

Department for Environment, Food and Rural Affairs

Consultation on the implementation of the Carbon Reduction Commitment

Consultation Response Form

June 2007

Please use this form to answer the questions contained within the 'Consultation on the implementation proposals of the Carbon Reduction Commitment'. The closing date for the submission of consultation responses is 17:00 9 October 2007. Responses to the consultation should be clearly marked in the subject field "**Response: Consultation on the implementation proposals of the Carbon Reduction Commitment**", and should be sent by email to:

crc@defra.gsi.gov.uk

or by post to:

Brian Rapose
Carbon Reduction Commitment Team
Climate & Energy: Business and Transport Division
Department for the Environment, Food and Rural Affairs
4A Ergon House
17 Smith Square
London, SW1P 3JR

The email address should also be used for general queries relating to this consultation. Please mark the subject field "**Query: Consultation on the implementation proposals of the Carbon Reduction Commitment**".

In order to help us analyse responses to the consultation, please provide details of your organisation below (please note: Defra's confidentiality statement related to this consultation can be found in the Consultation Letter at:

<http://www.defra.gov.uk/corporate/consult/carbon-reduc/index.htm>)

| | |
|---|---------------------------------|
| Name | Richard Leese |
| Organisation / Company | British Cement Association |
| Organisation Size (no. of employees) | |
| Annual electricity use (MWh) / total energy bill (if known) | |
| Job Title | Manager, Legislative Programmes |
| Department | Industry Affairs |

| | |
|-----------|--|
| Address | Riverside House 4 Meadows Business Park Station Approach Blackwater Camberley GU17 9 AB |
| Email | rleese@bca.org.uk |
| Telephone | 01276 608 700 |
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| Organisation Type | Please mark/give details as appropriate | |
|--|---|-------------------|
| NGO | <input type="checkbox"/> | |
| Public Sector (e.g. local / central government, hospitals, universities) (please give details) | <input type="checkbox"/> | |
| Retail Sector (e.g. supermarkets) (please give details) | <input type="checkbox"/> | |
| Service Sector (e.g. cinemas, hotel chains, banks) (please give details) | <input type="checkbox"/> | |
| Light Industry / Manufacturing | <input type="checkbox"/> | |
| Property Management | <input type="checkbox"/> | |
| Trader / Verifier | <input type="checkbox"/> | |
| Research Institute | <input type="checkbox"/> | |
| Other (please give details) | <input checked="" type="checkbox"/> | Trade Association |

NB: on the form below, please leave the response box blank for any questions that you do not wish to answer. Any other comments can be recorded in the box at the end of this form. All boxes may be expanded as required.

Section B - Coverage: Which organisations and emissions will be covered by CRC?

| | | |
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| 1. Should the CRC apply on a UK-wide basis, or should the Devolved Administrations develop separate schemes? | | |
| Yes | <input checked="" type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| If separate schemes, how can we guarantee a level playing field for operators and that the required carbon reductions estimated from the CRC would be realised? | | |

It is important that the same rules apply to company operations in England, Wales, Scotland and Northern Ireland in order to avoid unnecessary administrative burdens on both companies and the regulators.

2. Is the 'top-down' approach of defining a CRC organisation a suitable way of identifying large, non-energy intensive organisations?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

If not, can you suggest a preferable alternative?

The top down approach sounds good in principle but complete clarity is required in the definitions

3. Do you have a view as to what would be the appropriate highest UK parent organisation for public sector participants?

It is important that the public sector and private sector carry equivalent burden in addressing climate change. As such public sector organisations should be treated in the same way as private sector companies.

4. Do you have a view as to whether Government should proceed with either option (A) or (B) above?

| | | | |
|----------|--------------------------|----------------------------------|-------------------------------------|
| Option A | <input type="checkbox"/> | Not sure | <input checked="" type="checkbox"/> |
| Option B | <input type="checkbox"/> | Neither – do not allow any split | <input type="checkbox"/> |

Further comments

There are pros and cons to both options, but ultimate responsibility should lie with the parent company as the consultation document suggests.

