

EU ETS for aircraft operators

EU and Flemish legal framework

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1. Overview relevant European legislation
2. Overview relevant Flemish legislation
3. Guidance and other relevant documents
4. Where to find the legislation?

1. Overview EU legislation (1/6)

A. Published Directives:

1. **Directive 2003/87/EC** of the European Parliament and of the Council of 13 October 2003 **establishing a scheme for greenhouse gas emission allowance trading within the Community** and amending Council Directive 96/61/EC 2003/87

- EU emissions trading for stationary installations since 2005
- Biggest multi country, multi sectoral scheme in the world
- Covers about 2000 million ton CO₂ per year (= +/- 50% total EU CO₂ emissions)

content: general articles on scope, allocation, issuance, surrendering EUA's en credits, monitoring, reporting verification of emissions, new entrants, compliance,...



1. Overview EU legislation(2/6)

2. **Directive 2008/101/EC** of the European Parliament and of the Council of 19 November 2008 **amending Directive 2003/87/EC** so as to include **aviation** activities in the scheme for **greenhouse gas emission allowance trading** within the Community

- Aviation included in EU ETS starting from 2012
- About 2800 aircraft operators (based on preliminary list EC)
- Covers about 290 Mton CO₂ per year

content: amending articles to 2003/87/EC specific for aviation articles on scope, allocation, issuance, surrendering EUA's en credits, monitoring, reporting verification of emissions, new entrants, compliance,...

1. Overview EU legislation (3/6)

3. **Directive 2009/29/EC** of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC **so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community**

- Review of ETS directive for application 2013-2020 and further
- Sectoral expansion of the scheme (process emissions chemical industry, emissions CCS)
- GHG expansion: N₂O from HNO₃ industry, SF₆ from AL industry

Specific relevance for aviation: auctioning% 2013-20 (15%), CDM% 2013-20 (1.5%), general articles



1. Overview EU legislation (4/6)

B. Published Commission Decisions:

1. **Commission Decision 2007/589/EC** of 18 July 2007 establishing **guidelines for the monitoring and reporting of greenhouse gas emissions** pursuant to Directive 2003/87/EC of the European Parliament and of the Council

Content: guidelines for monitoring, reporting en verifying CO₂ emissions, retention of information, procedures and responsibilities, quality assurance .. in the framework of EU ETS

2. **Commission Decision 2009/339/EC** of 16 April 2009 amending Decision 2007/589/EC as regards the inclusion of **monitoring and reporting guidelines for emissions and tonne-kilometre data from aviation activities**

Content: amendment specific for aviation on monitoring, reporting en verifying CO₂ emissions and tonne-kilometres, ...



1. Overview EU legislation (5/6)

C. Commission decisions in legal procedure:

1. **Guidelines on the detailed interpretation of the aviation activities**

listed in Annex I of the Directive 2008/101/EC (sent to the Climate Change Committee for written procedure, publication commission decision before 2/8/2009)

- April 2009: Commission Decision was adopted by CCC
- Afterwards: Guidelines were submitted to the European Parliament (scrutiny)



1. Overview EU legislation (6/6)

2. Quantification of historic aviation emissions

- publication commission decision before 2/8/2009

3. Templates for monitoring plans and reports

- formal adoption is expected by mid-July

D. To be expected:

Regulation auctioning

- adoption before July 2010

2. Overview Flemish legislation (1/3)

A. Published:

The **decree of 2 April 2004** of the Flemish Parliament for the reduction of the emission of greenhouse gases in the Flemish Region by promoting the **rational use of energy**, the use of renewable energy sources and the use of flexible mechanisms from the Kyoto Protocol, **most recently amended by decree of 8 May 2009** (hereinafter '**the REU decree**')

- Decree of 2 april 2004
content: support schemes, covenants, obligations for fuel suppliers, flexibility mechanisms (incl. EU ETS), recognition energy experts, energy reporting, sanctions
- Amendment of 8 May 2009 regarding the inclusion of aircraft operators in the EU ETS
content: determination CA in Belgium, monitoring and reporting obligations for aircraft operators, civil penalties, how to apply for free allowances (in the special reserve), delegations to Flemish government for rules and procedures monitoring and reporting, allocation, issuance, surrendering of allowances,...

