

UPDATE Aviation EU Emissions Trading – **Deadline for the Submission of Emissions Monitoring Plans – 12 November 2009**

Important information for all aircraft operators regulated by the UK

Dear Aircraft Operator

All aircraft operators included in the Aviation EU Emissions Trading System (EU ETS) and allocated to the UK for regulation must submit an application for an emissions plan to their UK regulator, setting out how they will monitor their annual CO₂ emissions.

The list of aircraft operators allocated to each EU Member State for regulation (“the list”) has been published in the Official Journal of the European Union (OJEU) and can be viewed at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:219:0001:0094:EN:PDF>

The UK Government has now laid before Parliament its first stage Regulations transposing in part the Aviation EU ETS Directive. The Regulations will come into force on 17 September 2009 (i.e. 21 days after being laid before Parliament)

The Regulations will soon be published on the website of the Office of Public Sector Information (OPSI) (www.opsi.gov.uk).

The Regulations and the accompanying final Impact Assessment will then be made available on the Department of Energy & Climate Change (DECC) website.

In addition to the mandatory requirement to apply for an emissions plan, an operator who has been allocated to the UK for regulation on the list may apply to their UK regulator for a benchmarking plan. This is needed in order to obtain a free allocation of allowances.

Aircraft operators allocated to the UK for regulation are required to apply to their UK regulator for emissions plans and benchmarking plans electronically (using the Environment Agency’s web-based application system). We are providing secure login details to all aircraft operators who have supplied the relevant contact information. Please contact us through the helpdesk email address given below if you have any difficulties accessing the system **or if you have not yet provided us with your details.**

The Regulations will come into force on **17 September 2009**. You will not be able to **submit** your application for plans until this date. However, you can access the system and start compiling your applications **now**. We strongly advise you to do this so you are ready to submit as close to 17 September 2009 as possible. This will maximise the chance of receiving an approved plan before 1 January 2010.

Taking the requirements of the Regulations into consideration, the following summary outlines the timeline for your participation in EU ETS:

- Aircraft operators⁽¹⁾ are required to apply to their UK regulator for an emissions plan no later than **12 November 2008**.
- If a person becomes an aircraft operator after 17 September 2009, they must apply to their regulator for an emissions plan within 8 weeks of becoming an aircraft operator.
- Regulators are required to issue an approved plan or refuse to issue a plan as soon as reasonably practicable, but 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 should do so by 31 December 2009. However we strongly advise you to do this **as close to 17 September as possible** and preferably submit your applications for emissions and benchmarking plans at the same time.
- Regulators have discretion to submit reports of tonne kilometre data to the Secretary of State (for onward submission to the European Commission) where late applications for benchmarking plans are received.

(1) The Regulations define an aircraft operator as a person who is allocated to the UK for regulation under the EU ETS by means of the Commission's list and performs an aviation activity (as defined in Annex I of the Aviation EU ETS Directive) in that year.

Note: Aircraft operators will be liable to a civil penalty under the Regulations for failure to submit an application for an emissions plan by 12 November 2009.

If you are an operator that is allocated to the UK on the Commission's list but you believe you do not fall under UK regulation because you do not perform an aviation activity as defined in Annex I of the Directive please contact us and **provide supporting evidence as soon as possible**. We will then review the evidence and respond to you. Any evidence should be sent to the helpdesk email address below.

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 the EU ETS.

Kind regards,

ET Aviation Helpdesk
etaviationhelp@environment-agency.gov.uk