Response form

Consultation on the Environment Agency’s Enforcement and sanctions policy

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| About youYour information and how we will use it We will publish our full response on GOV.UK within 12 weeks of this consultation closing and before we implement any changes. A link to the consultation response document will be added to this Citizen Space portal. The Environment Agency will make all responses publicly available after the consultation, unless you have specifically requested that we keep your response confidential. We will not publish names of individuals or personal data. We will publish the name of the organisation for those responses made on behalf of organisations. We will not respond individually to responses. After the consultation has closed, we will publish a summary of the responses on our website and contact you to let you know when this is available. **Privacy Notice** The Environment Agency would like to keep you informed about the outcomes of this consultation. If you would like to receive an email acknowledging your response and telling you when we’ve published the summary of responses, please provide your email address with your response. We will keep your details until we have notified you of the response document publication. The Environment Agency is the data controller for the personal data you provide. For further information on how we deal with your personal data please see our [Personal Information Charter](https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter) on GOV.UK You can email our Data Protection team: dataprotection@environment-agency.gov.uk. **Keeping you up to date** By giving us your email address you consent for us to email you about the consultation. We will keep your details until we have notified you about the publication of the response document. We will not share your details with any other third party without your clear and full consent, unless required to by law. You can withdraw your consent to receive these emails at any time by contacting us at GHGTeam@environment-agency.gov.uk.1. **Please tell us if you would like to (tick all that apply):**

[ ]  Receive an email acknowledging your response[ ]  Receive an email to let you know that the summary of responses has  been published **If you have ticked any of the boxes above, please provide us with your email address:**

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1. **Can we publish your response?**

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.**(Required)**[ ] Yes [ ]  No **If no, please tell us why below as we will need to understand this when responding to any Freedom of Information requests.**

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About you or your organisationWhen we come to analyse the results of this consultation, it would help us to know a bit more about you. |
| 1. **Please tell us if you are responding as an individual or on behalf of an organisation or group? Select one of the following answers only**

[ ]  Responding as an individual[ ]  Responding on behalf of an organisation or group[ ]  Other If you're responding on behalf of an organisation or group, please tell us who you are responding on behalf of and include its type e.g. business, environmental group. If you selected other, please specify

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| 1. **Please tell u**s if you hold any of the following

[ ] A UK ETS hospital or small emitter permit[ ] A UK ETS greenhouse gas emissions permit - installations[ ] A UK ETSemissions monitoring plan - aviation[ ] A CORSIA emissions monitoring plan[ ] I do not hold any of the above1. **Please tell us how many staff are employed in your business or organisation?**

[ ]  Fewer than 10[ ]  Between 11 and 100[ ]  Between 101 and 1,000[ ]  More than 1,000[ ]  I am responding as an individual1. **Please tell us how you found out about the Consultation on the Environment Agency’s enforcement and sanctions policy:**
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|  | [ ]  From us |
|  | [ ]  From another organisation |
|  | [ ]  Through an organisation you’re a member of  |
|  | [ ]  Press article  |
|  | [ ]  Social media e.g. Facebook, Twitter  |
|  | [ ]  Through a meeting you attended[ ]  Other (If you selected ‘other’, please specify below)Please tell us why you selected other

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Returning your response

Your response to this consultation needs to be returned by 16th July.

We would like you to use this form if you are not submitting your response online. You can return it by email to GHGTeam@environment-agency.gov.uk. Please use this email address if you have any questions regarding this consultation.

Or by post to:

ESP Consultation

Industrial Decarbonisation and Market Mechanisms Team
Environment Agency

Kings Meadow House

Kings Meadow Road

Reading

RG1 8DQ

We welcome your views

Changes to section A of the enforcement and sanctions policy

Revision to Section A

The overall approach outlined in Section A in Annex 2 of the current Enforcement and sanctions policy is unchanged. It explains the steps we will take to decide whether to impose a civil penalty and, if so, to work out the final penalty amount (the stepped approach).

Section A also explains when we cannot apply the stepped approach.

In step 3 of the stepped approach, we currently work out the penalty starting point and penalty range based on culpability (blame) and the size of the organisation. We determine the size of an organisation by its turnover or equivalent.

However, for EU ETS aircraft operators, UK ETS aircraft operators and CORSIA aeroplane operators, we propose to replace the size of organisation categories with categories linked to the size of their aviation operation, namely their CO2 emissions.

Please read the proposed changes in Chapter 2 and Appendix 2 of the consultation document on [consultation document on GOV.UK](https://www.gov.uk/government/consultations/enforcement-and-sanctions-policy-updates-to-include-uk-ets-and-corsia).

