

Annex

Transposition Table: Regulation (EU) 2017/2392 of the European Parliament and of the Council of 13 December 2017 amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021.

<http://eur-lex.europa.eu/eli/reg/2017/2392/oj>

This note describes, in table form, how the Articles of the EU ETS Directive which have been amended by Regulation (EU) 2017/2392 have been transposed into UK legislation via the Greenhouse Gas Emissions Trading Scheme Regulations 2012.

Article	Copy out (yes/no)	If no - justification	Previous National Provision	New National Provision
Article 1(1) – post 2023 review	No	No transposition required	NA	NA
Article 1(2) – study on passing on cost of CO2	No	No transposition required	NA	NA
Article 1(3) – use of auctioning revenues	No	No transposition required	NA	NA
Article 1(4) – post 2020 use of aviation allowances by stationary operators	No	No transposition required	NA	NA
Article 1(5) – prohibiting issuing of allowances to MS with obligations lapsing	No	No transposition required	NA	NA
Article 1(6)(a) – replacing title of Article 28a	No	No transposition required	NA	NA
Article 1(6)(b) – extending the derogation so only intra-EEA flights are included in scope from 2016 to 2023	No	It is necessary to relate the derogation provided by Article 1(6)(b) to the specific provisions of UK legislation that implement the existing obligations that are being derogated from.	Relevant dates amended in Regulations 32(7), 32A, 32B, 33A, 35(5), 35(6)(a), 42A(3), 42B	NA

Article 1(6)(c) – application of linear factor to allowance from 2021	No	No transposition required	NA	NA
Article 1(6)(d) – extending to 2023 the reduction of allowances auctioned by emissions from flights not subject to the scope derogation	No	No transposition required	NA	NA
Article 1(6)(e) – extending derogation from verification of report to operators with annual reportable emissions of less than 3,000 tonnes within intra-EEA flights	No	It is necessary to re-phrase to fit in with the language of existing Regulations	35(7)	NA
Article 1(6)(f) – extends scope derogation to linked agreements, where in line with such	No	No transposition required	NA	NA
Article 1(6)(g) – deleting reference to ICAO (as updated paragraph set out by Article 1(7))	No	No transposition required	NA	NA
Article 1(7) – New Articles 28b and 28c on reporting a review on the implementation of ICAO’s global market-based measure and provisions for monitoring, reporting and verification for the purposes of the global market-based measure	No	No transposition required	NA	NA
Article 1(8) – Commission to present updated analysis on non-CO2 effects of aviation	No	No transposition required	NA	NA
Article 1(9) – non-commercial flights with less than 1000 tonnes of total annual emissions excluded from definition of	No	This needs to be described in the context of the definition of “aviation activity” for Schedule 7 and the periods it relates to.	Schedule 7, paragraph 1A	NA

aviation activity until 2030					
Article 2 – coming into force date	No	No transposition required	NA	NA	