5. Could your organisation manage these procedures to correctly identify the CRC organisation?

| | | |
|---|-------------------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input checked="" type="checkbox"/> | |
| If not, which particular aspects of the organisation identification procedure would cause a problem? | | |
| This will depend on the complexity of the organisational structure of the companies in the Association. | | |

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| 6. Could the procedures be simplified and still allow Government to identify non-compliant organisations? If so, how? |
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| 7. Do you agree that 2008 should be used as the qualification year? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input checked="" type="checkbox"/> | |
| If not, which time period would you recommend? | | |
| Other Calendar Year | <input type="checkbox"/> | |
| Other 12 month period (please state) | | |
| Further Comments | | |
| It is not clear what would happen in the case of an organisation having low consumption during 2008 for reasons of output, repair, etc. For this reason an average may be appropriate. Also 2008 gives very little time for organisations to introduce robust systems for monitoring | | |

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| 8. Do you agree that the proposed approach to establishing which CRC organisation is responsible for energy use in a tenanted property is workable? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| If not, what prevents it from being workable? | | |

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| Can you suggest an alternative approach that is preferable and retains the emissions coverage of the current proposal? |
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| 9. Which option should Government take forward to ensure wide emissions coverage of CRC? | |
| Option 1 | <input type="checkbox"/> |
| Option 2 | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |
| Further comments | |
| A de minimus threshold is useful for excluding trivial parts of the business but the use of emissions as the threshold is confusing given that EU ETS, CCA and potentially CRC will have different emission factors. | |

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| 10. Do you agree that organisations should be able to include all their sites in the scheme? | |
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| If so do you agree that they should not be able to remove them at a later date? | |
| Voluntary 'opt in' should be an option for businesses wishing to have total coverage of their activities. | |

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| 11. Do you agree with the Government's proposal to implement a site level fuels <i>de minimis</i> ? | |
| Yes | <input type="checkbox"/> |

| | | | |
|--|-------------------------------------|----------------|--------------------------|
| No | <input type="checkbox"/> | | |
| Not sure | <input checked="" type="checkbox"/> | | |
| Should this be set at 5% of site energy use emissions, 3% or some other percentage? | | | |
| 3% | <input type="checkbox"/> | 5% | <input type="checkbox"/> |
| Less than 3% | <input type="checkbox"/> | Higher than 5% | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> | | |
| If <3% or >5% please state a level and explain why | | | |
| <p>BCA is in favour of a fuels <i>de minimis</i> but by setting a threshold at the 'site' level introduces the requirements for a further definition that will surely be at odds with the definition of organisation under CRC, target unit under CCA and installation under EU ETS and IPPC. If this approach is taken forward, Government should not discourage fuel switching in any way.</p> | | | |
| Do you think that this percentage should be based on site energy use emissions (as proposed) or total site energy spend? | | | |
| Energy use emissions | <input checked="" type="checkbox"/> | | |
| Energy expenditure | <input type="checkbox"/> | | |
| Further comments | | | |
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| 12. Do you agree that CCA organisations with more than 25% of their energy use emissions in CCAs should be excluded as described in the diagram above? | | | |
| Yes | <input type="checkbox"/> | | |
| No | <input type="checkbox"/> | | |
| Not sure | <input type="checkbox"/> | | |
| Further comments | | | |
| <p>Industries covered by CCAs are in a very uncertain situation concerning their planning. HM Treasury has not provided any indication of the future of the climate change levy and consequently the need for the CCAs. Without this clarity it is very difficult to fully assess the potential impact of CRC and any exemptions. However, cement businesses affected by CCAs are also affected by EU ETS, as such CRC should provide a full exemption for these companies.</p> | | | |