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| 1. **In relation to step 3 of the stepped approach in Section A, do you agree with our proposal to replace the size of organisation categories for aircraft and aeroplane operators with categories linked to the size of aviation operation?**
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| £ Yes£ No  |
| £ Not applicable |

Please provide further explanation to support your response.

Questions 8 to 15 relate to UK ETS. If this is not relevant for you, please answer not applicable until you reach the CORSIA Questions, starting Q16.

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| Additions to Enforcement and sanction policy: Section GSection G: UK Emissions Trading Scheme (UK ETS) explains:* our approach to mandatory penalties
* our penalty setting approach for UK ETS breaches where we cannot apply the stepped approach
* our approach to multiple breaches
* where we apply the stepped approach, how we normally assess the ‘nature of the breach’ for each UK ETS breach
* our additional UK ETS enforcement positions
* where we may use enforcement or revocation notices as an alternative or in addition to civil penalties

You must read * Section G, Appendix 2
* along with section A, Appendix 3, which explains our general civil penalty setting approach for the climate change schemes.
* Chapter 2 sets out the reasoning for the development of Section G

You will find Chapter 2, Appendix 2 and Appendix 3 within the [consultation document on gov.uk](https://www.gov.uk/government/consultations/enforcement-and-sanctions-policy-updates-to-include-uk-ets-and-corsia). [David, I have inserted the hyperlink, its hard to see in track changes]  1. **Do you agree with our proposals for Section G1: The types of UK ETS civil penalties**
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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

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Please provide further explanation to support your response.

1. **Do you agree with our proposals for Section G2: Procedure for imposing penalties**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

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 Please provide further explanation to support your response.

10. Do you agree with our proposals for Section G3: When and how the Environment Agency will apply discretion to UK ETS penalties?

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

Please provide further explanation to support your response

11. Do you agree with our proposals for Section G4: multiple breaches

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

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Please provide further explanation to support your response

1. **Do you agree with our proposals for Section G5: Civil penalties for installations and aviation?**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

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 Please provide further explanation to support your response

1. **Do you agree with our proposals for Section G6: Requirement to monitor emissions for installations?**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

Please provide further explanation to support your response.

1. **Do you agree with our proposals for Section G7: enforcement notices**

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| --- |
| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

 Please provide further explanation to support your response.

1. **Do you agree with our proposals for Section G8: Revocation of permits**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree | [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable | [ ]  Not applicable |

 Please provide further explanation to support your response

Questions 16 to 21 relate to CORSIA. If this is not relevant for you, please answer not applicable until you reach the Final Questions, starting Q22

 Additions to enforcement and sanctions policy: section H1 CORSIA

Section H explains our penalty setting approach for breaches of CORSIA obligations, including:

* how we normally assess the nature of the breach
* our approach to multiple breaches
* our additional CORSIA enforcement positions

You must read

* Chapter 2 sets out the reasoning for Section H
* Section H, Appendix 4
* Along with Section A, Appendix 2, which explains our general civil penalty setting approach for the climate change schemes.

You will find Chapter 2, Appendix 2 and Appendix 4 within the [consultation document on GOV.UK](https://www.gov.uk/government/consultations/enforcement-and-sanctions-policy-updates-to-include-uk-ets-and-corsia).

1. **Do you agree with our proposals for Section H1: civil penalties?**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

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Please provide further explanation to support your response

1. **Do you agree with our proposals for Section H2: Procedure for imposing penalties.**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

 Please provide further explanation to support your response

1. **Do you agree with our proposals in Section H3: The application of discretion to penalties?**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

 Please provide further explanation to support your response

1. **Do you agree with our proposals in Section H4: Multiple breaches?**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

Please provide further explanation to support your response

1. **Do you agree with our proposals in Section H5: Assessing breaches of the ANO?**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

 Please provide further explanation to support your response

1. **Do you agree with our proposals in Section H6: Enforcement notices?**

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| [ ]  Agree[ ]  Disagree[ ]  Neither agree or disagree |
| [ ]  Not applicable |

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 Please provide further explanation to support your response

Final questions

1. **Do you have any further comments or suggestions about our proposals for the Environment Agency’s enforcement and sanctions policy?**

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1. **How satisfied were you with this consultation tool?**

[ ]  Very satisfied

[ ]  Satisfied

[ ]  Neither satisfied nor dissatisfied

[ ]  Dissatisfied

[ ]  Very dissatisfied

 Please tell us if you have any suggestions on how we could improve the tool: