
STATUTORY INSTRUMENTS

2014 No. 3125

The Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2014

Surrender of allowances: UK aircraft operators

13. After regulation 42, insert—

“Surrender of allowances: UK aircraft operators: 2013, 2014 and subsequent scheme years

42A.—(1) Subject to paragraphs (3) and (4), by 30th April 2015, a UK administered operator (“A”) must surrender a number of allowances or aviation allowances equal to the sum of A’s annual reportable emissions in the scheme years 2013 and 2014.

(2) Subject to paragraph (3) and regulation 42B, for each scheme year beginning with 2015, A must, by the following 30th April, surrender a number of allowances or aviation allowances equal to A’s annual reportable emissions in that scheme year.

(3) For each scheme year beginning with 2013 and ending with 2016, the duty in paragraphs (1) and (2) does not apply in respect of A’s excluded aviation emissions.

(4) The duty in paragraph (1) does not apply for a scheme year in which A was an exempt non-commercial air transport operator.

Surrender of a deficit of allowances: UK administered operators

42B.—(1) Paragraphs (2) and (3) apply where a deficit arises in respect of compliance by a UK administered operator with regulation 42A(1) or 42A(2) for a scheme year (the “non-compliance year”).

(2) Where the deficit does not result from an error in the verified emissions report submitted by the UK administered operator, the amount of allowances or aviation allowances that the UK administered operator is required to surrender under regulation 42A(2) for the recovery year is increased by an amount of allowances or aviation allowances equal to the deficit.

(3) Where the deficit results from an error in the verified emissions report submitted by the UK administered operator, the amount of annual reportable emissions of the UK administered operator in the year in which the error is discovered, for the purpose of regulation 42A(2), is increased by an amount of annual reportable emissions equal to the deficit.

(4) In this regulation—

(a) “deficit” means a shortfall in the number of allowances or aviation allowances⁽¹⁾ surrendered, calculated as—

(i) where the non-compliance year is any scheme year beginning with 2013 and ending with 2016, $x - y - z$, where—

(1) An allowance is an allowance to emit one tonne of carbon dioxide equivalent, see Article 3(a) of the Directive.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

‘x’ is the amount of annual reportable emissions arising in the non-compliance year;

‘y’ is the amount of excluded aviation emissions arising in the non-compliance year (expressed in tonnes of carbon dioxide equivalent); and

‘z’ is the amount of allowances or aviation allowances which the UK administered operator surrendered for the non-compliance year; and

(ii) where the non-compliance year is any scheme year beginning with 2017,

$x - y$, where—

‘x’ is the amount of annual reportable emissions arising in the non-compliance year; and

‘y’ is the amount of allowances or aviation allowances which the UK administered operator surrendered for the non-compliance year; and

(b) the “recovery year” means, in respect of a failure to comply with—

(i) regulation 42A(1), the scheme year 2015; or

(ii) regulation 42A(2), the scheme year following the non-compliance year.”.