

# EU ETS Installations Newsletter: 2019 NIMs data collection

Issue 35 - March 2019

UK participation in the 2019 NIMs data collection exercise will give eligible UK operators of installations the opportunity to apply for free allocation of allowances if the UK remains in the EU ETS post-2020 (for all or part of Phase IV). As previously communicated, continued UK membership of the EU ETS post-EU Exit is being considered alongside a range of options including a carbon emissions tax and a UK ETS (linked or standalone).

In this communication we will explain what information you will need to submit, when and how you must submit it. This includes all installations who have, or expect to have, a greenhouse gas emissions permit before or on 30 June 2019 and operators who do not believe that they will require or be eligible (for example electricity generators, as defined by Article 3(u) of the EU ETS Directive) for free allocation.

Installations that receive their permit after 30 June 2019 will be treated as new entrants and this situation is not covered in this communication.

**It is very important that you take the time to familiarise yourself with the rules for the data collection, the guidance that will help you complete the templates and to ensure that you submit your response by the 30 May 2019 deadline. You will also need to engage with a suitably accredited verifier if you need to submit verified data.**

## New Helpdesk Mailbox

Operators in England can now send their Phase IV queries to a dedicated helpdesk:

[ETSPHaseIVHelp@environment-agency.gov.uk](mailto:ETSPHaseIVHelp@environment-agency.gov.uk)

## The rules for the NIMS data collection

Commission Delegated Regulation (EU) 209/331 of 19 December 2018, "The Free Allocation Regulation", came into force on 28 February 2019 and is available at the following web address:

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2019.059.01.0008.01.ENG&toc=OJ:L:2019:059:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.059.01.0008.01.ENG&toc=OJ:L:2019:059:TOC)

The European Commission has prepared a suite of guidance documents, most of which have been published on the European Commission's website [here](#). The table at the end of this newsletter gives an overview of the guidance documents and their status.

You will need to scroll down the page to Phase 4 (2021-2030): Guidance documents, Baseline Data Report and Monitoring Methodology Plan relevant for incumbents.

## Final versions of templates now available

The first published final versions of the European Commission NIMs baseline report and MMP templates which are to be used for reporting are now available and can be found in the 'related documents' section on SEPA's website:

<https://www.sepa.org.uk/regulations/climate-change/eu-emissions-trading-system/>

We expect these to be published on the European Commission webpage shortly.

customer service line  
03708 506 506

incident hotline  
0800 80 70 60

floodline  
03459 88 11 88

## What you need to submit

Any UK operator that wishes to be eligible to apply for a free allocation of allowances for 2021 to 2025 must submit a 'full', independently verified, NIMs return to the relevant regulator (EA in England, SEPA in Scotland, NRW in Wales, NIEA in Northern Ireland and OPRED for offshore installations) by 30 May 2019.

Our previous NIMs newsletter (issue 33, January 2019) explained that the UK Government and Devolved Administrations are minded to offer schemes for operators that are eligible under Article 27 and Article 27A of the EU ETS Directive. For these schemes, participants will not be required to surrender allowances.

However, if for any reason eligible operators are unsure about whether to participate in these schemes, or if they think that they may exceed the threshold for this type of installation during the first allocation period, they must submit the full, independently verified, NIMs data to their regulator in order to be eligible for free allocation.

**Please note that any Article 27 and 27a policy at this moment is provisional and may change, including as a result of stakeholder responses to the public consultation. Any such schemes would also ultimately be subject to Commission approval.**

**It is for each operator to decide whether to participate in the 2019 NIMs data collection exercise, taking into account the consequences of not submitting an application on time (e.g. ineligibility for free allocation).**

