
STATUTORY INSTRUMENTS

2014 No. 3125

**The Greenhouse Gas Emissions Trading
Scheme (Amendment) Regulations 2014**

Application for an emissions plan by a UK administered operator: 2015 activities, 2016 activities and post-2016 activities

6. After regulation 32, insert—

“Application for an emissions plan by a UK administered operator: 2015 activities and 2016 activities

32A.—(1) This regulation applies to a UK administered operator (“B”) who commences aviation activities other than excluded aviation activities during the scheme years 2015 (“the 2015 activities”) or 2016 (“the 2016 activities”).

(2) Subject to paragraphs (3) to (7), B must apply to the regulator for a monitoring plan by the application date.

(3) Where B is unable to foresee the date on which B is due to commence, as appropriate, the 2015 activities or the 2016 activities, B must—

- (a) apply to the regulator for a monitoring plan without delay after B is aware that B will commence, as appropriate, the 2015 activities or the 2016 activities and in any event by a date no later than 6 weeks after the date on which the 2015 activities or the 2016 activities commence; and
- (b) include with the application a written explanation of why B was unable to comply with paragraph (2).

(4) Paragraph (5) applies where B is unable to comply with paragraph (2) by reason only that B’s administering member State, referred to in Article 18a of the Directive, is not known by the application date.

(5) Where this paragraph applies B must—

- (a) apply to the regulator for a monitoring plan in respect of, as appropriate, the 2015 activities or the 2016 activities, without delay once information on B’s administering member State becomes available; and
- (b) include with the application a written explanation of why B was unable to comply with paragraph (2).

(6) Paragraph (7) applies where B was a non-UK operator and becomes a UK administered operator after the transferred operator cut-off date.

(7) Where this paragraph applies, B must apply to the regulator for a monitoring plan by the transferred operator application date.

(8) In this regulation—

- (a) “application date” means—

- (i) in the case of 2015 activities, the later of 31st January 2015 or the date which is 4 months before the date on which the 2015 activities are due to commence; and
- (ii) in the case of 2016 activities, the date which is 4 months before the date on which the 2016 activities are due to commence;
- (b) “transferred operator application date” means—
 - (i) in the case of 2015 activities, the later of 31st January 2015 or the last day of the 8 week period beginning with the date on which B becomes a UK administered operator; and
 - (ii) in the case of 2016 activities, the last day of the 8 week period beginning with the date on which B becomes a UK administered operator; and
- (c) “transferred operator cut-off date” means the date which is 6 months before the date on which the 2015 activities, or 2016 activities, as appropriate, are due to commence.

Application for an emissions plan by a UK administered operator: post-2016 activities

32B.—(1) This regulation applies—

- (a) to a UK administered operator (“C”) who commences only excluded aviation activities during the scheme years 2015 or 2016; and
- (b) where C carries out aviation activities after 31st December 2016 (“post-2016 activities”).

(2) Subject to paragraphs (3) to (7), C must apply to the regulator for a monitoring plan in respect of C’s post-2016 activities by a date which is no later than 4 months before the date on which C’s post-2016 activities are due to commence (“the application date”).

(3) Where C is unable to foresee the date on which C is due to commence post-2016 activities, C must—

- (a) apply to the regulator for a monitoring plan in respect of C’s post-2016 activities without delay after C is aware that C will commence the post-2016 activities and in any event by a date no later than 6 weeks after the date on which the post-2016 activities commence; and
- (b) include with the application a written explanation of why C was unable to comply with paragraph (2).

(4) Paragraph (5) applies where C is unable to comply with paragraph (2) by reason only that C’s administering member State, referred to in Article 18a of the Directive, is not known by the application date.

(5) Where this paragraph applies, C must—

- (a) apply to the regulator for a monitoring plan in respect of C’s post-2016 activities without delay once information on C’s administering member State becomes available; and
- (b) include with the application a written explanation of why C was unable to comply with paragraph (2).

(6) Paragraph (7) applies where C was a non-UK operator and becomes a UK administered operator after the transferred operator cut-off date.

(7) Where this paragraph applies, C must apply to the regulator for a monitoring plan by the transferred operator application date.

- (8) In this regulation—
- (a) “transferred operator application date” means the last day of the 8 week period beginning with the date on which C becomes a UK administered operator; and
 - (b) “transferred operator cut-off date” means the date which is 6 months before the post-2016 activities are due to commence.

Application for an emissions plan by a UK administered operator: general

32C.—(1) An application for a monitoring plan under regulation 32A or 32B must include a draft plan to monitor the UK administered operator’s aviation emissions, together with the supporting documents which are required to be submitted under Article 12(1).

(2) If a UK administered operator has previously been issued with an emissions plan (“the existing plan”)—

- (a) an application under regulation 32A or 32B may not be made without the agreement of the regulator; and
- (b) any plan issued under regulation 34(1)(a) replaces the existing plan.”.