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| 13. Do you agree that unmetered supplies (UMS) should be included in the CRC, subject to a suitable <i>de minimis</i> ? | | | |
| Yes | <input checked="" type="checkbox"/> | | |
| No | <input type="checkbox"/> | | |
| Not sure | <input type="checkbox"/> | | |
| Further comments | | | |

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14. Do you agree that pseudo half hourly metering should be incentivised by the CRC?

| | | |
|----------|-------------------------------------|--|
| Yes | <input checked="" type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

If yes, do you think:

a) That pseudo half hourly metering should be treated in the same way as AMR for the purposes of the performance league table?

| | | |
|----------|-------------------------------------|--|
| Yes | <input checked="" type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Further comments

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b) That the standard UMS billing methodology should be treated as an 'estimate' for the purposes of the adjustment factor and that pseudo half hourly metering should not be?

| | | |
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| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Further comments

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15. In terms of non-rail energy, would you highlight any key issues specific to the rail sector that Government should bear in mind in developing the CRC policy design?

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| 16. Given the UK commitment to consider the inclusion of surface transport within the EU ETS, do you agree that rail energy should currently be excluded from the CRC? | | |
| Yes | <input checked="" type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| If excluded, what other policy approaches (including voluntary action) would be most suitable to deliver energy efficiency benefits and emissions reductions from train energy use? | | |
| The transporting of materials by rail should be encouraged but all organisations should make a contribution to the reduction of carbon emissions | | |

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| 17. Do you think there are significant cost-effective opportunities for energy efficiency within schools? | | |
| Yes | <input checked="" type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Further comments | | |
| The inclusion of schools will seek to widen the the consideration of energy management in building design. In particular the thermal mass properties of concrete could be exploited in this sector. However, such decisions are likely to be taken at central/local government level and not by the schools in their energy management planning. | | |

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| 18. Do you agree with the Government's decision not to mandate the inclusion of all school energy use within local authority portfolios for CRC? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |
| Further comments | | |

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| 19. Do you agree with the proposed approach – of including school energy use within CRC local authority portfolios where such authorities pay the energy bill? | |
|--|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| Further comments | |
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| 20. Do you agree with the overall principle of not having to report changes of operation during each phase of the CRC? | |
|--|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| Further comments | |
| <p>Provision should be made for reviewing baselines. Unlike, for example, the retail sector, the cement, ready mix and quarrying sector does not generally open additional sites to grow the business; instead the business will generally grow through acquisition of other companies. These acquisitions have the potential to bring in significant amounts of carbon emissions which had previously been outside of the scope of the scheme when it started. Provision must be made for the adjustment of baselines for significant acquisitions or sales. For example, if a company were to acquire operations outside of the of the scope of CRC, but the additional emissions from the acquired company equated to over 10% of the CRC organisations emissions this would significantly affect the CRC organisations emissions against its baseline.</p> <p>Alternatively a two year 'breathing space' could be provided to allow improvements in energy efficiency to be made in the acquired company before bringing their emissions in to the scheme.</p> | |

| 21. Are each of the proposed exceptions to the overall approach reasonable? | |
|---|-------------------------------------|
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| Further comments | |
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SECTION C – CRC Phases and Cap Setting

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| 22. Do you agree with the proposed overall approach on cap setting? | |
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| Further comments | |
| In its response to the draft Climate Change Bill the BCA was supportive of phased carbon budgeting. The CRC approach appears consistent with this. A transparent procedure based on cost effective abatement potential should be used to set the cap | |

SECTION D – Scheme Market Design

| | | | |
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| 23. Which price option do you think would be most appropriate for the introductory phase fixed price sale? | | | |
| Option A | <input type="checkbox"/> | Option C | <input type="checkbox"/> |
| Option B | <input type="checkbox"/> | Other (please specify) | |
| None | <input checked="" type="checkbox"/> | | |
| Further comments | | | |
| For an introductory phase the price should be as low as possible. This will ensure that organisations making errors during the initial period are not unduely penalised. | | | |

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| 24. Do you think CRC organisations would undertake significantly greater carbon abatement under the Option with the highest carbon price? | |
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| Further comments | |

No, carbon abatement is also a function of technology and the ability to pay (or pass through) the cost of carbon not just the scale of the carbon credit price.

