
STATUTORY INSTRUMENTS

2024 No. 409

**The Energy-Intensive Industry Electricity
Support Payments and Levy Regulations 2024**

PART 3 EII LEVY

EII levy notices

18.—(1) Not more than 10 working days after the start of each levy month, the EII levy administrator must—

- (a) determine, in accordance with paragraph (2), each electricity supplier’s EII levy liability in respect of that levy month;
- (b) issue a notice to each electricity supplier setting out that amount.

(2) The amount of each electricity supplier’s EII levy liability is, subject to paragraph (4), the amount which results from the following calculation—

(Individual electricity supply / total electricity supply x EII support payment total) + outstanding payments - levy credit

(3) For the purposes of this regulation—

“BSCCo” means Elexon Ltd (or any successor to that company acting in the capacity of the BSCCo within the meaning given in the Balancing and Settlement Code);

“BSC volume allocation run” means any one of the following—

- (a) an Initial Volume Allocation Run, or
- (b) a Reconciliation Volume Allocation Run (including a Final Reconciliation Volume Allocation Run or a Post-Final Volume Allocation Run);

“EII support payment total” means, in relation to any particular levy month, the total of—

- (a) the figure provided to the EII levy administrator on the calculation date associated with that levy month, in accordance with regulation 16(d);
- (b) the sum determined in accordance with regulation 17 (levy administrator costs) prior to that levy month;

“individual electricity supply” means the amount of electricity supplied by that supplier during the claim month associated with the levy month referred to in paragraph (1);

“Initial Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“levy credit” means any amount which, at the calculation date, the electricity supplier in respect of which the calculation is being made has paid under the EII levy which it was not required to pay (including in light of calculations made under regulation 20(2) (corrections to levy information) and determinations made under regulation 22 (dispute determinations)) and which has not been returned, credited or otherwise accounted for;

“outstanding payments” means any amount which, at the calculation date, the electricity supplier in respect of which the calculation is being made was required to have paid under these Regulations but had not (including in respect of calculations made under regulation 20(2) (corrections), determinations made under regulation 22 (dispute determinations) and interest due under regulation 30 (enforcement)) and which has not been paid or otherwise accounted for;

“Reconciliation Volume Allocation Run” has the meaning given in the Balancing and Settlement Code (see section U of that code);

“total electricity supply” means the total amount of electricity supplied by all electricity suppliers during the claim month associated with the levy month referred to in paragraph (1).

- (4) For the purposes of this regulation—
- (a) no account shall be taken of any electricity which is EII excluded electricity;
 - (b) the amount of electricity supplied by an electricity supplier in any period is the amount of all electricity which the BSCCo determines was supplied by that supplier in that period, on the basis of the most recent BSC volume allocation run which the BSCCo has carried out.
- (5) Where the result of a calculation set out in paragraph (2) is a negative number—
- (a) the liability of the electricity supplier in respect of which the calculation took place shall be zero for that levy month;
 - (b) that number shall be considered as part of a future calculation of levy credit.