
A.L. 445 tal-2010**ATT DWAR IL-PROTEZZJONI TAL-AMBJENT
(KAP. 435)****ATT DWAR L-AWTORITÀ TA' MALTA DWAR
IR-RIŻORSI
(KAP. 423)****Regolamenti tal-2010 dwar Skema Kummerċjali tal-Komunità
Ewropea dwar l-Emissjonijiet ta' Gassijiet Serra**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 9 tal-Att dwar il-Protezzjoni tal-Ambjent u bl-artikolu 28 tal-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi, il-Prim Ministru u l-Ministru għar-Riżorsi u Affarijiet Rurali, wara konsultazzjoni mal-Awtorità ta' Malta dwar ir-Riżorsi, għamlu dawn ir-regolamenti li ġejjin:

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti tal-2010 dwar Skema Kummerċjali tal-Komunità Ewropea dwar l-Emissjonijiet ta' Gassijiet Serra.

Titolu, skop u bidu
fis-seħħ.

(2) Dawn ir-regolamenti jistabbilixxu l-implimentazzjoni f'Malta ta' skema kummerċjali ta' permess għall-emissjonijiet ta' gassijiet serra fil-Komunità għal operaturi tal-ingenji tal-ajru. Dawn ir-regolamenti jittrasponu wkoll id-Direttiva 2008/101/KE li temenda d-Direttiva 2003/87/KE biex jinkludu attivitajiet tal-avjazzjoni fl-iskema kummerċjali ta' permess għall-emissjonijiet ta' gassijiet serra fil-Komunità.

(3) Dawn ir-regolamenti għandhom jidhlu fis-seħħ fit-28 ta' Settembru, 2010, ħlief għar-regolamenti 5, 8, 12, 13 u 14 li għandhom jidhlu fis-seħħ f'dik id-data meta l-Ministru responsabbli għall-ambjent u l-Ministru responsabbli għar-riżorsi jistgħu jistabbilixxu b'avviż fil-Gazzetta.

2. Għall-fini ta' dawn ir-regolamenti u kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra, għandhom japplikaw t-tifsiriet li ġejjin:

Tifsir.

“attività ta’ proġett” tfisser attività ta’ proġett li tigi approvata minn Parti jew aktar Partijiet msieħba f’Anness 1 mal-*UNFCCC* skond l-Artikolu 6 jew l-Artikolu 12 tal-Protokoll ta’ Kyoto u d-deċiżjonijiet adottati skond il-*UNFCCC* jew il-Protokoll ta’ Kyoto;

“l-Awtorità” tfisser l-Awtorità ta’ Malta dwar ir-Riżorsi;

“ċessjoni” tfisser iċ-ċessjoni minn operatur tal-inġenji tal-ajru ta’ permessi u unitajiet oħra, biex jagħti rendikont għal emissjonijiet kif rappurtati skond ir-regolament 10 ta’ dawn ir-regolamenti f’dak li għandu x’jaqsam mas-sena kalendarja preċedenti;

“emissjonijiet” tfisser ir-rilaxx ta’ gassijiet serra fl-atmosfera minn inġenju tal-ajru li jwettaq attività tal-avjazzjoni elenkata fi Skeda 1 li tinsab ma’ dawn ir-regolamenti, kif imsemmi fir-rigward ta’ dik l-attività;

“gassijiet serra” tfisser il-gassijiet elenkati fi Skeda 2 li tinsab ma’ dawn ir-regolamenti;

“informazzjoni kunfidenzjali” tfisser kull informazzjoni li ma tkunx pubblika meqjusa li tkun sensittiva mill-operatur u, jew kull informazzjoni ta’ privileġġ li tkun taqa’ taħt l-iskop tar-regolament 16 ta’ dawn ir-regolamenti, li tigi żvelata biss biex jiġu promossi u elaborati ċerti finijiet. Għanda fost l-oħrajn tkun tinkludi:

(a) sigrieti kummerċjali;

(b) kull informazzjoni oħra li jkollha valur kummerċjali li tkun jew li tista’ tkun b’mod raġonevoli mistennija li tkun se tigi meqruda jew imnaqqsa jekk l-informazzjoni jkollha tigi żvelata; jew

(ċ) informazzjoni li ma tkunx sigrieti kummerċjali jew informazzjoni taħt il-paragrafu (b) li tkun tirrigwarda persuna, organizzazzjoni jew intrapriża f’dak li għandu x’jaqsam ma’ affarijiet ta’ negozju professjonali, kummerċjali jew finanzjarji tagħhom;

