
STATUTORY INSTRUMENTS

2012 No. 3030

The Motor Fuel (Road Vehicle and Mobile Machinery)
Greenhouse Gas Emissions Reporting Regulations 2012

PART 3

Administration

Administration

7.—(1) The Administrator must administer the GHG reporting requirement in accordance with these Regulations.

(2) The Secretary of State is appointed as the Administrator.

Establishment of accounts

8.—(1) The Administrator must establish and maintain an account, in which the greenhouse gas emissions per unit of energy supplied are to be recorded, for each person who—

- (a) is, or is likely to become, subject to the GHG reporting requirement;
- (b) applies for an account; and
- (c) satisfies the Administrator that the person is, or is likely to become, a supplier of energy products for relevant use.

(2) The Administrator may record such other matters as the Administrator thinks fit in any account established under paragraph (1).

(3) A person must apply for an account under paragraph (1) not later than the end of the period of 28 days beginning on the date on which the person becomes a regulated supplier.

(4) The Administrator must, so far as reasonably practicable, identify all regulated suppliers.

(5) A supplier or other person who applies for an account under this regulation must provide such information or produce such evidence (or both) to the Administrator as the latter may reasonably request in order to satisfy the Administrator that the person is, or is likely to become, a supplier of energy products for relevant use.

(6) A supplier or other person who applies for an account under this regulation must ensure that the information provided or evidence produced is accurate to the best of the supplier's or other person's knowledge and belief.

(7) The Administrator may reject any application under this regulation if the Administrator reasonably believes that the information or evidence provided to the Administrator under this regulation is inaccurate or incomplete.

(8) An "account holder" is a supplier or other person for whom the Administrator establishes an account pursuant to this regulation.

Power of the Administrator to require further information or evidence

9.—(1) Where the Administrator has reason to believe that an account holder for whom an account has been established pursuant to regulation 8 is not subject, and is not likely to become subject, to the GHG reporting requirement, the Administrator may require the account holder to provide such information or produce such evidence (or both) to the Administrator as may be necessary for the Administrator to become satisfied as to whether the account holder is subject, or is likely to become subject, to that requirement.

(2) An account holder must—

- (a) provide the information or produce the evidence required under this regulation; and
- (b) ensure that the information provided or evidence produced is accurate to the best of the account holder's knowledge and belief.

Closure of accounts

10. Where the Administrator is satisfied that an account holder for whom an account has been established pursuant to regulation 8 is not subject, and is not likely to become subject, to the GHG reporting requirement, the Administrator may close that account.

Managing accounts

11. Subject to the provisions of these Regulations, the Administrator may manage accounts, including amending details of accounts, and consolidating the accounts of account holders, as the Administrator thinks fit.

Processing of information and evidence

12.—(1) The Administrator must—

- (a) record and retain information submitted for the purpose of—
 - (i) establishing that a supplier is, or reasonably expects to be, subject to the GHG reporting requirement; or
 - (ii) calculating the greenhouse gas emissions referable to the energy products supplied by each account holder; and
- (b) correct any error which is discovered in information stored by the Administrator in relation to an account.

(2) The period for which the Administrator must retain any information pursuant to paragraph (1) is such period as the Administrator considers is reasonable, but it must not be a period of less than ten years beginning with the date of receipt of the information.

(3) The Administrator may record and retain, for purposes connected with the carrying out of the Administrator's functions, such other information as the Administrator thinks fit.

Duty to require information from regulated suppliers

13.—(1) The Administrator must impose a requirement on a regulated supplier to provide the Administrator with—

- (a) information as to—
 - (i) whether the supplier has supplied any energy products for relevant use during each reporting period;
 - (ii) the total amount of each type of energy product supplied during each reporting period expressed as—

- (aa) the volume of liquid fuel supplied if applicable; or
- (bb) the weight of gaseous fuel supplied if applicable; and in all cases
- (cc) the amount of energy supplied calculated, where applicable, in accordance with Annex III of the Renewable Energy Directive;
- (iii) how much of the fuel supplied during each reporting period is—
 - (aa) fossil fuel (including fossil fuel blended with other fuel);
 - (bb) wholly renewable transport fuel (excluding fossil fuel blended with wholly renewable transport fuel);
 - (cc) partially renewable transport fuel (excluding fossil fuel blended with partially renewable transport fuel);
- (iv) how much of the energy content of the wholly renewable transport fuel referred to in paragraph (iii)(bb) is attributable to sustainable feedstocks;
- (v) how much of the energy content of the partially renewable transport fuel referred to in paragraph (iii)(cc) is attributable to sustainable feedstocks;
- (vi) the greenhouse gas emissions per unit of energy of each type of energy product supplied during each reporting period; and
- (b) the additional sustainability information in respect of any relevant renewable transport fuel supplied during each reporting period.
- (2) The Administrator must impose requirements as to—
 - (a) the form in which the information must be provided;
 - (b) the methodology to be used in calculating and providing the information; and
 - (c) the period within which it must be provided.
- (3) The Administrator may require a supplier to produce such evidence as the Administrator may determine is necessary in order to substantiate information which the supplier has provided to the Administrator under this regulation.
- (4) In exercising the power under paragraph (3) the Administrator may impose requirements as to—
 - (a) the form in which the evidence must be produced;
 - (b) the methodology to be used in compiling and producing the evidence; and
 - (c) the period within which the evidence must be produced.
- (5) Where the Administrator imposes a requirement under this regulation on a supplier to produce information or evidence, the supplier must—
 - (a) produce that information or evidence; and
 - (b) ensure that it is—
 - (i) accurate; and
 - (ii) produced in such form, and using such methodology, and within such period, as the Administrator requires.
- (6) Without prejudice to the generality of paragraphs (1) to (5), the Administrator is under no obligation to impose a requirement on a regulated supplier to produce information or evidence to confirm matters previously reported by the same supplier to the Administrator appointed by the RTFO Order.

