

2022 No. 1050

CIVIL AVIATION

CLIMATE CHANGE

**The Air Navigation (Carbon Offsetting and Reduction Scheme
for International Aviation) (Amendment) Order 2022**

<i>Made</i> - - - -	<i>12th October 2022</i>
<i>Laid before Parliament</i>	<i>19th October 2022</i>
<i>Coming into force</i> - -	<i>9th November 2022</i>

At the Court at Buckingham Palace, the 12th day of October 2022

Present,

The King's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(2)(a) and 61 of, and Schedule 13 to, the Civil Aviation Act 1982(a).

His Majesty, by and with the advice of His Privy Council, orders as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) (Amendment) Order 2022 and comes into force on 9th November 2022.

Extent

2. This Order extends to the whole of the United Kingdom.

(a) 1982 c. 16. Section 60 was amended by the Aviation and Maritime Security Act 1990 (c. 31), sections 47 and 53(2) and Schedule 4, the Airports (Northern Ireland) Order 1994 (S.I. 1994/426), article 71(4) and Schedule 10, the Statute Law (Repeals) Act 1995 (c. 44), section 1(1) and Schedule 1, Part V, the Airports Act 1986 (c. 31) section 83(5) and Schedule 6, Part II and the Civil Aviation Act 2006 (c. 34), section 8(1) and (5). Section 61 was amended by the Airports Act 1986 (c. 31), section 83(5) and Schedule 6, Part II and the Aviation (Offences) Act 2003 (c. 19), section 2. Section 102 was amended by the Air Travel Organisers' Licensing Act 2017 (c. 33), section 2(3). Schedule 13 was amended by the Transport Act 2000 (c. 38), section 36 and Schedule 4, paragraphs 1 and 17.

Amendment of the Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021

3. The Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021(a) is amended as follows.

General

4. In articles 4, 24, 25, 28, 37, 43, 47 to 50, 55, 57, 58, 60 to 62, 65 and 68 for “;” in each place it occurs, substitute “,”.

Amendment of article 3

5. In article 3(1) (application) for “whom” substitute “which”.

Amendment of article 4

6.—(1) Article 4 (interpretation) is amended as follows.

(2) Omit the entries for “ACARS”, “Administrative partnership”, “AFBO” and “Pathway”.

(3) In the entries for “ISO 14064-3:2006”, “ISO 14065:2013”, “ISO 14066:2011” and “ISO/IEC 17011:2004” for each of the final full stops substitute commas.

(4) After the entry for “state pair”, insert—

““Sustainability Certification Scheme” means a scheme for the certification of sustainable fuels that has been approved by ICAO in ICAO document “CORSIA Approved Sustainability Certification Scheme”(b),”.

(5) “For the entries for “Verification of report”, “Verification body”, “Verification team” and “Verification report” substitute—

““Verification body” means a person that performs the verification of an Emissions Report, as an accredited independent third party,

“Verification of report” means an independent, systematic and sufficiently documented evaluation process of an Emissions Report,

“Verification Report” means a document, drafted by the verification body, containing the verification statement and required supporting information set out in paragraph 3(22) to (26) of Schedule 6 and required supporting information, and

“Verification team” means a group of verifiers, or a single verifier that also qualifies as a team leader, belonging to a verification body conducting the verification of an Emissions Report, whether or not supported by technical experts.”.

Amendment of article 9

7. In article 9(3)(b) (attribution of international flights to an aeroplane operator) for “air operator certificate” substitute “Air Operator Certificate”.

Amendment of article 10

8. In article 10 (meaning of regulator) for “who”, in both places it occurs, substitute “which”.

(a) S.I. 2021/534.

(b) ICAO document “CORSIA Approved Sustainability Certification Scheme” is available from the ICAO website at www.icao.int. For a hard copy contact the ICAO E-Commerce and Publications Sales Unit at International Civil Aviation Organisation (ICAO), 999 Robert-Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada (telephone +1 514-954-8219 and e-mail sales@icao.int).

Amendment of article 16

- 9.**—(1) Article 16 (change in aeroplane operator’s attribution to a state) is amended as follows.
- (2) In paragraph (1)(a) for “air operator certificate” substitute “Air Operator Certificate”.
 - (3) In paragraph (3) for “can” substitute “may”.

Amendment of article 22

10.—(1) Article 22 (monitoring of CO₂ emissions: eligibility of monitoring methods) is amended as follows.

