|  |  |
| --- | --- |
|  | competent authority logo |

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

«${(account.legalEntityName)!}»

«${email.toRecipient}»

FAO: «${(account.serviceContact)!}»

Dear Sir / Madam

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

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

which relates to the operation of the Installation at

«${(account.siteName)!}»

Further to your application of «${workflow.requestSubmissionDate?date?st» to surrender the above permit, the «${competentAuthority.name}» has determined the application and a notice of surrender (“the notice”) is enclosed with this letter.

The notice sets out a number of requirements with which you must comply. You should note that from the date the notice takes effect, your permit will cease to authorise the carrying out of all regulated activities at the Installation. However, the conditions of your permit will continue to apply in so far as they are not superseded by the requirements set out in the notice, until the «${competentAuthority.name}» certifies EITHER that you have surrendered all the allowances which you are required to surrender by the permit and this notice of surrender OR that there is no reasonable prospect of further allowances being surrendered.

It is in your interests to be aware of the consequences of failing to comply with the requirements set out in the notice:

The «${competentAuthority.name}» has powers to determine your reportable emissions if you fail to submit a verified surrender report by the date set out in the notice and to recover the costs of making this determination.

Failure to surrender sufficient allowances as stated in and by the date specified in the notice will lead to imposition of a civil penalty in addition to the outstanding requirement to surrender allowances. Please note that **even if you have submitted the surrender report as required by the notice of surrender**, a penalty will still be imposed if you have not surrendered sufficient allowances by the specified date.

If you should require any clarification of the above, please do not hesitate to contact a member of the Emissions Trading Team either directly or by e-mail to «${competentAuthority.email}».

Yours faithfully

signature

«${signatory.fullName}»

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

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The Greenhouse Gas Emissions Trading Scheme Order 2020 (SI 2020/1265) (the Order)

Paragraph 11(1) of Schedule 6

# Notice of Surrender

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

whose (Registered) office address is

«${(account.legalEntityLocation)!}»

With reference to permit number: «${(permitId)!}»

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

«${(account.siteName)!}»

«${(account.location)!}»

and further to your application pursuant to paragraph 11(1) of Schedule 6 of the Regulations, dated «${workflow.requestSubmissionDate?date?st», the «${competentAuthority.name}» has determined and granted your application to surrender the above permit subject to the following:-

1. This notice shall take effect on «${workflow.params.noticeDate?date?string» (“the effective date”).

2. From the “effective date”, your permit shall cease to have effect to authorise the carrying out of all regulated activities at the Installation and to require the monitoring of emissions.

3. The conditions of your permit shall continue to have effect in so far as they are not superseded by the requirements set out in the schedule to this notice until the «${competentAuthority.name}» certifies that either:

(a) you have complied with the requirements set out in the schedule to this notice and any surrender requirements of your permit or;

(b) there is no reasonable prospect of further allowances being surrendered in respect of the Installation.

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

«${signatory.fullName}»

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

**About this notice**

This notice requires you to submit a surrender report to the «${competentAuthority.name}» specifying your reportable emissions from the beginning of the scheme year in which this notice takes effect until the effective date. It also sets out the requirements for surrendering allowances.

In addition, the conditions of your permit will continue to apply in so far as they are not superseded by the requirements set out in the notice, until the certifies EITHER that you have surrendered all the allowances which you are required to surrender by the permit and this notice of surrender OR that there is no reasonable prospect of further allowances being surrendered.

Please note that if the surrender report understates any reportable emissions, the requirement to surrender allowances equal the amount of the understatement is not superseded by the requirements specified in this notice of surrender.

You have a right to appeal against the terms of this notice of surrender under Article 70 of the Order to the Scottish Land Court. Written notice of the appeal must be submitted to the Scottish Land Court no later than 28 calendar days after the service of this notice.

Details of how to make an application to the Scottish Land Court can be found here: [Making an application [Using: The Scottish Land Court] (scottish-land-court.org.uk)](http://www.scottish-land-court.org.uk/using/making-an-application). The grounds on which an appeal can be made and the procedure for submitting it can be found in Schedule 9 of the Order. but you must lodge your appeal within 24 days of the date of this notice.

The bringing of an appeal shall have the effect of suspending the operation of the notice pending the final determination or the withdrawal of the appeal.

You will be liable to a civil penalty if you fail to comply with requirements 1, 2 and 3 in the Schedule to this notice as they are treated as if they were conditions of your permit.

You will be liable to a civil penalty if you fail to comply with requirement 4 (the surrender requirement) in the Schedule to this notice.

**SCHEDULE**

In this Schedule words and phrases have the same meanings as in the Regulations:

|  |  |
| --- | --- |
| **Requirements** | **Date by which action must be completed** |
| 1. The Operator must submit to the «${competentAuthority.name}» by the date stated opposite a report (“the surrender report”) specifying the reportable emissions from the beginning of the scheme year in which it takes effect until the effective date. | «[#if (workflow.params.reportDate)??]»«${workflow.params.reportDate?date?string»«[#else]»N/A«[/#if]» |
| 2. The Operator must ensure that the surrender report submitted in accordance with requirement 1 above is prepared and verified in accordance with the monitoring and reporting requirements of the permit. |  |
| 3. The Operator must satisfy the «${competentAuthority.name}», if an emission factor of zero has been reported in respect of the use of bioliquids, that the sustainability criteria set out in Article 17(2) to (5) of the Renewable Energy Directive have been fulfilled in accordance with Article 18(1) of that Directive. |  |
| 4. By the date stated opposite, the Operator must surrender allowances equal to:  (a) the reportable emissions specified in the surrender report;  (b) where an operator failed to comply with the surrender requirements of the permit imposed in respect of the last scheme year for which the date of surrendering allowances in accordance with those requirements has passed, the annual reportable emissions in respect of which the operator failed so to comply;  (c) where this notice has been served in a scheme year in which an error in the report submitted by an operator under the monitoring and reporting requirements in relation to any earlier scheme year has been discovered, the annual reportable emissions in respect of which, as a result of that error, the Operator failed to comply with the surrender requirements of the permit in respect of the scheme year to which the error relates;  (d) where an operator has failed to apply to surrender the permit within the time limit set out in the Order, the total number of allowances which by the date on which this notice is served have been issued in respect of the Installation which would not have been issued if the Operator had made the application on time. | «[#if (workflow.params.allowancesSurrende»«${workflow.params.allowancesSurrenderDat»«[#else]»N/A«[/#if]» |