“kancellament” tfisser il-kancellament ta’ permessi u unitajiet oħra li:

(a) jkunu ċeduti minn operatur tal-inġenji tal-ajru skond ir-regolament 12 ta' dawn ir-regolamenti;

(b) jkunu kkanċellati fl-aħħar tal-perjodu kummerċjali skond ir-regolament 8 ta' dawn ir-regolamenti; jew

(ċ) għandhom jiġu kanċellati mat-talba tal-operatur tal-inġenji tal-ajru minn jeddu li jkollu l-permessi skond ir-regolament 8 ta' dawn ir-regolamenti;

“il-Komunità” tfisser il-Komunità Ewropea kif stabbilita bit-Trattat li jistabbilixxi l-Komunità Ewropea;

“il-Kummissjoni” tfisser il-Kummissjoni Ewropea;

“operatur kummerċjali tat-trasport tal-ajru” tfisser operatur li jipprovdi servizzi tat-trasport tal-ajru *scheduled* jew mhumiex lill-pubbliku għall-ġarr ta' passiġġieri, merkanzija jew korrispondenza għall-korrispettiv finanzjarju;

“operatur tal-inġenji tal-ajru” tfisser persuna li tkun topera inġenji tal-ajru fil-waqt li tkun qiegħda twettaq attività ta' avjazzjoni elenkata fi Skeda 1 jew, meta dik il-persuna ma tkunx magħrufa jew ma tkunx identifikata mis-sid tal-inġenju tal-ajru, is-sid tal-inġenju tal-ajru;

“Parti msieħba f'Anness I” tfisser pajjiż elenkat fl-Anness I li jinsab mal-Konvenzjoni Strutturali tan-Nazzjonijiet Uniti dwar il-Bidla fil-Klima (*UNFCCC*) li kien irrattifika l-Protokoll ta' Kyoto kif imsemmi fl-Artikolu 1(7) tal-Protokoll ta' Kyoto;

“perjodu kummerċjali” tfisser il-perjodu li jkun jibda mill-1 ta' Jannar, 2012 sal-31 ta' Diċembru, 2012, u l-perjodu ta' tmin snin li jkun jibda mill-1 ta' Jannar, 2013 u l-perjodu ta' tmin snin sussegwenti li jaħbat wara;

“permess” tfisser permess biex jiġi prodott dijossidu karboniku ekwivalenti għal tunnellata waħda matul perjodu speċifikat, li għandu jkun validu biss għall-finijiet li jintlaħqu l-htigiet ta' dawn ir-regolamenti u għandu jkun trasferibbli skond id-dispożizzjonijiet ta' dawn ir-regolamenti;

“persuna” tfisser persuna naturali jew ġuridika;

“il-Protokoll ta’ Kyoto” tfisser il-Protokoll ta’ Kyoto li jinsab mal-*UNFCCC*;

“il-pubbliku” tfisser persuna jew aktar u assoċjazzjonijiet, organizzazzjonijiet jew gruppi ta’ persuni;

“reġistru tal-Komunità” tfisser ir-reġistru stabbilit u miżmum skond l-Artikolu 19 tad-Direttiva 2003/87/KE kif emendata bid-Direttiva 2009/29/KE għall-eżekuzzjoni ta’ proċessi li jkunu jappartjenu għall-manutenzjoni ta’ żamma ta’ kontijiet u l-allokazzjoni, ċessjoni u tħassir ta’ permessi;

“sena ta’ bażi” tfisser għall-finijiet ta’ paragrafu (b) tar-regolament 3 ta’ dawn ir-regolamenti, f’dak li għandu x’jaqsam ma’ operatur tal-inġenju tal-ajru li jkun beda jopera fil-Komunità mill-1 ta’ Jannar, 2006, l-ewwel sena kalendarja tal-operazzjoni, u fil-każijiet l-oħra kollha, is-sena kalendarja li tibda mill-1 ta’ Jannar, 2006;

“Stat Membru” tfisser stat li jkun membru tal-Unjoni Ewropea;

“tnaqqis ta’ emissjonijiet iċċertifikati” jew “*ERU*” tfisser unita` li tkun inħarġet skond l-Artikolu 6 tal-Protokoll ta’ Kyoto u d-deċiżjonijiet adottati skond il-*UNFCCC* jew il-Protokoll ta’ Kyoto;

