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STATUTORY INSTRUMENTS

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**2021 No. 534**

**The Air Navigation (Carbon Offsetting and Reduction  
Scheme for International Aviation) Order 2021**

**PART 2**

**Administration**

**CHAPTER 1**

**General**

**Notification to ICAO of voluntary participation in CORSIA**

7.—(1) The Secretary of State must notify ICAO of any change in the decision by the government of the United Kingdom to voluntarily participate, or to discontinue its voluntary participation, in CORSIA, for the purpose of the inclusion of the United Kingdom in the ICAO document entitled “CORSIA States for Chapter 3 State Pairs”(1).

(2) The notification in paragraph (1) must be made by 30th June in each year from and including 2021 to and including 2025, for the purposes of inclusion in the subsequent year of the scheme.

**Attribution of an aeroplane operator to the United Kingdom**

8.—(1) The United Kingdom is the administering State for an aeroplane operator where—

- (a) the aeroplane operator has an ICAO Designator which identifies the United Kingdom as the Notifying State, as listed in the ICAO document entitled ICAO Designators for Aircraft Operating Agencies, Aeronautical Authorities and Services(2),
- (b) without an ICAO Designator, the aeroplane operator has a valid AOC, or equivalent, or
- (c) without an ICAO Designator or AOC, the aeroplane operator has its registered office in the United Kingdom or, where the aeroplane operator is a natural person, is resident in the United Kingdom.

(2) An aeroplane operator with international flights attributed to it and which has the United Kingdom as its administering State must notify the Regulator of that fact.

(3) The Secretary of State, with the assistance of the Regulator, must ensure the correct attribution of an aeroplane operator to the United Kingdom according to the approach in paragraph (1).

(4) A Regulator must, by 30th October in each scheme year, provide the Secretary of State with a list of aeroplane operators for which it is the Regulator.

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(1) “CORSIA States for Chapter 3 State Pairs” is available from the ICAO website at [www.icao.int](http://www.icao.int). For a hard copy contact the ICAO E-Commerce and Publications Sales Unit at International Civil Aviation Organisation (ICAO), 999 Robert-Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada (telephone +1 514-954-8219 and e-mail [sales@icao.int](mailto:sales@icao.int)).

(2) ICAO Designators and Notifying States are contained in ICAO Designators for Aircraft Operating Agencies, Aeronautical Authorities and Services (Doc 8585) which is available from the ICAO website at [www.icao.int](http://www.icao.int). For a hard copy contact the ICAO E-Commerce and Publications Sales Unit at International Civil Aviation Organisation (ICAO), 999 Robert-Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada (telephone +1 514-954-8219 and e-mail [sales@icao.int](mailto:sales@icao.int)).

(5) The Secretary of State must submit to ICAO in accordance with the timeline set out in Schedule 1 a list of aeroplane operators which are attributed to the United Kingdom containing the required information as described in Schedule 5, Table 3 and the Secretary of State may submit updates to this list to ICAO on a more frequent basis.

### **Attribution of international flights to an aeroplane operator**

**9.—(1)** An aeroplane operator must identify international flights that are attributed to it in accordance with paragraph (3).

(2) Two or more consecutive flights operated under the same flight number are considered as separate flights for the purposes of this Order.

(3) An international flight is attributable to an aeroplane operator as follows—

- (a) when Item 7 (aircraft identification)(3) of the flight plan contains the ICAO Designator, that flight must be attributed to the aeroplane operator that has been assigned this Designator,
- (b) when Item 7 (aircraft identification) of the flight plan contains the nationality or common mark, and registration mark of an aeroplane that is explicitly listed in a valid AOC, or equivalent, that flight must be attributed to the aeroplane operator that holds the air operator certificate, and
- (c) when the aeroplane operator of a flight has not been identified under sub-paragraphs (a) or (b), that flight must be attributed to the aeroplane owner who must then be considered to be the aeroplane operator of that flight.

