



STATUTORY INSTRUMENTS.

**S.I. No. 502 of 2012**



EUROPEAN COMMUNITIES (GREENHOUSE GAS EMISSIONS  
TRADING) (AVIATION) (AMENDMENT) REGULATIONS 2012

## EUROPEAN COMMUNITIES (GREENHOUSE GAS EMISSIONS TRADING) (AVIATION) (AMENDMENT) REGULATIONS 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and by sections 6 and 53 of the Environmental Protection Agency Act 1992 (No. 7 of 1992) and for the purpose of giving further effect to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003<sup>1</sup>, as amended by Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004<sup>2</sup>, Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008<sup>3</sup>, and Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009<sup>4</sup> hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Greenhouse Gas Emissions Trading) (Aviation) (Amendment) Regulations 2012.

2. In these Regulations “Directive” means Directive 2003/87/EC of 13 October 2003<sup>1</sup> establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC<sup>5</sup>, as amended by Directive 2004/101/EC of 27 October 2004<sup>2</sup> in respect of the Kyoto Protocol’s project mechanisms, by Directive 2008/101/EC of 19 November 2008<sup>3</sup> so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community, by Regulation (EC) No 219/2009 of 11 March 2009<sup>6</sup> on adaptation to the regulatory procedure with scrutiny, and by Directive 2009/29/EC of 23 April 2009<sup>4</sup> so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community.

3. A word or expression that is used in these Regulations and is also used in the Directive has the same meaning in these Regulations that it has in the Directive.

4. The European Communities (Greenhouse Gas Emissions Trading) (Aviation) Regulations 2010 (S.I. No. 261 of 2010) are amended—

(a) In Regulation 2(1) by inserting, at the appropriate point in alphabetical order, the following:

<sup>1</sup>O.J. No. L 275 25.10.2003 p.32

<sup>2</sup>O.J. No. L 338 13.11.2004 p. 18

<sup>3</sup>O.J. No. L 8 13.1.2009 p. 3

<sup>4</sup>O.J. No. L 140 5.6.2009 p. 63

<sup>5</sup>O.J. No. L 257 10.10.1996 p. 26

<sup>6</sup>O.J. No. L 87 31.3.2009 p. 109

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 14th December, 2012.*

“ ‘Commission’s Monitoring and Reporting Regulation’ means Commission Regulation (EU) No 601/2012 of 21 June 2012<sup>7</sup> on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC<sup>1</sup>,”

“ ‘Commission’s Verification and Accreditation Regulation’ means Commission Regulation (EU) No 600/2012 of 21 June 2012<sup>8</sup> on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC<sup>1</sup>,”

(b) In Regulation 2(1) by substituting for the definition of “greenhouse gases” the following definition:

“ ‘greenhouse gases’ means the gases listed in Schedule 2 and other gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation;”.

(c) In Regulation 7(1) by inserting after subparagraph (c) the following:

“(d) the Commission’s Monitoring and Reporting Regulation,  
and

(e) any detailed provision on monitoring and reporting of emissions adopted by the Commission pursuant to Article 14 of the Directive.”.

(d) In Regulation 8(1) by inserting after subparagraph (c) the following:

“(d) the Commission’s Monitoring and Reporting Regulation,  
and

(e) any detailed provision on monitoring and reporting of emissions adopted by the Commission pursuant to Article 14 of the Directive.”.

(e) In Regulation 10(1) by inserting after subparagraph (c) the following:

“(d) the Commission’s Monitoring and Reporting Regulation,  
and

(e) any detailed provision on monitoring and reporting of emissions adopted by the Commission pursuant to Article 14 of the Directive.”.

(f) In Regulation 11 by inserting after subparagraph (c) the following:

“(d) the Commission’s Monitoring and Reporting Regulation,  
and

<sup>7</sup>O.J. No. L 181 12.7.2012 p.30

<sup>8</sup>O.J. No. L 181 12.7.2012 p. 1

(e) any detailed provision on monitoring and reporting of emissions adopted by the Commission pursuant to Article 14 of the Directive.”.

(g) In Regulation 12(1) by inserting after subparagraph (c) the following:

“(d) the Commission’s Monitoring and Reporting Regulation, and

(e) any detailed provision on monitoring and reporting of emissions adopted by the Commission pursuant to Article 14 of the Directive.”.

(h) By substituting Regulation 12(2)(b) with the following:

“(b) the Commission’s Verification and Accreditation Regulation, and”

(i) In Regulation 12(2) by inserting after subparagraph (b) the following:

“(c) any detailed provisions on verification and accreditation adopted by the Commission pursuant to Article 15 of the Directive”.

(j) In Regulation 23 by inserting the following after paragraph (11):

“(11A) The excess emissions penalty relating to allowances issued from 1 January 2013 onwards shall increase in accordance with the European index of consumer prices.”.

(k) By substituting Regulation 25 with the following:

“25. The Agency shall, in accordance with any detailed provisions for a standardised and secured system of registries adopted by the Commission pursuant to Article 19 of the Directive, manage its own accounts and the accounts in the Union Registry under the jurisdiction of the State.”.

(l) By revoking Regulation 26.

(m) By substituting Regulation 29 with the following:

“29. The Agency shall submit to the Commission an annual report on the application of these Regulations, providing information on the arrangements for the allocation of allowances, the operation of registries, the application of the implementing measures on monitoring and reporting, verification and accreditation and issues relating to compliance with these Regulations and the Directive, and the fiscal treatment of allowances, if any.”.



GIVEN under my Official Seal,  
10 December 2012.

PHIL HOGAN,  
Minister for the Environment, Community and Local  
Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

The purpose of these Regulations is to provide amendments to the European Communities (Greenhouse Gas Emissions Trading) (Aviation) Regulations 2010 so as to fully transpose Directive 2009/29/EC, which aims to improve and extend the greenhouse gas emission allowance trading scheme of the Community, as it applies to aviation.

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