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STATUTORY INSTRUMENTS

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**2009 No. 2301**

**The Aviation Greenhouse Gas Emissions  
Trading Scheme Regulations 2009**

**[<sup>F1</sup>PART 1**

**General**

**[<sup>F1</sup>Interpretation**

**2. In these Regulations—**

“additional daily penalty” has the meaning given by regulation 21(1)(b);

“address” means, in relation to electronic communications, any number or address used for the purpose of such communication;

“affected party” has the meaning given by paragraph 8(a) of Schedule 2;

“aircraft operator” has the meaning given by regulation 3;

“allowance” means an allowance issued to aircraft operators under Article 3e of the EU ETS Directive;

“appeal body” has the meaning given by regulation 36(6);

“area”, in relation to a regulator, means—

(a) in respect of the Environment Agency, England and Wales;

(b) in respect of the Scottish Environment Protection Agency, Scotland;

(c) in respect of the chief inspector, Northern Ireland;

“authority” has the meaning given by regulation 7;

“aviation activity” means the category of aviation activity listed in Annex I to the EU ETS Directive but with the reference to 1st January 2012 omitted;

“aviation emissions” means emissions from an aviation activity;

“benchmarking plan” means a plan issued under regulation 10(1)(a);

“chief inspector” means the chief inspector constituted under regulation 8(3) of the Northern Ireland Regulations;

“Commission list” means the list of operators specified in Commission Regulation [\(EC\) No 748/2009](#) on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive [2003/87/EC](#) on or after 1 January 2006 specifying the administering Member State for each aircraft operator <sup>M1</sup>, as amended from time to time;

“electronic communication” has the same meaning as in the Electronic Communications Act 2000 <sup>M2</sup>;

“emissions” means the release of greenhouse gases into the atmosphere;

“emissions plan” means a plan issued under regulation 15;

“EU ETS Directive” means Directive [2003/87/EC](#) of the European Parliament and of the Council establishing a scheme for greenhouse gas emissions allowance trading within the Community and amending Council Directive [96/61/EC](#)<sup>M3</sup>, as amended from time to time;

“greenhouse gases” has the meaning given by Article 3(c) of the EU ETS Directive;

“independent verifier” means a person or body accredited or endorsed by UKAS to carry out the verification requirements of Article 15 of the EU ETS Directive;

“interested party” has the meaning given by paragraph 8(b) of Schedule 2;

“Monitoring and Reporting Decision” means Commission Decision [2007/589/EC](#) establishing guidelines for the monitoring and reporting of greenhouse gas emissions pursuant to Directive [2003/87/EC](#) of the European Parliament and of the Council<sup>M4</sup>, as amended from time to time;

“Northern Ireland Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003<sup>M5</sup>;

“Planning Appeals Commission” means the Planning Appeals Commission established under Article 110 of the Planning (Northern Ireland) Order 1991<sup>M6</sup>;

“registered office” means the address that is required under section 86 of the Companies Act 2006<sup>M7</sup>;

“regulator” has the meaning given by regulations 4, 5 and 6;

“tonne-kilometre data” has the meaning given by Part B of Annex IV to the EU ETS Directive;

“trading period” means one of the following periods—

- (a) 2012;
- (b) 2013 to 2020; or
- (c) subsequent periods of eight calendar years;

“UK operator” means a person who is—

- (a) identified in the Commission list; and
- (b) specified in that list as an operator to be administered by the United Kingdom;

“UKAS” means the United Kingdom Accreditation Service<sup>M8</sup>.]

### Textual Amendments

**F1** Regulations revoked (31.8.2010) by [The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010 \(S.I. 2010/1996\)](#), **regs. 1, 60** (with savings and transitional provisions in reg. 60(2)-(12))

### Marginal Citations

**M1** OJ No L 219, 22.08.09, p.1.

**M2** [2000 c.7](#); the definition of electronic communication in section 15(1) was amended by the [Communications Act 2003 \(c. 21\)](#), **section 406(1)** and Schedule 17, paragraph 158.

**M3** OJ No. L 275, 25.10.03, p.32. The Directive is amended by Directive 2004/101/EC, OJ No. L 338, 13.11.2004, p.18.

**M4** OJ No. L 59, 26.02.04, p.1.

**M5** S.R. (NI) 2003 No 46, amended by [S.I. 2003/496](#), [S.I. 2003/3311](#); there is another amending instrument which is not relevant.

**M6** [S.I. 1991/1220 \(N.I.11\)](#); relevant amending instruments are [S.I. 1999/660 \(N.I.4\)](#), [2003/430 \(N.I.8\)](#).

**M7** [2006 c..46](#).

**M8** The United Kingdom Accreditation Service Limited (company number 03076190) is a company limited by guarantee and which operates under a memorandum of understanding made on 1st August 1995 between it and the then Secretary of State for Trade and Industry.

**Changes to legislation:**

There are currently no known outstanding effects for the The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2009, Section 2.