(4) If requested by the Regulator, aeroplane owners identified under paragraph (3)(c) must provide all information necessary to identify the actual aeroplane operator of a flight.

(5) The aeroplane operator may, by contract, delegate the administrative requirements of this Order to a third party, as long as the delegation is not to the same entity as the verification body. Liability for compliance must not be delegated.

(6) Nationality and registration marks, referred to in paragraph (3)(b), are defined in paragraph 1, Part 2 of Schedule 4 to the Air Navigation Order 2016(4).

### **Meaning of Regulator**

**10.—(1)** Subject to paragraph (2) and article 17, the Regulator of an aeroplane operator who has been attributed to the United Kingdom under article 8(1) is—

- (a) the Environment Agency(5), where the aeroplane operator —
  - (i) has its registered office or is resident in England, or
  - (ii) does not have a registered office or is not resident in the United Kingdom,
- (b) the NRW, where the aeroplane operator has its registered office or is resident in Wales,
- (c) the SEPA where the aeroplane operator has its registered office or is resident in Scotland,
- (d) the chief inspector, where the aeroplane operator has its registered office or is resident in Northern Ireland.

(3) The reference to Item 7 is based on the ICAO model flight plan form contained in Appendix 2 of ICAO Procedures for Air Navigation Services - Air Traffic Management (Doc 4444) which is available from the ICAO website at [www.icao.int](http://www.icao.int). For a hard copy contact the ICAO E-Commerce and Publications Sales Unit at International Civil Aviation Organisation (ICAO), 999 Robert-Bourassa Boulevard, Montreal, Quebec H3C 5H7, Canada (telephone +1 514-954-8219 and e-mail [sales@icao.int](mailto:sales@icao.int)).

(4) *S.I. 2016/765*, to which there are amendments not relevant to this Order.

(5) The Environment Agency was established by section 1 of the Environment Act 1995 (c. 25).

(2) For an aeroplane operator who is administered as an aircraft operator under the UK ETS Order in a scheme year, the Regulator is the regulator specified in that Order.

### **Regulator tasks**

**11.—(1)** A Regulator must approve an aeroplane operator's compliance on the basis of satisfactory evidence that the aeroplane operator meets requirements that are at least equal to the applicable standards specified in this Order.

(2) A Regulator must, by 30th October in each scheme year, provide the Secretary of State with a list of verification bodies accredited in the part of the United Kingdom for which it is responsible under article 10 containing the required information described in Schedule 5, Table 3.

(3) The Secretary of State must submit to ICAO a list of verification bodies which are accredited in the United Kingdom containing the required information described in Schedule 5, Table 3, and in accordance with the relevant timeline set out in Schedule 1. The Secretary of State may submit updates to this list to ICAO on a more frequent basis.

### **Record keeping**

**12.—(1)** Each aeroplane operator must keep records relevant to the requirements of this Order for a period of 10 years.

(2) The Regulator of an aeroplane operator must keep records relevant to that aeroplane operator's CO<sub>2</sub> emissions per State pair during 2019 and 2020 in order to calculate each aeroplane operator's offsetting requirements during the 2030-2035 compliance periods. Those records must be kept for the duration of CORSIA and the 5 years following the end of CORSIA.

### **Compliance periods and timeline**

**13.** The Secretary of State, and each Regulator and aeroplane operator must comply with the requirements of this Order in accordance with the relevant timeline set out in Schedule 1.

### **Equivalent procedures**

**14.—(1)** The use, in relation to an aeroplane operator, of equivalent procedures in lieu of the procedures specified in this Order, must be approved by the Secretary of State with the assistance of the Regulator of that aeroplane operator.

(2) Equivalent procedures must demonstrably meet the requirements in Volume IV of Annex 16 to the Chicago Convention.

### **The CAA**

**15.—(1)** The CAA must provide such assistance and advice as a Regulator may require in connection with any of the Regulator's functions under this Order.

(2) The CAA is entitled to recover from the Regulator a sum equal to any expense reasonably incurred by it in providing the Regulator with assistance or advice under paragraph (1).