“trasferiment ta’ permessi” tfisser kull trasferiment ta’ permessi li jiġu allokati mill-Awtorità lill-operaturi tal-inġenji tal-ajru li jkunu qegħdin iwettqu attivitajiet ta’ avjazzjoni li jaqgħu taħt l-iskop ta’ dawn ir-regolamenti;

“it-Trattat” tfisser it-Trattat li jistabbilixxi l-Komunità Ewropea;

“unita` li tnaqqas l-emissjonijiet” jew “*CER*” tfisser unita` li tinħareġ skond l-Artikolu 12 tal-Protokoll ta’ Kyoto u d-deċiżjonijiet adottati skond il-*UNFCCC* jew il-Protokoll ta’ Kyoto;

“verifikatur” tfisser korp ta’ verifika li jkun kompetenti, indipendenti, u akkreditat jew persuna b’responsabbiltà biex twettaq jew tirrapporta dwar il-proċess ta’ verifika fir-rigward

ta' attivitajiet ta' avjazzjoni elenkati fi Skeda 1 li tinsab ma' dawn ir-regolamenti u skond id-Direttiva 2003/87/KE, dawn ir-regolamenti u kull ħtieġa oħra mitluba mill-Awtorità.

3. Dawn ir-regolamenti għandhom japplikaw għal operaturi tal-ingenji tal-ajru li jwettqu attivitajiet tal-avjazzjoni li jkunu jirriżultaw f'emissjonijiet ta' gassijiet serra msemija fir-rigward ta' dawk l-attivitajiet kif elenkati fi Skeda 1 li tinsab ma' dawn ir-regolamenti, u:

Applikabbilta`.

(a) li jkollhom liċenza valida biex joperaw maħruġa minn Malta skond id-dispożizzjonijiet tar-Regolament Numru 1008/2008/KE dwar regoli komuni għall-operazzjoni ta' servizzi tal-ajru fil-Komunita; jew

(b) li dwarhom Malta li tkun l-Istat Membru bl-akbar emissjonijiet ta' avjazzjoni li jkunu stmati bħala rikonoxxuti minn attivitajiet ta' avjazzjoni elenkati fi Skeda 1 li tinsab ma' dawn ir-regolamenti li jkunu saru fis-sena bażi minn dawk l-operaturi tal-ingenji tal-ajru, tkun giet maħtura bħala Stat Membru li jkun jamministra jew fil-lista tal-Kummissjoni pubblikata skond l-Artikolu 18 (a) (3) tad-Direttiva 2003/87/KE kif emendata bid-Direttiva 2008/101/KE jew kull miżura oħra meħuda mill-Kummissjoni jew mill-Awtorità skond id-Direttiva 2003/87/KE kif emendata bid-Direttiva 2008/101/KE.

4. (1) Għal kull perjodu kummerċjali, operatur tal-ingenji tal-ajru jista' japplika għal allokazzzjoni ta' permessi li jkunu ser jiġu allokat i mingħajr ħlas.

Allokazzjoni ta' permessi lil operaturi tal-ingenji tal-ajru.

(2) Applikazzjoni li ssir minn operatur tal-ingenji tal-ajru skond is-subregolament (1) ta' dan ir-regolament tista' ssir billi tiġi pprezentata lill-Awtorità *data* verifikata ta' kilometru tunnellata għall-attivitajiet ta' avjazzjoni elenkati fi Skeda 1 li tinsab ma' dawn ir-regolamenti li jkunu saru minn dak l-operatur tal-ingenji tal-ajru għas-sena ta' monitoraġġ. Għal fini ta' dan ir-regolament:

(a) is-sena ta' monitoraġġ għall-perjodu mill-1 ta' Jannar, 2012 sal-31 ta' Dicembru, 2013 għandha tkun l-2010;

(b) is-sena ta' monitoraġġ għall-perjodu li jibda mill-1 ta' Jannar, 2013 għandha tkun l-2010; u

(c) is-sena ta' monitoraġġ għal perjodi sussegwenti għandha tkun is-sena kalendarja li tkun tispiċċa 24 xahar

qabel ma jibda l-perjodu li l-applikazzjoni tkun tirreferi għalih.

(3) Applikazzjoni li ssir skond is-subregolament (1) ta' dan ir-regolament għandha tiġi ppreżentata lill-Awtorità:

(a) f'dak li għandu x'jaqsam mal-perjodu mill-1 ta' Jannar, 2012 sal-31 ta' Diċembru, 2012, sal-31 ta' Marzu, 2011;

(b) f'dak li għandu x'jaqsam mal-perjodu li jibda mill-1 ta' Jannar, 2012, sal-31 ta' Marzu, 2011;

(c) f'dak li għandu x'jaqsam ma' perjodi sussegwenti, minn tal-inqas sa 21 xhar qabel ma jibda l-perjodu li l-applikazzjoni tkun tirreferi għalih.

