6. Civil penalties - Fines imposed by SEPA in 2010-2011

In addition to the fines imposed by criminal courts referred to elsewhere in this report, in some limited circumstances SEPA has the ability to itself impose fines.\textsuperscript{14} One such civil penalty was imposed by SEPA during 2010-2011. It was served under the Greenhouse Gas Emissions Trading Scheme Regulations 2005. Under these Regulations, operators must submit a report to SEPA on the greenhouse gas emissions from their installation, and surrender allowances equivalent to the amount of these emissions. ExxonMobil Chemical Limited notified SEPA that they had identified sources of carbon dioxide emissions which they had unfortunately not included within their annual reportable emissions for 2008. As a result, they had failed to surrender allowances in respect of the 2008 scheme year for the three omitted sources of carbon dioxide emissions. The Regulations provided for a penalty of €100 per tonne in respect of the excess emissions and the fine imposed was therefore €3,296,600.

\textsuperscript{14} For example, SEPA has the ability to issue fines under section 33A of the Environmental Protection Act 1990, and under the Greenhouse Gas Emissions Trading Scheme Regulations 2005, the Transfrontier Shipment of Waste Regulations 2007 and the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010.