(2) In paragraphs (7), (8), (9) and (10), for “between State Pairs defined in the ICAO document entitled “CORSIA States for Chapter 3 State Pairs””, in each place it occurs, substitute “subject to offsetting requirements under article 41A”.

- (3) At the end of paragraph (12) insert a full stop.

Amendment of article 24

11.—(1) Article 24 (issue of emissions monitoring plans) is amended as follows.

- (2) In paragraph (1), for “unless” substitute “by notice to the aeroplane operator unless”.
- (3) In paragraph (3) for “Emissions monitoring Plan” substitute “Emissions Monitoring Plan”.

Amendment of article 25

12. In article 25(3) (refusal of application for emissions monitoring plans) for “who” substitute “which”.

Amendment of article 26

13.—(1) Article 26 (modification of the emissions monitoring plan) is amended as follows.

- (2) In paragraph (4)(d) for “verification report” substitute “Verification Report”.
- (3) After paragraph (5) add—

“(6) A Regulator may, by giving notice to an aeroplane operator, vary the aeroplane operator’s Emissions Monitoring Plan, including by the modification, addition or removal of a condition, if the Regulator considers it necessary to do so in order to give proper effect to this Order.”.

Amendment of article 27

14.—(1) Article 27 (approval of modification of the emissions monitoring plan) is amended as follows.

- (2) For paragraph (1) substitute—

“(1) A Regulator may allow an aeroplane operator to notify modifications of the Emissions Monitoring Plan that are not significant, without such modifications being the subject of the Regulator’s approval.”.

- (3) In paragraph (2), after “approval” insert “by notice”.

Amendment of article 30

15. Omit article 30 (calculation of emissions from the use of CORSIA eligible fuels).

Amendment of article 31

16.—(1) Article 31 is amended as follows.

(2) In paragraph (2) for “The Regulator must inform” substitute “The Regulator must notify the aeroplane operator of its decision and inform”.

(3) In paragraphs (6) and (7) insert “and notify the requester” at the end of each paragraph.

Amendment of article 32

17. In article 32(5) (reporting of CORSIA eligible fuels), for “30” substitute “41C”.

Amendment of article 33

18.—(1) Article 33 (reporting to ICAO) is amended as follows.

(2) In paragraph (1) or “inform” substitute “notify”.

(3) In paragraph (2)—

(a) for “A Regulator” substitute “The Regulator”, and

(b) for “reported information deemed confidential” substitute “reported information determined to be confidential in accordance with article 31(6) or (8)”.

Amendment of article 37

19.—(1) Article 37 (data gaps) is amended as follows.

(2) In paragraph (4) for “between State Pairs defined in the ICAO document entitled “CORSIA States for Chapter 3 State Pairs””, in each place it occurs, substitute “subject to offsetting requirements under article 41A”.

(3) In paragraph (6) insert “, and notify the aeroplane operator of its estimate” at the end.

(4) Omit paragraph (7).

Amendment of article 39

20. In article 39(2) (reporting on improvement to the monitoring method) for “verification report”, in both places it occurs, substitute “Verification Report”.

Amendment of article 41

21. In article 41(1) (electronic data exchange and use of automated systems) for “verification reports” substitute “Verification Reports”.

Insertion of Part 3A

22. After article 41 (electronic data exchange and use of automated systems) insert—

“PART 3A

CO₂ offsetting requirements from international flights and emissions reductions from the use of CORSIA eligible fuels

CHAPTER 1

Offsetting

Applicability of CO₂ offsetting requirements

41A.—(1) For the period of 1st January 2021 to 31st December 2021, the offsetting requirements of this Part apply to an aeroplane operator with international flights between States as defined in the ICAO document entitled “CORSIA States for Chapter 3 State Pairs”(a).

(2) This Part does not apply to a new entrant aeroplane operator for three years starting in the year when it meets the requirements in articles 21(1), or until its annual CO₂ emissions exceed 0.1 per cent of total CO₂ emissions from international flights in 2020, whichever occurs earlier.

(3) The Regulator must calculate the aeroplane operator’s annual offsetting requirements based on the data reported in accordance with Part 3, the applicability requirements in this article, and the application of articles 41B and 41C.

CO₂ offsetting requirements

41B.—(1) The Regulator must calculate, for each of the aeroplane operators administered by it, the amount of CO₂ emissions required to be offset for the period from 1st January 2021 to 31st December 2021 prior to consideration of the CORSIA eligible fuels, as follows—

$$OR_y = OE * SGF_y$$

where—

OR_y = Aeroplane operator’s offsetting requirements in the given year y,

OE = Aeroplane operator’s CO₂ emissions calculated in accordance with article 41A(3) in the given year y, and

SGF_y = Sector’s Growth Factor(b) for the given year y.