25. Which auction mechanism would you prefer – the sealed bid auction or the dynamic ascending clock auction?

Option A - sealed bid auction

Option B - dynamic ascending clock auction

Further comments

Sealed bid is simpler and would require less approval processes within organisations

26. Do you agree with the auction should take place each January, at the beginning of the emissions year?

Yes

No

Not sure

Further comments

It may be better to have several auctions in the first 3 months of the year with a percentage of the annual cap being auctioned. The proposal to have the auction on a fixed day in January can be difficult to administer for some Organisations due to the month of January being a particularly busy in terms of finalising annual accounts etc.

27. Which payment option do you prefer?

Payment at time of auction

Payment deferred by 12 months

Further comments

BCA are keen to minimise the potential cash flow burden for companies. As such an approach that retains the payment date as close to the recycle revenue date is the best option

28. Do you agree that Government should limit the auction to only scheme participants and their agents?

| | | |
|----------|-------------------------------------|--|
| Yes | <input checked="" type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Further comments

Yes, this should help to limit market abuse.

29. Do you think there should be a limit placed on the percentage of allowances available to any one participant to buy in the auction?

| | | |
|----------|-------------------------------------|--|
| Yes | <input checked="" type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Further comments

30. Does the proposed mechanism for operating the safety valve seem reasonable?

| | | |
|----------|-------------------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input checked="" type="checkbox"/> | |

If not what changes would you suggest?

The full impact of the 'buy only' valve does not appear to have been fully assessed. The valve will place additional burden on EU ETS installations that are already subject to their own direct caps and the impact of the carbon price pass through cost from the electricity supply industry.

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| 31. Do you think that a bonus or penalty of +/- 10% as described above is appropriate? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input checked="" type="checkbox"/> | |
| If not, do you think the bonus or penalty should be higher or lower (please state a percentage)? | | |
| If the safety valve is used instead of improvements in energy efficiency then this is entirely valid because emissions reduction is occurring elsewhere. | | |

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|---|-------------------------------------|--|
| 32. Should the rate of bonus or penalty increase steadily and gradually over time? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input checked="" type="checkbox"/> | |
| If yes, please state by how much and how regularly you think these increments should be applied (e.g. 5% increments per year: +/-10% for year 1, +/-15% for year 2, +/-20% for year 3 and so on)? | | |
| A decision on this should be deferred until the scheme has operated in practice. | | |

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| 33. Should the league table include a metric to recognise those organisations who have been undertaking good energy management practices for some time? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input checked="" type="checkbox"/> | |
| If so, Do you agree with the proposed AMR metric as a proxy for early action? | | |
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input checked="" type="checkbox"/> | |
| If not, please state a better alternative metric that meets the stated league table design criteria. | | |
| The use of such metrics would perhaps introduce a level of ambiguity in the league table. | | |

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| Further comments | |
| | |

34. Would the benefits of the league table including a few simple yes / no disclosure based questions outweigh the additional complexity involved?

| | |
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| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

If so, are the questions outlined above appropriate?

| | |
|----------|-------------------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

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And, should they be incorporated for revenue recycling calculations?

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| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

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35. Do you think that the CRC league table should include a relative metric to take account of organisational growth / decline?

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| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

If yes, do you agree with the proposed growth metric described above?

| | |
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| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

If not, please state a better alternative that meets the stated league table design criteria.

A growth metric will add complexity but account must be taken of organisations which make acquisitions or sales

Further comments

36. Do you agree that if turnover / revenue expenditure is used to formulate the growth metric, that organisations should report the published figure for the financial year that most closely corresponds with the 'emissions year'?

