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| **Notice of Regulator Initiated Variation of Emissions Monitoring Plan** | competent authority logo |

«${currentDate?date?string('dd MMMM yyyy'»

Aircraft Operator Name: «${(account.name)!}»

CRCO Identification number: «${(account.crcoCode)!}»

Emissions Monitoring Plan reference: «${(permitId)!}»

«${params.toRecipient}»

FAO «${(account.serviceContact)!}»

Dear «${(account.serviceContact)!}»

**THE GREENHOUSE GAS EMISSIONS TRADING SCHEME ORDER 2020 (SI 2020/1265) (the Order)**

The «${competentAuthority.name}» has varied your emissions monitoring plan «[#if params.reason.type == 'FOLLOWING\_IM»as it considered it necessary as consequence of a verifier improvement report submitted by you under Article 69(4) of the Monitoring and Reporting Regulation 2018.«[/#if]»«[#if params.reason.type == 'FAILED\_TO\_CO»as you failed to comply with a requirement or condition of your emissions monitoring plan.«[/#if]»«[#if params.reason.type == 'OTHER']»«${(params.reason.reasonOtherSummary)!}»«[/#if]»

You must now comply with the revised version of your emissions monitoring plan attached to this Notice (version «${(params.consolidationNumber)!}»), which incorporates the variations set out in the Schedule.

You have a right to appeal against this decision under Part 8 of the Order. Any appeal must be made to the First Tier Tribunal within 28 days of the date of this Notice. The appeals process is set out in the First-tier Tribunal (General Regulatory Chamber) Rules available [here](https://www.gov.uk/government/publications/general-regulatory-chamber-tribunal-procedure-rules).

If you wish to discuss this Notice please contact a member of the Aviation Team at «${competentAuthority.email}»

Yours faithfully

signature

«${signatory.fullName}»

«${signatory.jobTitle}»

c.c. «[#list email.ccRecipients as cc]»«${cc}[#sep], [/#sep]»«[/#list]»

**Schedule**

|  |  |
| --- | --- |
| **Item** | **Variation detail** |
| «${variationScheduleItem?index + 1}» | «@before-row[#list params.variationSchedu»«${variationScheduleItem}»«@after-row[/#list]» |

**Explanatory Note**

1. This Notice has been served on the Aircraft Operator because the «${competentAuthority.name}» has amended the Aircraft Operator’s Emissions Plan under Article 31 of the Order.
2. From the date of this Notice the Aircraft Operator must comply with the amended version of its emissions monitoring plan, which is attached to the Notice. Failure to comply with the Conditions of an emissions monitoring plan is a breach of the Order, which may result in a civil penalty.
3. If an Aircraft Operator is not content with the Regulator’s decision to vary an aspect of its EMP, it has a right under Part 8 of the Order to appeal to the First-Tier Tribunal in accordance with the procedure set out in the *Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009* [*here*](https://www.gov.uk/government/publications/general-regulatory-chamber-tribunal-procedure-rules).
4. An appeal to the First-tier Tribunal will not suspend the effect of this Notice, so even if the Aircraft Operator makes an appeal it must comply with the Emissions Plan until any appeal is determined in its favour.
5. The Aircraft Operator may also ask the «${competentAuthority.name}» to review the decision to make this variation. If an Aircraft Operator wishes us to carry out a review it should normally request this within 14 days of receiving this Notice by contacting the EU ETS Helpdesk at «${competentAuthority.email}». Asking for a review does not suspend the Notice or affect the Aircraft Operator’s right of appeal under the Regulations; in particular, the 28-day time limit for making an appeal to the First tier-Tribunal still applies.
6. You may wish to seek independent legal advice about the effect of this Notice.

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