(4) L-Awtorità għandha tippreżenta lill-Kummissjoni kull applikazzjoni li tkun irċiviet konformament mas-subregolament (1) ta' dan ir-regolament, jekk hi jkun jidhrilha xieraq li l-applikazzjoni tkun skond id-dispożizzjonijiet ta' dawn ir-regolamenti u li l-operatur tal-ingenji tal-ajru li jkun ippreżenta l-applikazzjoni jkun konformi mar-regolamenti 6 u 7 ta' dawn ir-regolamenti.

(5) L-Awtorità għandha tippreżenta lill-Kummissjoni kull applikazzjoni konformi mas-subregolament (4) ta' dan ir-regolament:

(a) f'dak li għandu x'jaqsam mal-perjodu mill-1 ta' Jannar, 2012 sal-31 ta' Diċembru, 2013, sat-30 ta' Ġunju, 2011;

(b) f'dak li għandu x'jaqsam mal-perjodu li jibda mill-1 ta' Jannar, 2013, sat-30 ta' Ġunju, 2011;

(c) f'dak li għandu x'jaqsam mal-perjodi sussegwenti, minn tal-inqas sa 18 –il xhar qabel ma jibda l-perjodu li l-applikazzjoni tkun qed tirreferi għalih.

(6) Wara d-deċiżjoni adottata mill-Kummissjoni li tistabbilixxi l-mira għall-perjodu li jkun ser jintuża biex jiġu allokat i permessi mingħajr ħlas għal operaturi tal-ingenji tal-ajru għall-perjodu li dik id-deċiżjoni tkun tirreferi għalih, l-Awtorità għandha, fi żmien tliet xhur minn dik id-deċiżjoni, tikkalkula u tippubblika:

(a) l-allokazzjoni totali ta' permessi għall-perjodu lil kull operatur tal-ingenji tal-ajru li l-Awtorità tkun ipprezentat l-applikazzjoni dwaru lill-Kummissjoni skond is-subregolament (4) ta' dan ir-regolament, li tigi kalkulata billi tigi multiplikata d-*data* ta' kilometru tunnellata inkluża fl-applikazzjoni mal-mira stabbilita fid-deċiżjoni tal-Kummissjoni; u

(b) l-allokazzjoni ta' permessi lil kull operatur tal-ingenji tal-ajru għal kull sena, li għandha tigi stabbilita billi tigi maqsuma l-allokazzjoni totali ta' permessi mill-Awtorità għall-perjodu li jiġi kalkulat skond paragrafu (a) bin-numru ta' snin fil-perjodu li għalih dak l-operatur tal-ingenji tal-ajru jkun qiegħed iwettaq xi attività ta' avjazzjoni elenkata fi Skeda 1 li tinsab ma' dawn ir-regolamenti.

5. (1) Għal perjodu li jibda mill-1 ta' Jannar, 2013 jew perjodu sussegwenti, operatur tal-ingenju tal-ajru jista' japplika għal allokazzjoni mingħajr ħlas minn riserva speċjali apparti skond l-Artikolu 3 (f) tad-Direttiva 2003/87/KE kif emendata bid-Direttiva 2008/101/KE. Applikazzjoni għal allokazzjoni mingħajr ħlas minn riserva speċjali tista' ssir minn operatur tal-ingenji tal-ajru:

Allokazzjoni ta' permessi minn riserva speċjali lil operatori tal-ingenju tal-ajru.

(a) li jkun beda jwettaq xi attività tal-avjazzjoni li tkun taqa` taht Skeda 1 li tinsab ma' dawn ir-regolamenti wara s-sena ta' monitoraġġ li għaliha *data* ta' kilometru tunnellata tkun giet ipprezentata fir-rigward tal-perjodu li jkun jibda mill-1 ta' Jannar, 2013 jew perjodu sussegwenti; jew

(b) li *data* ta' kilometru tunnellata għal dik l-attività tkun qegħda tizdied b'medja ta' aktar minn 18% fis-sena bejn is-sena ta' monitoraġġ li għaliha *data* ta' kilometru tunnellata tkun giet ipprezentata skond ir-regolament 4 ta' dawn ir-regolamenti fir-rigward tal-perjodu li jibda fl-ewwel ta' Jannar, 2013 jew perjodu sussegwenti u t-tieni sena kalendarja ta' dak il-perjodu, u l-attività tiegħu skond paragrafu (a) jew attività supplimentari skond paragrafu (b), ma tkunx kollha jew parti minnha, kontinwazzjoni tal-attività tal-avjazzjoni li tkun giet imwettqa qabel minn operatur ieħor tal-ingenju tal-ajru.

