
STATUTORY INSTRUMENTS

2010 No. 1996

**The Aviation Greenhouse Gas Emissions
Trading Scheme Regulations 2010**

PART 1

General

Interpretation

2. In these Regulations—

“2009 Regulations” means the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2009⁽¹⁾;

“additional daily penalty” has the meaning given by regulation 30(1)(b);

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

“aerodrome operator” has the meaning given by regulation 48(b);

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

“allowance” has the meaning given by Article 3 of the EU ETS Directive;

“appeal body” has the meaning given by regulation 52(9);

“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 regulations 7 and 51(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—

(a) regulation 10(1)(a); or

(b) regulation 10(1)(a) of the 2009 Regulations;

“benchmarking year” means—

(a) for the trading period 2013 to 2020, 2010; and

(b) for subsequent trading periods of eight calendar years, the calendar year ending 24 months before the beginning of the period;

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

“Commission list” means the list of operators set out 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⁽²⁾, as amended from time to time;

“electronic communication” has the same meaning as in the Electronic Communications Act 2000⁽³⁾;

“eligible UK operator” has the meaning given by regulation 15;

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

“emissions plan” means a plan issued under—

- (a) regulation 19(1)(a); or
- (b) regulation 15(1)(a) of the 2009 Regulations;

“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](#)⁽⁴⁾, as amended from time to time;

“greenhouse gases” has the meaning given by Article 3 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;

“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⁽⁵⁾, as amended from time to time;

“Northern Ireland Regulations” means the Pollution Prevention and Control Regulations (Northern Ireland) 2003⁽⁶⁾;

“Planning Appeals Commission” means the Planning Appeals Commission established under Article 110 of the Planning (Northern Ireland) Order 1991⁽⁷⁾;

“registered office” (except in Schedule 6) means the registered office in the United Kingdom that is required under section 86 of the Companies Act 2006⁽⁸⁾;

“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;

“tonne-kilometres” 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

(2) OJ No L 219, 22.8.2009, p 1; the Regulation is amended by Commission Regulation (EU) No 82/2010 (OJ No L 25, 29.1.2010, p 12).

(3) [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.

(4) OJ No L 275, 25.10.03, p 32. The Directive is amended by European Parliament and Council Directives [2004/101/EC](#) (OJ No L 338, 13.11.2004, p 18), [2008/101/EC](#) (OJ No L 8, 13.1.2009, p 3) and [2009/29/EC](#) (OJ No L 140, 5.6.2009, p 63), and by Regulation (EC) No 219/2009 of the European Parliament and of the Council (OJ No L 87, 31.3.2009, p 109).

(5) OJ No. L 229, 31.8.2007, p.1; the Decision is amended as regards the inclusion of monitoring and reporting guidelines for emissions and tonne-kilometre data from aviation activities by Commission Decision [2009/339/EC](#) (OJ No L 103, 23.4.2009, p. 10).

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

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

(8) [2006 c. 46](#).

(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⁽⁹⁾.

⁽⁹⁾ The United Kingdom Accreditation Service (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.