Power to require information from non-regulated suppliers

14.—(1) The Administrator may impose a requirement on a non-regulated supplier to provide the Administrator with such information as the Administrator may require for purposes connected with the carrying out of the Administrator’s functions.

(2) Without prejudice to the generality of paragraph (1), the Administrator may require a non-regulated supplier to provide the Administrator with the information, in relation to that supplier, which is referred to in paragraph (1) of regulation 13, and references in that paragraph to the “reporting period” are to be treated as references to such period during a reporting period as the Administrator notifies to the supplier for the purposes of this paragraph.

(3) The Administrator may require a non-regulated supplier to produce such evidence as the Administrator may determine is necessary in order to substantiate information which the supplier has provided to the Administrator under this regulation.

(4) The Administrator may impose requirements as to—

- (a) the form in which the information or evidence must be provided;
- (b) the methodology to be used in calculating and providing the information or evidence; and
- (c) the period within which it must be provided.

(5) Where the Administrator imposes a requirement under this regulation on a non-regulated supplier to provide information or evidence, the supplier must provide that information or evidence and ensure that it is—

- (a) accurate to the best of the supplier’s knowledge and belief; and
- (b) provided in such form, using such methodology, within such period and in relation to such period as the Administrator requires.

Mass balance system

15.—(1) When providing information or evidence to the Administrator relating to the compliance of renewable transport fuel with the sustainability criteria and relating to the additional sustainability information, a supplier must use a mass balance system in accordance with this regulation.

(2) In using a mass balance system, and notwithstanding regulations 13(5)(b)(i) and 14(5)(a), a supplier may report that the relevant feedstock or fuel has sustainability characteristics other than its actual sustainability characteristics if the condition in paragraph (3) is met.

(3) That condition is that none of the relevant feedstock or fuel which is subject to that mass balance system is reported to have sustainability characteristics other than those attributed to it by that system.

(4) In this regulation, “report” means to produce information or evidence in accordance with regulations 13(5) and 14(5), and “reported” is to be construed accordingly.

(5) A mass balance system is a system which—

- (a) allows amounts of relevant feedstock or fuel with different sustainability characteristics to be mixed (“the mixture”);
- (b) provides for the sustainability characteristics of amounts added to the mixture to be attributed to other amounts withdrawn from the mixture; and
- (c) requires the sustainability characteristics attributed to the sum of the amounts withdrawn from the mixture to be the same, and in the same quantities, as the sustainability characteristics attributed to the sum of the amounts added to the mixture.

(6) For the purposes of paragraphs (2) to (5), the sustainability characteristics of relevant feedstock or fuel include—

- (a) its type;
- (b) its place of origin; and
- (c) any other matter relevant to its compliance with the sustainability criteria.

Other powers and duties conferred and imposed on the Administrator

16.—(1) In addition to the duties imposed upon the Administrator elsewhere in these Regulations, the Administrator has the following duties—

- (a) to publicise the GHG reporting requirement so as to ensure, so far as reasonably practicable, that it is brought to the attention of suppliers who are or may be subject to that requirement;
- (b) to verify, so far as reasonably practicable, the information provided pursuant to regulation 13(1)(a)(i) to (iii) by each account holder;
- (c) to ensure, so far as reasonably practicable, that there is no regulated supplier who, though subject to the GHG reporting requirement, is failing to report the information and evidence required by regulation 4(2).

(2) In so far as it is not reasonably practicable for the Administrator under paragraph (1)(b) to verify the information provided by a regulated supplier as to the amount of each type of energy product supplied, the Administrator may require that supplier to submit a verifier's report, meeting the requirements of regulation 6(4) modified in accordance with paragraph (3), in respect of that information.

(3) For the purposes of paragraph (2), regulation 6(4) is to have effect as if, in paragraph (4)(c), for "compliance of renewable transport fuel with the sustainability criteria; and (ii) the additional sustainability information" there were substituted "amount of each type of energy product supplied".

(4) Where the Administrator imposes a requirement on a regulated supplier to submit a verifier's report under paragraph (2), that report must be submitted to the Administrator by such date as the Administrator notifies to the supplier for the purposes of this paragraph.

(5) In addition to the powers conferred upon the Administrator elsewhere in these Regulations, the Administrator may—

- (a) take reasonable steps to promote good working relationships with suppliers of energy products for relevant use and others having an interest in the implementation of these Regulations; and
- (b) publish such guidance as the Administrator thinks fit for purposes connected with the implementation of provision made by or under these Regulations.