2. Overview Flemish legislation (2/3)

B. In Legal procedure:

The **decision of the Flemish Government** (,,,) **amending the decision of the Flemish Government of 7 December 2007 on greenhouse gas emission allowance trading** (hereinafter '**the EAT decision**')

content: procedures in the framework of the EU ETS for aircraft operators for monitoring plans and reports on emissions and tonne-kilometres, changes, abnormal circumstances, application for the special reserve, surrendering and allocation of EUA's, definition of scope, ...

2. Overview Flemish legislation (3/3)

C. Work in progress

The **ministerial decision** with regard to the determination of **guidelines and templates for monitoring and reporting emissions and tonne-kilometre data by aircraft operators included in the European Greenhouse Gas Emission Trading Scheme of XX June 2009.**

- Content::
- Mandatory templates for:
 - monitoringplan CO2 and tonkm
 - logbooks changes abnormal circumstances
 - Mandatory notificationforms for:
 - substantial changes
 - high impact abnormal circumstances
 - Guidelines on monitoring, reporting and verification of CO2 emissions and tonkm

Templates can be downloaded starting from 15/7/2009
<http://www.lne.be/themas/klimaatverandering/co2-emissiehandel/luchtvaart>



3. Guidance and other relevant documents

- Preliminary operator list + methodology + FAQ
- Guidance document on monitoringplans (NL, UK)
- Exemplar monitoringplans (DE)
- FAQ en Q&A (not yet available)

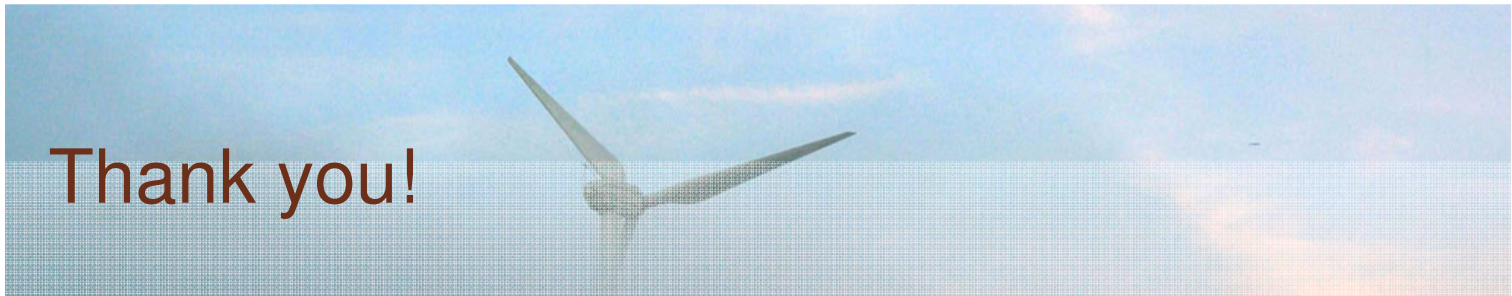
4. Where to find the legislation?

EU documents:

- http://ec.europa.eu/environment/climat/aviation_en.htm
- <http://eur-lex.europa.eu/en/index.htm>

Flemish law, templates and documents:

- <http://www.lne.be/themas/klimaatverandering/co2-emissiehandel/luchtvaart>
- http://www.juridat.be/cgi_tit/titn.pl (only Dutch and French)



Thank you!

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Determining your CA in Belgium

For the year 2012 and the period 2013-2020, the administrative check of the aircraft operator coming under the administrative authority of Belgium shall be carried out by the **Region which is allocated the most CO₂ emissions, emitted by the aircraft operator in the base year.**

For each aircraft operator the Flemish Region shall be allocated the CO₂ emissions from all flights which relate to an aviation activity that is to be further specified by the Flemish Government, and which:

- a) depart from aerodromes situated in the territory of the Flemish Region;
- b) arrive at aerodromes situated in the territory of the Flemish Region, provided these flights do not depart from a Member State of the European Union.

Baseyear = 2006 or first year of operation