

# Transposition of Aviation Directive

Aviation in EU ETS Workshop  
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Cornshool, Oidhreacht agus Rialtas Áitiúil  
Environment, Heritage and Local Government



# Presentation

- Consultation Process and Papers circulated
- Brief Overview of Aviation Directive
- Approach to Transposition
- Phase 1:
  - Process;
  - Draft Regulations;
  - Next Steps
- Phase 2: next steps



# Aviation Emissions

(Impact Assessment – Proposed Directive – December 2006)

- EU GHG emissions from international aviation grew by 87% between 1990 and 2004
- Aviation emissions account for 3% of total GHG emissions
- Policies to date – have not required any substantial contribution from aviation
- Air traffic – forecasted to more than double between 2005 and 2020
- Without new policies, growth in emissions will continue to undermine efforts made in other sectors



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# EU GHG Emissions

- Climate-Energy Legislative Package
- Effort Sharing – to make carbon emission reductions (406/2009/EC)
- Revised EU Emissions Trading Scheme Directive (2009/29/EC)
  - Aviation Directive within EU ETS from 2012
  - Aviation Directive to apply up to end December 2012
  - Revised ETS Directive effective from 2013



# Aviation Directive

- Purpose and Objective
- 2008/101/EC – not standalone legislation
- Part of Emissions Trading Scheme (ETS) suite of EU legislation:
  - 2003/87/EC
  - 2004/101/EC
  - 2009/29/EC (applicable from 2013 onwards)
- Key Features of Aviation Directive



# Transposition: Approach

- Designation of Competent Authority
- Establishment of Working Group
- Terms of Reference (main):
  - advise and assist in progressing the transposition of the Aviation Directive;
  - provide input, as appropriate to issues relating to the implementation of the Aviation Directive;
  - advise and assist in preparing a regulatory impact analysis (RIA) on the proposed legislation



# Transposition: Approach (cont'd)

- Standalone Aviation Regulations
- May be incorporated into a consolidated version of the ETS suite of national legislation when transposing the revised ETS Directive (2009/29/EC)
- ETS suite of national legislation – Greenhouse Gas Emissions Trading Regulations





# Transposition: Approach (cont'd)

- Transposition: required by 2/2/2010
- Adopting 2 phased approach
- Phase 1: to facilitate the submission of monitoring plans by end August
- Phase 2:
  - remaining aspects of the Directive;
  - incorporate and revoke Phase 1 Regs;
  - by 2/2/2010, one piece of legislation providing for transposition of Directive -> standalone Aviation Regs





# Phase 1

- Directive: submission of monitoring plan to competent authority in accordance with the Commission's monitoring and reporting guidelines (MRG)
- Submission of Monitoring Plan at least 4 months prior to the start of the first reporting year
- First Reporting Year is 2010 => end August 2009 for submission of plans to competent authority (EPA)



# Phase 1: Process

- Draft Phase 1 Regs prepared and issued for consultation to interested parties
- Review comments received
- Prepare revised draft Phase 1 Regs for submission to the Minister
- Minister to consider and make Regs before start of August 2009



# Phase 1: Aviation Regulations

## Draft Regulations

- Housekeeping
- Monitoring Plans
- Monitoring, Reporting and Verifying Emissions
- Application for Allowances free of charge
- Enforcement



# Housekeeping

- Definitions
- Scope of Regulations
  - Identification of the aviation activities (Schedule 1) and greenhouse gases (Schedule 2)
- Administering Member State
  - Details of the aircraft operators for whom Ireland Inc. is responsible
- Competent Authority
  - Designating EPA for the purposes of the Regulations



# Monitoring Plans

- Monitoring Plan for monitoring and reporting emissions
- Monitoring Plan for monitoring and reporting tonne-kilometre data
- Both plans required to be in accordance with:
  - Principles for monitoring and reporting (Schedule 3)
  - MRG
  - EPA requirements necessary for administering and implementing Directive
- Administration Fee to be submitted with each Plan (to be reviewed in Phase 2)



# Monitoring, Reporting and Verifying

## Emissions

- From 1/1/2010 – emissions to be monitored in accordance with: the approved monitoring plan; Schedule 3; and the MRG
- By 31/3/following year – emissions to be reported to EPA
- Emissions report to be verified in accordance with: criteria for verification (Schedule 4); and any detailed provisions on verification (to be adopted by the Commission)



# Application for Allowances

Applications for allowances free of charge

- To be submitted to EPA at least 21 months before start of period (by 31/3/2011 in relation to the 2012 period)
- To include verified tonne-kilometre data
- To be submitted to the Commission if EPA satisfied - at least 18 months before start of period (by 30/6/2011 in relation to the 2012 period)





# Verified Tonne-Kilometre Data

- From 1/1/2010 – tonne-kilometre data to be monitored in accordance with: the approved monitoring plan; Schedule 3; and the MRG
- Tonne-Kilometre Data report to be verified in accordance with: criteria for verification (Schedule 4); and any detailed provisions on verification (to be adopted by the Commission)



# Enforcement

- Issue and service of Directions
- Appealing Directions
- Injunctive Relief
- Offences: summary and indictable



# Next Steps: Phase 1

- Comments to be submitted on the draft Regulations by next Friday - 3 July 2009
- Regulations to be made before August 2009
- Monitoring Plans to be submitted to the EPA before end August 2009



# Next Steps: Phase 2

- Regulatory Impact Analysis to be prepared
- Draft Regulations to be prepared on remaining aspects of the Directive
- Consultation on RIA and Phase 2 Regulations in Autumn 2009
- Analysis of comments and revised Regulations to be made by Minister before 2/2/2010