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Further comments

37. If early action and growth metrics are included in the league table, do you agree with the proposed weighting of 60%: 20% : 20% (absolute: early action: growth)?

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

If not, please suggest an alternative weighting that you prefer?

38. Do you agree that the Government should be able to adjust key parameters within phases if absolutely necessary as an option of last resort?

| | |
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| Yes | <input type="checkbox"/> |
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| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| If yes, what limits should be placed on the use of this power (e.g. requirement to engage in public consultation as to whether circumstances are sufficient to justify use of the power, and with Parliamentary approval)? | |
| Government should not interfere in the market | |

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| 39. Should a percentage of CRC auction revenues be top-sliced and either given to Carbon Trust / Salix or handed out to participants as credits/ tokens? | |
| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| If so, do you prefer Option A, paying 10% of auction revenue directly to Carbon Trust / Salix, or Option B paying 10% of each participant's revenue recycling payment as 'credits'? | |
| Option A | <input type="checkbox"/> |
| Option B | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |
| Further comments | |
| Both options appear to be inefficient ways of recycling the revenue. Much of the Carbon Trust money would end up in the pockets of consultants. | |
| What percentage of CRC auction revenue should be top-sliced and either given to Carbon Trust / Salix or handed out to participants as credits/ tokens? | |
| 5% | <input type="checkbox"/> |
| 10% | <input type="checkbox"/> |
| Greater than 10% | <input type="checkbox"/> |
| Further comments | |
| None | |

SECTION E - Monitoring, Reporting and Audit

40. Do you agree with the Government's proposal on what would be required within an 'evidence pack'?

| | | |
|----------|-------------------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input checked="" type="checkbox"/> | |

If not, why not?

The content of the evidence pack should be minimised to the maximum level possible to minimise administrative burden. The audit exercise should also be reasonably light touch particularly in the early years to account for the "learning curve" of organisations involved. There should be a sensible level of " % materiality" associated with the energy/emissions reported to avoid the need for excessive investigation of data trails - particularly where the result may have little effect on emission reported. Likewise the Organisation and auditor should be able to agree a figure for emission at the time if there are discrepancies or uncertainty in information provided, unless the organisation is deemed to have been negligent in regard to its implementation of the scheme.

41. Do you agree with this approach to reporting emissions from CHP?

| | | |
|----------|--------------------------|--|
| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

If not, why not?

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42. What in your experience is the extent of estimated billing for energy use on which CRC returns would be based?

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43. Do you think that there should be an adjustment factor for any estimates of energy use from individual sources in an CRC organisation to encourage operators to read their own meters or press for accurate bills from their suppliers?

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| Yes | <input type="checkbox"/> | |
| No | <input type="checkbox"/> | |
| Not sure | <input type="checkbox"/> | |

Further comments

Energy suppliers should be forced to supply bills within the timeframes necessary to achieve reconciliation.

If so, is 10% the right figure to apply?

| | |
|----------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Further comments

44. Are there any other suggestions for reducing reliance on estimated bills?

45. Does your organisation have previous experience of using other similar online registries?

| | |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

If yes, which registry / registries does your organisation have experience of and what features worked well / badly (please specify)?

46. Do you have any further comments or suggestions in relation to the features and functions the CRC registry should have?

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47. Do you agree that organisations that fail to provide the necessary evidence for exemption on CCA grounds within the required timescales should not be exempted from the scheme?

| | |
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| Yes | <input type="checkbox"/> |
| No | <input checked="" type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Further comments

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48. Do you agree that a more moderate fine can be applied to over-reporting of emissions than under-reporting?

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| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input checked="" type="checkbox"/> |

Further comments

Prudence in reporting resulting in minor over reporting should not be penalised.

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49. Do you agree with the overall approach towards penalties – of proportionality between the offence and the penalty?

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| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

Further comments

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50. Do you agree with the proposed approach on penalties in respect of the offences listed?

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| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Not sure | <input type="checkbox"/> |

If not, please state areas where you have substantial concerns.

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