(2) The Regulator must, upon calculating the offsetting requirements in a given year (OR_y) of each of the aeroplane operators administered by it for the purposes of this Order, inform the aeroplane operator of its offsetting requirements by notice according to the timeline set out in Schedule 1.

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- (a) “CORSIA States for Chapter 3 State Pairs” is available from the ICAO website at www.icao.int. For a hard copy contact the ICAO E-Commerce and Publications Sales Unit at International Civil Aviation Organisation (ICAO), 999 Robert-Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada (telephone +1 514-954-8219 and e-mail sales@icao.int).
- (b) The Sector’s Growth Factor applicable for a given year (SGF_y) is provided in the ICAO document entitled “CORSIA Annual Sector’s Growth Factor (SGF)” that is available from the ICAO CORSIA website, and is calculated as $(SE_y - SE_{B,y}) / SE_y$, where SE_y = Total sectoral CO₂ emissions covered by article 41A in the given year y and $SE_{B,y}$ = Average of total sectoral CO₂ emissions during 2019 and 2020 covered by article 41A in the given year y. Sectoral emissions in a given year (SE_y) do not include the CO₂ emissions from new entrants during their exception period, as defined in article 41A(2) and (3). As the States which form the “CORSIA States for Chapter 3 State Pairs”, as defined by article 41A, change over time, the average of total sectoral CO₂ emissions during 2019 and 2020 covered by these State pairs in the given year y ($SE_{B,y}$) will be recalculated.

Emissions reductions from the use of CORSIA eligible fuels

41C.—(1) An aeroplane operator that intends to claim for emissions reductions from the use of CORSIA eligible fuels in a given year must compute those emissions reductions as follows—

$$ER_y = FCF * \left[\sum_f MS_{f,y} * \left(1 - \frac{LS_f}{LC} \right) \right] \quad (a)$$

where—

ER_y = Emissions reductions from the use of CORSIA eligible fuels in the given year y , in tonnes,

FCF = Fuel conversion factor,

$MS_{f,y}$ = Total mass of a neat CORSIA eligible fuel claimed in the given year y , in tonnes, as described in and required by Field 12(b) in Table 1 of Schedule 5,

LS_f = Life cycle emissions value for a CORSIA eligible fuel, in gCO_2e/MJ , and

LC = Baseline life cycle emissions values for aviation fuel, equal to $89 gCO_2e/MJ$ for jet fuel and equal to $95 gCO_2e/MJ$ for AvGas.

(2) The fuel conversion factor referred to in paragraph (1) is equal to—

- (a) 3.16 (in $kg CO_2/kg$ fuel) for Jet-A fuel/Jet A1 fuel,
- (b) 3.10 (in $kg CO_2/kg$ fuel) for AvGas, or
- (c) 3.10 (in $kg CO_2/kg$ fuel) for Jet-B fuel.

(3) If a default life cycle emissions value is used, the aeroplane operator must use the ICAO document entitled “CORSIA Default Life Cycle Emissions Values for CORSIA Eligible Fuels”(b) for the calculation in paragraph (1).

(4) If an actual life cycle emissions value is used an approved Sustainability Certification Scheme must ensure that the methodology set out in the ICAO document entitled “CORSIA Methodology for Calculating Actual Life Cycle Emissions Values”(c) has been applied correctly.”.

Amendment of article 42

23. In article 42(2)(c) (charges) for “emissions monitoring plan” substitute “Emissions Monitoring Plan”.

Amendment of article 48

24.—(1) Article 48 (warrants) is amended as follows.

(2) In paragraph (1) for “to designate” substitute “or”.

(3) In paragraph (4)(a), at the beginning, insert “in England and Wales,”.

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- (a) The ratio $(1-LS_f/LC)$ is also referred to as the emissions reduction factor (ERF_f) of a CORSIA eligible fuel.
 - (b) “CORSIA Default Life Cycle Emissions Values for CORSIA Eligible Fuels” is available from the ICAO website at www.icao.int. For a hard copy contact the ICAO E-Commerce and Publications Sales Unit at International Civil Aviation Organisation (ICAO), 999 Robert-Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada (telephone +1 514-954-8219 and e-mail sales@icao.int).
 - (c) “CORSIA Methodology for Calculating Actual Life Cycle Emissions Values” is available from the ICAO website at www.icao.int. For a hard copy contact the ICAO E-Commerce and Publications Sales Unit at International Civil Aviation Organisation (ICAO), 999 Robert-Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada (telephone +1 514-954-8219 and e-mail sales@icao.int).

