

# Department for **Transport**

*The EU Directive to include aviation within the EU Emissions Trading System (EU ETS) came into force on 2 February 2009. All flights departing from and arriving at EU airports will be included in the EU ETS from 2012, and to comply with the Directive aircraft operators will be required to monitor emissions from 1 January 2010. In this open letter to the 891 aircraft operators regulated by the UK, the UK Director General of Civil Aviation highlights the important deadlines that operators should be aware of, and explains how to comply.*

Dear Sir,

***Open letter from the UK Director General of Civil Aviation to aircraft operators on the important deadlines for compliance with the Aviation EU Emissions Trading System.***

The EU Directive (2008/101/EC) to include aviation within the EU Emissions Trading System (EU ETS) came into force on 2 February 2009. Including aviation in the EU ETS marks significant progress towards enabling the aviation sector to take responsibility for its carbon emissions in the most cost effective way. All flights departing from and arriving at EU airports will be included in the EU ETS from 2012, and to comply with the Directive operators will be required to monitor emissions from 1 January 2010.

Preparation is gathering pace. On 22 August this year the European Commission published the list of aircraft operators to be regulated by EU Member States under EU ETS in the Official Journal of the European Union. This can be viewed at [http://ec.europa.eu/environment/climat/aviation/index\\_en.htm](http://ec.europa.eu/environment/climat/aviation/index_en.htm). EU Member States are now moving ahead with the implementation process.

The United Kingdom is responsible for regulating 891 aircraft operators, the second largest number allocated to any EU Member State. These operators come from all over the world but the largest numbers of non-UK based operators are in the United States.

The first of two pieces of UK legislation implementing Aviation EU ETS came into force on 17 September 2009. All operators regulated by the UK must submit an application for an emissions plan as soon as possible, and by the deadline given in the legislation of 12 November 2009.

The emissions plan will set out how the operator will monitor their annual CO<sub>2</sub> emissions in the future. Operators regulated by the UK who fail to apply for an emissions plan will face financial penalties.

The emissions plan process uses a web-based application system accessed through the website of the [Environment Agency](#) (EA), the main regulatory body for EU ETS in the UK. Operators who have not yet received login details from the EA should contact them using the email address provided on their website ([etaviationhelp@environment-](mailto:etaviationhelp@environment-)

[agency.gov.uk](http://agency.gov.uk)). The EA will then provide the operator with secure login details which will enable them to access the system and complete and submit an emissions plan.

Once an application has been made, the Environment Agency will issue an approved plan as soon as possible, but within 4 months of the application being received.

Aircraft operators can also apply for a share of the free carbon allowances available under the System. Those assigned to the UK who wish to apply must submit an application for a benchmarking plan – again as soon as possible, and before the final deadline of 31 December 2009. A benchmarking plan sets out how the operator will monitor their tonne-kilometre data in the benchmark year of 2010.

The only way existing operators can receive an allocation of free allowances is by submitting an application for a benchmarking plan. Those who don't will need to rely solely on purchasing allowances from the open market.

Aircraft operators who fly into or out of the EU should check the operators list published by the European Commission to identify which Member State is their regulator. (If you believe you are covered by the System but do not appear on the official EU list, [email the Commission](mailto:ENV-EU-ETS-AIRCRAFT-OPERATOR-LIST@ec.europa.eu) at [ENV-EU-ETS-AIRCRAFT-OPERATOR-LIST@ec.europa.eu](mailto:ENV-EU-ETS-AIRCRAFT-OPERATOR-LIST@ec.europa.eu). Note also there are some exemptions to the scheme, including aircraft with a certified maximum take off mass of less than 5.7 tonnes.)

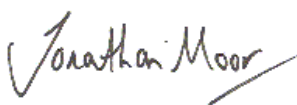
Operators who have not yet been contacted should get in touch with the regulatory body in the Member State where they are regulated. In the UK they should email the Environment Agency at [etaviationhelp@environment-agency.gov.uk](mailto:etaviationhelp@environment-agency.gov.uk)

EU ETS is coming and operators need to ensure they are aware of the requirements for compliance. A failure to prepare could have serious consequences for operators flying into or out of the EU. Aircraft operators who do not comply will face penalties – including, ultimately, being banned from flying into the EU.

I certainly do not want to see that happen – and I do not expect it to. Indeed, I expect the introduction of EU ETS to run smoothly, and to this end I write to ensure that all operators regulated by the UK are aware of their obligations under the System and how to engage with the process.

The [EA website](#) contains the necessary information to help an operator complete their plans. It is crucial that operators who are assigned to the UK for regulation and have not yet contacted the EA do so as soon as possible.

Yours faithfully,



**JONATHAN MOOR**  
UK Director General of Civil Aviation

19 October 2009

- The UK Department for Transport (DfT) is jointly responsible, with the Department of Energy & Climate Change (DECC), for implementing the EU Directive including aviation in the EU Emissions Trading System.
- Information on the UK's implementation of the System can be found on the DECC website – [http://www.decc.gov.uk/en/content/cms/what\\_we\\_do/change\\_energy/tackling\\_climate/missions/eu\\_ets/aviation/aviation.aspx](http://www.decc.gov.uk/en/content/cms/what_we_do/change_energy/tackling_climate/missions/eu_ets/aviation/aviation.aspx)
- The aviation emissions trading scheme will be regulated in the United Kingdom by the following regulators: The Environment Agency; The Scottish Environment Protection Agency; and The Chief Inspector for Northern Ireland. The Environment Agency will regulate all operators apart from those with registered offices in Scotland and Northern Ireland.
- Practical information on the System for operators regulated by the UK can be found on the Environment Agency's website – <http://www.environment-agency.gov.uk/business/topics/pollution/107596.aspx>