

UPDATE Aviation (EU Emissions Trading) – **New Deadline for the Submission of Emissions Monitoring Plans**

Important information for all aircraft operators regulated by the UK

Dear Aircraft Operator

All operators included in the Aviation EU Emissions Trading System (ETS) and allocated to the UK for regulation must submit an emissions monitoring plan to their UK regulator outlining how they will determine their reportable annual CO₂ emissions. The deadline envisaged for this was 31 August 2009.

However, in order for UK regulators to require aircraft operators to submit emissions monitoring plans there needs to be a firm and agreed list of operators allocated to each EU Member State for regulation (“the list”) published by the European Commission.

As we are relying on the list in domestic legislation to identify operators subject to UK regulation, until the list is published in the Official Journal of the European Union (OJEU) the UK Government is legally unable to lay before Parliament its first stage Regulations transposing the Aviation EU ETS Directive.

The earliest we are expecting the European Commission to publish the list is around the end of July 2009. The Regulations will be laid before Parliament shortly after the European Commission has published the list. The Regulations will come into force no fewer than 21 days after being laid before Parliament. The deadline for the application of emissions plan is therefore no longer 31st August 2009. An updated timetable for this process is set out later on in this note.

To provide early sight of the requirements the Regulations will place upon aircraft operators covered by EU ETS, the UK Government has published the final draft of its first stage Regulations for information only. The Regulations and other relevant documents can be found on the Department of Energy & Climate Change (DECC) aviation webpage at:

http://www.decc.gov.uk/en/content/cms/what_we_do/change_energy/tackling_clima/emissions/eu_ets/aviation/aviation.aspx

Taking the requirements of the Regulations into consideration, the following summary outlines the timeline that applies to the submission of the first emissions monitoring plan to your UK Regulator:

- Aircraft Operators⁽¹⁾ are required to apply to their Regulator for an emission plan no later than 8 weeks after the first stage Regulations come into force;
- Regulators are required to issue an approved plan or refuse to issue a plan within 4 months of receiving an application for a plan.

- Aircraft Operators who wish to submit an application for a benchmarking plan in connection with application for free allocation must do so by 31 December 2009.
- The Regulator has discretion to submit reports of tonne kilometre data where late applications for benchmarking plans are received.

⁽¹⁾ The Regulations define an aircraft operator as a person who is a UK specified operator (i.e. allocated to the UK for regulation under the EU ETS by means of the Commission's list allocating aircraft operators to Member States) and performs an aviation activity (as defined in Annex I of the Aviation EU ETS Directive) in that year. If a person becomes an aircraft operator after the Regulations come into force then they must apply to the regulator for an emissions plan within 8 weeks of becoming an aircraft operator.

Based on the above timeline, the deadline for submission of an application for an emissions plan will be approximately 11 weeks from the date the European Commission publishes the list in OJEU.

Aircraft Operators assigned to the UK as the administering Member State will be required to submit their proposed monitoring plans to the Environment Agency, or other UK regulators, using a web-based application system. We are planning to make this system available to all aircraft operators who appear on the list allocated to the UK as administering Member State. Soon after the list is published we will provide secure login details to all aircraft operators who have provided the relevant contact information so that they can start to complete their on-line monitoring plan(s). Aircraft Operators will not, however, be able to submit their plan(s) until after the Regulations come into force.

If an aircraft operator has not provided contact details to the Environment Agency it is essential that they do so, as failure to provide the details will mean that they will not be able to gain access the system.

We strongly advise operators to continue the process of developing their plans, using the guidance and example plans available on the Environment Agency website. When developing plans it is important that you refer to the most up-to-date monitoring plan templates, as the web-based application system will require at least the same information as the current Commission templates. The most up-to-date templates can be obtained from the following link to the Commission's website:

http://ec.europa.eu/environment/climat/emission/mrg_templates_en.htm

When the list is published and the Regulations laid before Parliament we will email you again with the definitive deadline for the submission of your emissions plan.

Failure to submit an emissions plan by this deadline will result in a penalty, as set out in the regulations.

Please visit the Environment Agency's website (<http://www.environment-agency.gov.uk/business/topics/pollution/107596.aspx>) which is a vital source of information for aircraft operators regulated by the UK under EU ETS.

Kind regards,

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etaviationhelp@environment-agency.gov.uk