Amendment of article 52

25. In article 52(2)(b) (enforcement notices) for “emissions monitoring plan” substitute “Emissions Monitoring Plan”.

Amendment of article 54

26.—(1) Article 54 (penalty notices: supplementary) is amended as follows—

- (2) In paragraph (2), omit “Subject to paragraph (3),”.
- (3) Omit paragraph (3).

Amendment of article 56

27. In article 56(1) (failure to comply with condition of emissions monitoring plan) for “aircraft operator”, in both places it occurs, substitute “aeroplane operator”.

Amendment of article 65

28.—(1) Article 65(2) (right of appeal) is amended as follows.

- (2) In sub-paragraph (e), for “26(2)” substitute “26(6)”.
- (3) After sub-paragraph (e), insert—

“(ea) Article 27(2) (approval of modification of the Emissions Monitoring Plan),”.
- (4) In sub-paragraphs (g) and (l) for “Articles” substitute “Article”.
- (5) After sub-paragraph (i), insert—

“(ia) Article 41B(2) (CO₂ offsetting requirements),”.

Amendment of article 66

29. In article 66(2) (appeal body), for “Planning Appeals Commission” substitute “Planning Appeals Commissions (Northern Ireland)”.

Amendment of article 67

30. For article 67(2)(c) (effect of appeals), substitute—

- “(c) a notice under—
- (i) article 26(6) (modification of an Emissions Monitoring Plan),
 - (ii) article 27(2) (approval of modification of the Emissions Monitoring Plan), or
 - (iii) article 52(1) (enforcement notices).”.

Amendment of Schedule 1

31.—(1) Schedule 1 (administrative procedures) is amended as follows.

(2) In each of paragraph 1(2) to (6), in the introductory words before the table, for “and Regulators”, in each place it occurs, substitute “, Regulators and the Secretary of State”.

(3) In Table 1 (details of compliance timeline for 2021-2023 period), following the entry for “30th November 2022”, insert—

“30th November 2022

The Regulator must calculate and inform aeroplane operators of their offsetting requirements for 2021 in accordance with articles 41A and 41B.”

Amendment of Schedule 2

- 32.**—(1) Schedule 2 (fuel use monitoring methods) is amended as follows.
- (2) After paragraph 7(6) add—
- “(7) Average Fuel Burn Ratio (AFBR) based on all flights for a reporting year must be rounded to at least three decimal places.”.

Amendment of Schedule 4

- 33.**—(1) Schedule 4 (emissions monitoring plans) is amended as follows.
- (2) In paragraphs 2(b), in the two places it occurs, and in paragraph 3(b), for “air operator certificate” substitute “Air Operator Certificate”.
- (3) In paragraph 2(d) for “is attributed” substitute “are attributed”.
- (4) In paragraph 4—
- (a) in sub-paragraph (3)(a)(v) for “.” Substitute “,”,
- (b) in sub-paragraph (5) for “other than between State Pairs defined in the ICAO document entitled “CORSA States for Chapter 3 State Pairs”” substitute “which are not subject to offsetting requirements under article 41A”,
- (c) in sub-paragraph (6)(a) for “between State Pairs defined in the ICAO document entitled “CORSA States for Chapter 3 State Pairs”” substitute “which are subject to offsetting requirements under article 41A”, and
- (d) in sub-paragraph (8) for “flights other than between State Pairs defined in the ICAO document entitled “CORSA States for Chapter 3 State Pairs”” substitute “not subject to offsetting requirements under article 41A”.

Amendment of Schedule 5

- 34.**—(1) Schedule 5 (reporting) is amended as follows.
- (2) In Table 1 (content of aeroplane operator emissions report)—
- (a) in the entry for “Field 10”, in point (d) in the third column, after “AFBR” insert “(average fuel burn ratio)”,
- (b) in the entry for “Field 11”, in point (b) in the third column, for “, other than between State Pairs defined in the ICAO document entitled “CORSA States for Chapter 3 State Pairs”” substitute “not subject to offsetting requirements under article 41A”,
- (c) in the entry for “Field 12”, in point (d) in the third column, for “article 30” substitute “article 41C”, and
- (d) in the entry for “Field 13”—
- (i) in point (b) in the third column, for “between State Pairs defined in the ICAO document entitled “CORSA States for Chapter 3 State Pairs”” substitute “subject to offsetting requirements under article 41A”, and
- (ii) in point (c) in the third column, for “flightsother than between State Pairs defined in the ICAO document entitled “CORSA States for Chapter 3 State Pairs”” substitute “flights that are not subject to offsetting requirements under article 41A”.
- (3) In Table 5 (emissions report from the secretary of state to ICAO annually from and including 2021)—
- (a) in the entry for “Field 1”—
- (i) in point (a) in the third column, for “defined in the ICAO document entitled “CORSA States for Chapter 3 State Pairs”” substitute “subject to offsetting requirements, under article 41A,”, and

