
STATUTORY INSTRUMENTS

2010 No. 1996

**The Aviation Greenhouse Gas Emissions
Trading Scheme Regulations 2010**

PART 4

Monitoring and reporting aviation emissions

Application for an emissions plan

18.—(1) Subject to paragraph (3), a person that becomes an aircraft operator after these Regulations come into force must apply to the regulator for an emissions plan 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 in accordance with Schedule 1.

(3) An aircraft operator must not apply for an emissions plan where it has previously been issued such a plan under regulation 19 or under regulation 15 of the 2009 Regulations.

Issue of an emissions plan

19.—(1) Where an aircraft operator has applied for an emissions plan under regulation 18 the regulator must, by notice given 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; 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 given as soon as is reasonably practicable and in any event within 4 months of the date of the application under regulation 18.

(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 18.

(4) Where an application for an emissions plan is refused under paragraph (1) the aircraft operator must resubmit the amended 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 in paragraph (2) or (5) the application for an emissions plan is deemed to be refused.

Monitoring emissions

20. 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

21.—(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 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.

Duty of the regulator to determine emissions

22.—(1) Where an aircraft operator fails to comply with regulation 21, 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 must—

- (a) if an aircraft operator submits a report that complies with regulation 21 late but before the regulator makes a determination under paragraph (1), use the emissions reported for its determination;
- (b) so far as possible, ensure that determination complies with the Monitoring and Reporting Decision and Annexes IV and V to the EU ETS Directive; and
- (c) give notice of any determination under paragraph (1) to the aircraft operator.

(3) Where the regulator makes a determination under paragraph (1) it may charge a fee in accordance with Schedule 1.

Emissions plan conditions

23.—(1) Each regulator must ensure that the emissions plans of the aircraft operators that it regulates include the conditions necessary to ensure compliance with those requirements of the Monitoring and Reporting Decision that are not covered by these Regulations.

(2) The regulator must prepare a list of the conditions that are to be included in accordance with paragraph (1).

(3) Before preparing such a list the regulator must (after consulting the other regulators) draw up a proposed list and—

- (a) consult—
 - (i) the Secretary of State;

- (ii) the Scottish Ministers;
 - (iii) the Department of the Environment in Northern Ireland;
 - (iv) the Welsh Ministers; and
 - (v) any person it considers may be affected;
- (b) state in the consultation the period for making representations or objections; and
- (c) take into account any representations or objections duly made.
- (4) Once it has been prepared the list must be published by the regulator.
- (5) The consultation under paragraph (3) may be undertaken jointly by two or more regulators.
- (6) The regulator may from time to time—
- (a) amend the list of conditions prepared under paragraph (2) by following the process set out in paragraphs (3) to (5); and
 - (b) make any amendments to emissions plans that are necessary to ensure that the plans include the conditions in that list (or in that list as so amended).

Duty to comply with conditions in an emissions plan

24. An aircraft operator must comply with any conditions included in its emissions plan under regulation 23.

Variation of emissions plan

25.—(1) The regulator may by giving notice to the aircraft operator amend the emissions plan of the aircraft operator where—

- (a) the aircraft operator applies to the regulator for an amendment to the emissions plan pursuant to a condition included in an emissions plan under regulation 23; or
- (b) the aircraft operator has failed to comply with a requirement in an emissions plan to apply for an amendment to the emissions plan.

(2) Where the regulator amends the emissions plan of an aircraft operator under paragraph (1) it may charge a fee in accordance with Schedule 1.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2012/3038 reg. 85\(d\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 para. 1(1) Sch. 4 para. 1 renumbered as Sch. 4 para. 1(1) by [S.I. 2011/765 reg. 4\(6\)\(b\)](#)
- Sch. 4 para. 1(2) inserted by [S.I. 2011/765 reg. 4\(6\)\(b\)](#)
- reg. 2A2B inserted by [S.I. 2011/765 reg. 3\(2\)](#)
- reg. 36(6) applied (with modifications) by SI 2012/3038 reg. 87(1A) (as amended) by [S.I. 2013/755 Sch. 4 para. 425](#)
- reg. 52(5A) inserted by [S.I. 2011/765 reg. 4\(2\)\(a\)](#)
- reg. 53(2A) inserted by [S.I. 2011/765 reg. 4\(3\)\(b\)](#)
- reg. 53(5) inserted by [S.I. 2011/765 reg. 4\(3\)\(d\)](#)
- reg. 55(1) reg. 55 renumbered as reg. 55(1) by [S.I. 2011/765 reg. 4\(4\)](#)
- reg. 55(2) inserted by [S.I. 2011/765 reg. 4\(4\)](#)
- reg. 60(5A) inserted by [S.I. 2011/765 reg. 4\(5\)\(b\)](#)