Type of EU ETS operator	NIMs baseline report	Monitoring methodology plan (MMP)	Verification report with positive opinion	Supporting evidence for MMP	Deadline for submissions
Electricity generator	Sheet A only	No	No	No	30 May 2019
Article 27a	Sheet A and D.1.2	No*	No*	No*	30 May 2019
Article 27	Sheet A and D.1.2	No*	No*	No*	30 May 2019
Operators not applying for a free allocation	Sheet A only	No*	No*	No*	30 May 2019
Eligible operators applying for a free allocation of allowances	All sheets except B+C	Yes	Yes	Yes	30 May 2019
Operators who obtained a permit before 30 June 2019 but have not operated in the baseline period	Sheet A	Yes	No	Yes	30 May 2019

**\*To note that by opting to not complete these sections an operator renders itself ineligible for free allocation under the EU ETS for 2021-25**

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## Can I change my mind about participating in a UK Article 27 or 27A scheme?

If an eligible operator indicates a preference to enter the UK's Article 27 or 27a scheme in their 30 May submission, but later (e.g. once final details of the policy are confirmed) wish instead to enter the main EU ETS scheme, they will be able to do so if they notify their regulator before 31 August 2019. Such an operator would still only be eligible for free allocation if they submitted a 'full' NIMs return by 30 May 2019. If no such communication is received before 31 August 2019, and the operator is deemed to be eligible, then it will be entered onto the Article 27 or 27A scheme, as they had previously indicated.

## How to submit your information

Operators and verifiers will be required to use templates published by the European Commission for the MMP, NIMs and verification report and you will submit these to us via ETSWAP. We will let you know at a later time when you can do this but we anticipate that it will be available from early May 2019.

## 21 March 2019 (10:00 - 12:00): Webinar on data collection

Following successful workshops run by OPRED for the offshore sector, onshore regulators are planning to hold a two hour webinar from 10:00 - 12:00 on Wednesday 21 March to explain preparations for the 2019 data collection exercise.

There is a maximum number of 150 participants and is open to all operators and verifiers across the UK. To register your interest, please use the link below:

<https://www.eventbrite.co.uk/e/eu-ets-data-collection-exercise-webinar-tickets-58085745027>

If, for whatever reason, you can't participate on this date, we will be intending to record the webinar and share it afterwards.

## Queries

For queries relating to UK policy, please email to [eu.ets@beis.gov.uk](mailto:eu.ets@beis.gov.uk)

For technical questions relating NIMs and how it applies to your installation, please contact your regulator:

Environment Agency: [ETSPHaseIVHelp@environment-agency.gov.uk](mailto:ETSPHaseIVHelp@environment-agency.gov.uk)

SEPA: [emission.trading@sepa.org.uk](mailto:emission.trading@sepa.org.uk)

NIEA: [emissions.trading@daera-ni.gov.uk](mailto:emissions.trading@daera-ni.gov.uk)

OPRED (Offshore): [EMT@beis.gov.uk](mailto:EMT@beis.gov.uk)

NRW: [GHGHelp@naturalresourceswales.gov.uk](mailto:GHGHelp@naturalresourceswales.gov.uk)

## Overview of guidance documents and templates

This table is correct at the time of writing. Check the European Commission's website for final versions of all documents and templates.

[https://ec.europa.eu/clima/policies/ets/allowances\\_en#tab-0-1](https://ec.europa.eu/clima/policies/ets/allowances_en#tab-0-1)

Document	status
<b>Guidance document 1 General guidance</b>	See Commission website for published version
<b>Guidance document 2 Allocation methodologies</b>	
<b>Guidance document 3 Data Collection</b>	
<b>Guidance document 4 Verification</b>	
<b>Guidance document 5 Monitoring and reporting</b>	
<b>Guidance document 6 Heat flows</b>	
<b>Guidance document 7 New Entrants &amp; Closures</b>	Not started
<b>Guidance document 8 Waste gas and Process emission sub-installation</b>	See Commission website for published version
<b>Guidance document 9 Sector specific guidance</b>	
<b>Guidance document 10 Mergers &amp; Splits</b>	1st draft
<b>NIMS baseline report template</b>	Final version on SEPA's website
<b>Monitoring methodology plan template</b>	Final version on SEPA's website
<b>Verification opinion template</b>	in development