- (ii) in point (b) in the third column, for “other than those defined in the ICAO document entitled “CORSIA States for Chapter 3 State Pairs”,” substitute “not subject to offsetting requirements under article 41A”,
- (b) in the entry for “Field 3” in the second column, for “defined in the ICAO document entitled “CORSIA States for Chapter 3 State Pairs”” substitute “subject to offsetting requirements, under article 41A,”, and
- (c) in the entry for “Field 4” in the second column, for “other than those defined in the ICAO document entitled “CORSIA States for Chapter 3 State Pairs”” substitute “not subject to offsetting requirements under article 41A”.

Amendment of Schedule 6

35.—(1) Schedule 6 (verification) is amended as follows.

(2) Paragraph 2 is amended as follows—

- (a) in sub-paragraph (6) for “take over” substitute “take over responsibility for”,
- (b) in sub-paragraph (8) for “sub-paragraphs (11) to (16)” substitute “sub-paragraphs (10) to (13)”,
- (c) in sub-paragraph (9) for “sub-paragraph (11)” substitute “sub-paragraph (10)”,
- (d) in sub-paragraph (12)(j), at the beginning, insert “except when carrying out the verification of an Emissions Report,”, and
- (e) after sub-paragraph (13) insert—

“(13A) When conducting the verification of an Emissions Report, paragraphs (12)(a) to (i) apply.”.

(3) In paragraph 3(23), for “sub-paragraphs (5) to (7)” substitute “sub-paragraph (4)”.

Amendment of Schedule 7

36. In Schedule 7 (appeals to Scottish Land Court), in paragraph 2(1), for “date of the decision” substitute “date of the relevant notice for appeal under article 65(1)(b) or date of deemed refusal”.

Amendment of Schedule 8

37. Schedule 8 (appeals to planning appeals commissions (Northern Ireland)), in paragraph 2, for “date on which the decision of the Regulator takes effect” substitute “date of the relevant notice for appeal under article 65(1)(b) or date of deemed refusal”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements the offsetting requirements for the 2021 scheme year of the Carbon Offsetting and Reduction Scheme for International Civil Aviation (CORSIA) in Volume IV of Annex 16 to the Convention on International Civil Aviation adopted by the Council of the International Civil Aviation Organisation on 27th June 2018.

This Order extends to the whole of the United Kingdom.

The following amendments are made to incorporate the offsetting requirements into the Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021 (“the CORSIA Order”, S.I. 2021/534).

Article 6 amends the definitions in the CORSIA Order.

Articles 10, 19, 33 and 34 amend the references to flights that are subject to offsetting in the CORSIA Order.

Article 13(3) enables a Regulator to amend an Emissions Monitoring Plan, by notifying the aeroplane operator, where the Regulator considers it necessary following a change to the CORSIA Order. Articles 28(2) and 30 provide aeroplane operators with an appeal process.

Article 22 inserts Part 3A to the CORSIA Order to incorporate the CO₂ offsetting requirements from international flights and emissions reductions from the use of CORSIA eligible fuels.

Article 31 amends Schedule 1 to the CORSIA Order to incorporate timelines associated with the offsetting requirements.

Article 32 amends Schedule 2 to the CORSIA Order to clarify the rounding requirements specific to the Average Fuel Burn Ratio (AFBR).

Article 33 amends Schedule 4 to the CORSIA Order, which covers the Emissions Monitoring Plan requirements, to amend the references to flights that are and are not subject to offsetting in the CORSIA Order.

Article 34 amends Schedule 5 to the CORSIA Order to incorporate offsetting provisions into the CORSIA reporting requirements.

Article 35 amends Schedule 6 to the CORSIA Order to incorporate offsetting provisions into the CORSIA verification requirements.

Other provisions correct errors in the CORSIA Order.

A full impact assessment has not been produced for this Order as no significant impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been published alongside this Order on the UK legislation website, www.legislation.gov.uk.

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