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STATUTORY INSTRUMENTS

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**2009 No. 2301**

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

**PART 1**

**General**

**Interpretation**

**2.** In these Regulations—

“additional daily penalty” has the meaning given by regulation 21(1)(b);

“address” means, in relation to electronic communications, any number or address used for the purpose of such communication;

“affected party” has the meaning given by paragraph 8(a) of Schedule 2;

“aircraft operator” has the meaning given by regulation 3;

“allowance” means an allowance issued to aircraft operators under Article 3e of the EU ETS Directive;

“appeal body” has the meaning given by regulation 36(6);

“area”, in relation to a regulator, means—

(a) in respect of the Environment Agency, England and Wales;

(b) in respect of the Scottish Environment Protection Agency, Scotland;

(c) in respect of the chief inspector, Northern Ireland;

“authority” has the meaning given by regulation 7;

“aviation activity” means the category of aviation activity listed in Annex I to the EU ETS Directive but with the reference to 1st January 2012 omitted;

“aviation emissions” means emissions from an aviation activity;

“benchmarking plan” means a plan issued under regulation 10(1)(a);

“chief inspector” means the chief inspector constituted under regulation 8(3) of the Northern Ireland Regulations;

“Commission list” means the list of operators specified in [Commission Regulation \(EC\) No 748/2009](#) on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive [2003/87/EC](#) on or after 1 January 2006 specifying the administering Member State for each aircraft operator<sup>(1)</sup>, as amended from time to time;

“electronic communication” has the same meaning as in the Electronic Communications Act 2000<sup>(2)</sup>;

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<sup>(1)</sup> OJ No L 219, 22.08.09, p.1.

<sup>(2)</sup> [2000 c.7](#); the definition of electronic communication in section 15(1) was amended by the Communications Act [2003 \(c. 21\)](#), section 406(1) and Schedule 17, paragraph 158.

- “emissions” means the release of greenhouse gases into the atmosphere;
- “emissions plan” means a plan issued under regulation 15;
- “EU ETS Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council establishing a scheme for greenhouse gas emissions allowance trading within the Community and amending Council Directive [96/61/EC](#)(3), as amended from time to time;
- “greenhouse gases” has the meaning given by Article 3(c) of the EU ETS Directive;
- “independent verifier” means a person or body accredited or endorsed by UKAS to carry out the verification requirements of Article 15 of the EU ETS Directive;
- “interested party” has the meaning given by paragraph 8(b) of Schedule 2;
- “Monitoring and Reporting Decision” means Commission Decision [2007/589/EC](#) establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive [2003/87/EC](#) of the European Parliament and of the Council(4), as amended from time to time;
- “Northern Ireland Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003(5);
- “Planning Appeals Commission” means the Planning Appeals Commission established under Article 110 of the Planning (Northern Ireland) Order 1991(6);
- “registered office” means the address that is required under section 86 of the Companies Act 2006(7);
- “regulator” has the meaning given by regulations 4, 5 and 6;
- “tonne-kilometre data” has the meaning given by Part B of Annex IV to the EU ETS Directive;
- “trading period” means one of the following periods—
- (a) 2012;
  - (b) 2013 to 2020; or
  - (c) subsequent periods of eight calendar years;
- “UK operator” means a person who is—
- (a) identified in the Commission list; and
  - (b) specified in that list as an operator to be administered by the United Kingdom;
- “UKAS” means the United Kingdom Accreditation Service(8).

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(3) OJ No. L 275, 25.10.03, p.32. The Directive is amended by Directive [2004/101/EC](#), OJ No. L 338, 13.11.2004, p.18.

(4) OJ No. L 59, 26.02.04, p.1.

(5) S.R. (NI) 2003 No 46, amended by S.I. 2003/496, S.I. 2003/3311; there is another amending instrument which is not relevant.

(6) S.I. 1991/1220 (N.I.11); relevant amending instruments are S.I. 1999/660 (N.I.4), 2003/430 (N.I.8).

(7) 2006 c. 46.

(8) The United Kingdom Accreditation Service Limited (company number 03076190) is a company limited by guarantee and which operates under a memorandum of understanding made on 1st August 1995 between it and the then Secretary of State for Trade and Industry.