
STATUTORY INSTRUMENTS

2009 No. 2301

**The Aviation Greenhouse Gas Emissions
Trading Scheme Regulations 2009**

PART 3

Monitoring and reporting aviation emissions

Application for an emissions plan

- 14.**—(1) An aircraft operator must apply to the regulator for an emissions plan—
- (a) where a person is an aircraft operator when these regulations come into force, by 12th November 2009;
 - (b) subject to paragraph (3), where a person becomes an aircraft operator after that date, within 8 weeks of becoming an aircraft operator.
- (2) An application for an emissions plan under paragraph (1) must contain—
- (a) the name, telephone number and—
 - (i) the postal address (including postcode) in the United Kingdom for service; or
 - (ii) the address for service using electronic communication, of the aircraft operator;
 - (b) a proposed plan to monitor the emissions from its aviation activity in accordance with the Monitoring and Reporting Decision; and
 - (c) a fee of £750.
- (3) An aircraft operator must not apply for an emissions plan under paragraph (1)(b) where it has previously been issued such a plan under regulation 15.

Issue of an emissions plan

- 15.**—(1) Where an aircraft operator has applied for an emissions plan under regulation 14 the regulator must, by notice to the aircraft operator—
- (a) issue to the aircraft operator a plan setting out how it must monitor emissions from the aircraft operator's aviation activity ("an emissions plan"); or
 - (b) refuse to do so where it is not satisfied that the proposed plan complies with the Monitoring and Reporting Decision or Annex IV to the EU ETS Directive.
- (2) A notice under paragraph (1) must be served as soon as is reasonably practicable and in any event within 4 months of the date of the application under regulation 14.
- (3) Where the regulator by notice refuses to issue an emissions plan under paragraph (1)(b) it must state in that notice what changes must be made to the application under regulation 14.
- (4) Where an application for an emissions plan is refused under paragraph (1) the aircraft operator must resubmit the application within 31 days of the refusal.

(5) Following the resubmission of an application under paragraph (4), the regulator must within 24 days comply with paragraph (1).

(6) Where the regulator fails to give notice by the deadline specified under paragraph (1) or (5) the application for an emissions plan is deemed to be refused.

Monitoring emissions

16. From the date it is issued with an emissions plan, an aircraft operator must, in each calendar year from 1st January 2010, monitor its aviation emissions in accordance with—

- (a) that plan; and
- (b) the Monitoring and Reporting Decision.

Reporting emissions

17.—(1) An aircraft operator must for each calendar year from 1st January 2010—

- (a) prepare a report of its aviation emissions; and
- (b) ensure that report—
 - (i) complies with the Monitoring and Reporting Decision and Annex IV of the EU ETS Directive; and
 - (ii) is verified by an independent verifier in accordance with and the Monitoring and Reporting Decision and Annex V to the EU ETS Directive.

(2) An aircraft operator must submit a report prepared and verified in accordance with paragraph (1) to the regulator by 31st March in the following year.

Monitoring and Reporting Decision requirements

18. An aircraft operator must—

- (a) keep the information specified in section 9 of Annex I to the Monitoring and Reporting Decision for at least 10 years after the submission of a report under regulation 17(2); and
- (b) in a timescale specified by the regulator, address any non-conformities and misstatements identified by the independent verifier under regulation 17(1)(b)(ii).

Duty of the regulator to determine emissions

19.—(1) Where an aircraft operator fails to comply with regulation 17, the regulator must determine the aviation emissions of the aircraft operator that have not been reported in accordance with that regulation.

(2) Where the regulator is required to make a determination under paragraph (1) it—

- (a) must, if an aircraft operator submits a report that complies with regulation 17 late but before the regulator makes a determination under paragraph (1), use the emissions reported for its determination;
- (b) must, so far as possible, ensure that determination complies with the Monitoring and Reporting Decision and Annexes IV and V to the EU ETS Directive;
- (c) must give notice of any determination under paragraph (1) to the aircraft operator; and
- (d) may recover the cost of making that determination from the aircraft operator.