
STATUTORY INSTRUMENTS

2013 No. 1037

The Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2013

Amendment of the Greenhouse Gas Emissions Trading Scheme Regulations 2012

- 2.—(1) In regulation 3, in the definition of “allocation”—
- (a) for “1 or 2” substitute “2 or 3”; and
 - (b) insert at the end “(and, except in regulation 87A(3), “allocated” has the corresponding meaning)”.
- (2) In regulation 87(8), for “The following” substitute “Subject to regulation 87A below, the following”.
- (3) After regulation 87 insert—

“Obligations in relation to aviation emissions arising before 2013

87A.—(1) In this regulation—

“international activity” means an aviation activity performed in 2010, 2011 or 2012 and consisting in a flight departing from, or arriving in, an aerodrome situated in any country or territory other than—

- (a) an EEA state;
- (b) Croatia;
- (c) Switzerland; or
- (d) a country or territory listed in paragraph (6);

“international allowance” means an aviation allowance that has been allocated free of charge for 2012 in consequence of an international activity;

“international emissions” means aviation emissions arising from an international activity;

“P” is any person on whom a duty is imposed under regulation 20, 21 or 26 of the 2010 Regulations.

- (2) Where the condition in paragraph (3) is satisfied, P is not liable to any civil penalty in respect of a failure to—
- (a) monitor aviation emissions, contrary to regulation 20 of the 2010 Regulations, in so far as the duty to monitor arises in respect of P’s international emissions;
 - (b) report aviation emissions, contrary to regulation 21 of the 2010 Regulations, in so far as the duty to report arises in respect of P’s international emissions; or
 - (c) surrender sufficient allowances or project credits, contrary to regulation 26(1) of the 2010 Regulations, in so far as the duty to surrender arises in respect of P’s international emissions.
- (3) The condition is that P—

- (a) has not been issued with any international allowances; or
- (b) has, before 29th May 2013, returned a sum of aviation allowances allocated for 2012 equal to the international allowances that were issued to P.

(4) For the purposes of paragraph (3)(b), an allowance is returned if it is transferred to an account in the Union Registry opened by the registry administrator with the name “aviation return account”.

(5) The registry administrator must cancel any allowances returned under paragraph (3)(b).

(6) The countries or territories are—

- Greenland;
- Faeroe Islands;
- French Polynesia;
- Mayotte;
- New Caledonia,
- Saint Barthélemy;
- Saint Pierre and Miquelon;
- Wallis and Futuna;
- Aruba;
- Bonaire;
- Saba;
- Sint Eustasius;
- Curaçao;
- Sint Maarten;
- Svalbard;
- Anguilla;
- Bermuda;
- British Antarctic Territory;
- British Indian Ocean Territory;
- British Virgin Islands;
- Cayman Islands;
- Falkland Islands;
- Bailiwick of Guernsey;
- Isle of Man;
- Bailiwick of Jersey;
- Montserrat;
- Pitcairn Islands;
- Saint Helena;
- Ascension and Tristan da Cunha;
- South Georgia and the South Sandwich Islands;
- Turks and Caicos Islands;
- Sovereign Base Areas of Akrotiri and Dhekelia;

Andorra;
Monaco;
San Marino;
Vatican City.”.