

Draft Order laid before the Scottish Parliament under section 96(4) of the Climate Change (Scotland) Act 2009 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

CLIMATE CHANGE

**The Climate Change (International Aviation
and Shipping) (Scotland) Order 2010**

Made - - - - 2010
Coming into force - - 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by section 16(1) to (3) of the Climate Change (Scotland) Act 2009⁽¹⁾.

In accordance with section 96(4) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Before this draft was so laid, the Scottish Ministers requested the advice of the relevant body⁽²⁾ in accordance with section 16(6) of that Act.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Climate Change (International Aviation and Shipping) (Scotland) Order 2010 and comes into force on the day after the day it is made.

(2) In this Order—

“radiative force factor” is the multiplier which reflects the direct and indirect non-carbon dioxide climate change impacts of emissions at altitude from international aviation; and

“UK National Inventory Report” means the UK National Inventory Report to the United Nations Framework Convention on Climate Change⁽³⁾.

Emissions from international aviation attributable to Scotland

2. For the purposes of determining Scottish emissions of a greenhouse gas for—

(a) the year that is the baseline year for that gas; and

(1) 2009 asp 12.

(2) The relevant body is the UK Committee on Climate Change, as provided for by section 5(7)(a) and (8) of the Climate Change (Scotland) Act 2009.

(3) The Convention was signed by the United Kingdom on 12th June 1992 and ratified on 8th December 1993. It entered into force on 21st March 1994. The National Inventory Report is communicated to the Conference of the Parties in accordance with Article 12 of the Convention, and published electronically at <http://www.ghgi.org.uk/unfccc.html>.

- (b) every other year in the period starting on 1st January 2010 and ending on 31st December 2050,

emissions from international aviation of that gas are to be taken into account as calculated in accordance with Schedule 1.

Radiative force factor

- 3. The radiative force factor for each greenhouse gas is 1.

Emissions from international shipping attributable to Scotland

- 4. For the purposes of determining Scottish emissions of a greenhouse gas for—
 - (a) the year that is the baseline year for that gas; and
 - (b) every other year in the period starting on 1st January 2010 and ending on 31st December 2050,

emissions from international shipping of that gas are to be taken into account as calculated in accordance with Schedule 2.

St Andrew's House,
Edinburgh
Date

Authorised to sign by the Scottish Ministers

SCHEDULE 1

Article 2

FORMULA FOR CALCULATING EMISSIONS OF A GREENHOUSE GAS FROM INTERNATIONAL AVIATION IN A YEAR

$$A = B \times \frac{C}{D} \times E$$

where—

“A” is the amount of gas emitted;

“B” is the amount of gas emitted by the United Kingdom from international aviation as reported in the UK National Inventory Report(4);

“C” is the fuel use for aircraft flights to international destinations from airports in Scotland(5);

“D” is the fuel use for aircraft flights to international destinations from airports in the United Kingdom; and

“E” is the radiative force factor.

SCHEDULE 2

Article 4

FORMULA FOR CALCULATING EMISSIONS OF A GREENHOUSE GAS FROM INTERNATIONAL SHIPPING IN A YEAR

$$F = G \times \frac{H}{I}$$

where—

“F” is the amount of gas emitted;

“G” is the amount of gas emitted by the United Kingdom from international shipping as reported in the UK National Inventory Report(6);

“H” is the all ports traffic figure for Scotland(7); and

“I” is the all ports traffic figure for the United Kingdom.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision regarding the emissions of greenhouse gases from international aviation and shipping that are to be attributable to Scotland.

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- (4) A sectoral table of greenhouse gas emissions from international aviation is annexed to the UK National Inventory Report.
- (5) Fuel use figures are reported in the AEA report on Greenhouse Gas Inventories for the UK which is published electronically at <http://www.airquality.co.uk/reports>.
- (6) A sectoral table of greenhouse gas emissions from international shipping is annexed to the UK National Inventory Report.
- (7) Port traffic figures are reported in table 1.1 of the Department for Transport Maritime Statistics, which can be found at <http://www.dft.gov.uk/pgr/statistics/databasespublications/maritime/compendium>.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Climate Change (International Aviation and Shipping) (Scotland) Order 2010 No. 218*

The Scottish Ministers requested advice from the relevant body (the UK Committee on Climate Change (UKCCC)) as required by section 16(6) of the Climate Change (Scotland) Act 2009 (“the 2009 Act”). The UKCCC advice is set out in “Scotland’s path to a low carbon economy” dated February 2010, and available at <http://www.theccc.org.uk/reports/scottish-report>.

Section 10(1) of the 2009 Act defines “greenhouse gases”.

Articles 2 and 4 provide for a share of the annual United Kingdom emissions of each greenhouse gas from international aviation and shipping to be attributed to Scotland in the manner set out in Schedules 1 and 2.

The emissions so attributed will be included in net Scottish emissions for the purposes of the emissions targets in sections 1 (2050 target), 2 (interim target) and 3 (annual targets) of the 2009 Act.

The emissions attributed to international aviation are subject to a radiative force factor as required by section 16(3) of the 2009 Act. Article 3 provides that the radiative force factor for each greenhouse gas is 1.

A Regulatory Impact Assessment has not been produced in relation to this Order as it has no direct impact on businesses, charities or the voluntary sector.