
* A notification has been made to the registry administrator under regulation 80(11) of the Regulations but the necessary changes to the national allocation table have not yet been made.

**Section B - reason for issue of notice**

We have requested the registry administrator to withhold the issue of allowances allocated to your installation for the following reason:

We are investigating whether or not your installation has permanently ceased the carrying out of regulated activities.

**Section C – duration of effect of notice**

If we determine that your installation has permanently ceased the carrying out of regulated activities, your allocation of allowances will continue to be withheld until all the steps referred to in section A above have been completed. Unless the outcome of any appeal requires differently, the allowances will then be permanently withheld.

If we determine that your installation has not permanently ceased the carrying out of regulated activities, this notice will cease to have effect on the date that you are notified of this fact. Your allowances will then be issued.

«[/#if]»

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**Regulation 16 and Schedule 6 and Commission Regulation (EU) No 389/2013 (the Registries Regulation) - Article 52**

# Notice of Withholding Issue of Allowances

**Permit Number:** «${(permitId)!}»

To: **(the Operator),**

Office address:

«${(account.legalEntityLocation)!}»

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

«${(account.siteName)!}»

Co-ordinates:

«${(account.location)!}»

The , in exercise of its powers under Schedule 6 of the Regulations, hereby gives you notice that Article 52 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 specified in the Schedule to this Notice, and until such time, as specified in the Schedule to this Notice.

The allowances will be withheld until it has been determined either that the allocation of allowances to your Installation should be permanently reduced or the allowances (or a proportion of them) should be issued. We will notify you, if necessary, once that determination has been made.

If your permit is surrendered or revoked on the grounds that the Installation has permanently ceased the carrying out of regulated activities, then the Regulations provide that no allocation of allowances may be made for any year following the year in which the permanent cessation occurs.

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

«${signatory.fullName}»

Authorised to sign on behalf of the Secretary of State for Business, Energy and Industrial Strategy

**With regard to this notice**

Allowances are usually issued to Operator Holding Accounts in the Registry during 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 such time as the situation is determined 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. An appeal must be lodged within a period of 28 days from the date of this notice.

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

**SCHEDULE**

**Section A – duty to withhold allowances**

We have a duty to withhold the issue of allowances allocated to your installation for as long as the following circumstances apply:

* We are investigating whether or not your installation has permanently ceased the carrying out of regulated activities;
* You have submitted an application for a suspension of the carrying out of regulated activities at your installation to be treated as temporary under Schedule 6, paragraph 7(7) of the Regulations but the application has not yet been determined, or the application has been refused and the ‘relevant period’ has not yet expired;
* You have submitted an application to surrender your permit under regulation 13(1) of the Regulations but we have not yet determined it;
* We have issued a surrender or revocation notice but that notice has not yet taken effect;
* An appeal against a surrender or revocation notice has been made but has not been determined or withdrawn;
* A notification has been made to the registry administrator under regulation 80(11) of the Regulations but the necessary changes to the national allocation table have not yet been made.

**Section B - reason for issue of notice**

We have requested the registry administrator to withhold the issue of allowances allocated to your installation for the following reason:

You have submitted an application to surrender your permit but we have not yet determined it.

**Section C – duration of effect of notice**

If an application to surrender your permit is refused or if the outcome of an appeal means that the surrender or revocation notice does not take effect, this notice will cease to have effect on the date that the application is refused or the appeal is determined. Your allowances will then be issued.

Otherwise, your allocation of allowances will continue to be withheld until all steps referred to in section A above have been completed. The allowances will then be permanently withheld.

«[/#if]»

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**Regulation 16 and Schedule 6 and Commission Regulation (EU) No 389/2013 (the Registries Regulation) - Article 52**

# Notice of Withholding Issue of Allowances

**Permit Number:** «${(permitId)!}»

To: **(the Operator),**

Office address:

«${(account.legalEntityLocation)!}»

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

«${(account.siteName)!}»

Co-ordinates:

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The allowances will be withheld until it has been determined either that the allocation of allowances to your Installation should be permanently reduced or the allowances (or a proportion of them) should be issued. We will notify you, if necessary, once that determination has been made.

If your permit is surrendered or revoked on the grounds that the Installation has permanently ceased the carrying out of regulated activities, then the Regulations provide that no allocation of allowances may be made for any year following the year in which the permanent cessation occurs.

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

«${signatory.fullName}»

Authorised to sign on behalf of the Secretary of State for Business, Energy and Industrial Strategy

**With regard to this notice**

Allowances are usually issued to Operator Holding Accounts in the Registry during 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 such time as the situation is determined 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. An appeal must be lodged within a period of 28 days from the date of this notice.

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

**SCHEDULE**

**Section A – duty to withhold allowances**

We have a duty to withhold the issue of allowances allocated to your installation for as long as the following circumstances apply:

* We are investigating whether or not your installation has permanently ceased the carrying out of regulated activities;
* You have submitted an application for a suspension of the carrying out of regulated activities at your installation to be treated as temporary under Schedule 6, paragraph 7(7) of the Regulations but the application has not yet been determined, or the application has been refused and the ‘relevant period’ has not yet expired;
* You have submitted an application to surrender your permit under regulation 13(1) of the Regulations but we have not yet determined it;
* We have issued a surrender or revocation notice but that notice has not yet taken effect;
* An appeal against a surrender or revocation notice has been made but has not been determined or withdrawn;
* A notification has been made to the registry administrator under regulation 80(11) of the Regulations but the necessary changes to the national allocation table have not yet been made.

**Section B - reason for issue of notice**

We have requested the registry administrator to withhold the issue of allowances allocated to your installation for the following reason:

We have issued a surrender or revocation notice but that notice has not yet taken effect.

**Section C – duration of effect of notice**

If an application to surrender your permit is refused or if the outcome of an appeal means that the surrender or revocation notice does not take effect, this notice will cease to have effect on the date that the application is refused or the appeal is determined. Your allowances will then be issued.

Otherwise, your allocation of allowances will continue to be withheld until all steps referred to in section A above have been completed. The allowances will then be permanently withheld.

«[/#if]»

«[#if params.reasonType=='OTHER']»

* «${(params.otherReason)!}»

«[/#if]»