(2) Operatur tal-ingenju tal-ajru li jkun eligibbli taht is-subregolament (1) ta' dan ir-regolament jista' japplika għal allokazzjoni ta' permessi mingħajr ħlas mir-riserva speċjali billi

jippreżenta applikazzjoni lill-Awtorita`, u applikazzjoni bħal dik għandha ssir sat-30 ta' Ġunju tat-tielet sena tal-perjodu li l-applikazzjoni tkun tirreferi għalih.

(3) Applikazzjoni skond is-subregolament (2) ta' dan ir-regolament għandha tkun:

(a) tinkludi *data* ta' kilometru tunnellata għall-attivitajiet ta' avjazzjoni elenkati fi Skeda 1 li tinsab ma' dawn ir-regolamenti li jsiru mill-operatur tal-ingenji tal-ajru fit-tieni sena kalendarja tal-perjodu li l-applikazzjoni tkun tirreferi għalih;

(b) tipprovdi provi li l-kriterji għal eligibbiltà taħt is-subregolament (1) ta' dan ir-regolament ikunu ntlahqu; u

(c) tiddikjara fil-każ ta' operatur tal-ingenji tal-ajru li jaqa' taħt il-paragrafu (b) tas-subregolament (1) ta' dan ir-regolament:

(i) iż-żjieda tal-perċentwali f'kilometri tunnellata li tkun għet imwettqa minn dak l-operatur tal-ingenji tal-ajru bejn is-sena ta' monitoraġġ li għaliha *data* ta' kilometru tunnellata tkun għet ippreżentata taħt ir-regolament 4 ta' dawn ir-regolamenti f'dak li għandu x'jaqsam mal-perjodu li jibda mill-1 ta' Jannar, 2013 jew perjodu sussegwenti u t-tieni sena kalendarja ta' dak il-perjodu;

(ii) l-akkrexximent assolut f'kilometri tunnellata imwettaq minn dak l-operatur tal-ingenji tal-ajru bejn is-sena ta' montioraġġ li għaliha d-*data* ta' kilometru tunnellata tkun għet ippreżentata taħt ir-regolament 4 ta' dawn ir-regolamenti f'dak li għandu x'jaqsam mal-perjodu li jibda fl-1 ta' Jannar, 2013 jew perjodu sussegwenti u t-tieni sena kalendarja ta' dak il-perjodu; u

(iii) l-akkrexximent assolut f'kilometri tunnellata imwettaq minn dak l-operatur tal-ingenji tal-ajru bejn is-sena ta' montioraġġ li għaliha d-*data* ta' kilometru tunnellata tkun għet ippreżentata taħt ir-regolament 4 ta' dawn ir-regolamenti f'dak li għandu x'jaqsam mal-perjodu li jibda fl-1 ta' Jannar, 2013 jew perjodu sussegwenti u t-tieni sena kalendarja ta' dak il-perjodu li jkun jeċċedi il-perċentwali imsemmi fil-paragrafu (b) tas-subregolament (1) ta' dan ir-regolament.

(4) L-Awtorità għandha tippreżenta lill-Kummissjoni kull applikazzjoni li tkun irċeviet konformament mas-subregolament (2) ta' dan ir-regolament, jekk hi jkun jidhrilha xieraq li l-applikazzjoni tkun skond dan ir-regolament u li l-operatur tal-ingenji tal-ajru li jkun ippreżenta l-applikazzjoni ikun konformi mar-regolamenti 6 u 7 ta' dawn ir-regolamenti. L-Awtorità għandha tippreżenta kull applikazzjoni bħal dik mhux aktar tard mill-31 ta' Diċembru tat-tielet sena tal-perjodu li l-applikazzjoni tkun tirreferi għalih.

(5) Wara d-deċiżjoni adottata mill-Kummissjoni li tistabbilixxi l-mira għall-perjodu li għandu jintuża biex jiġu allokat i permessi mingħajr ħlas mir-riżerva speċjali għal operaturi tal-ingenji tal-ajru għall-perjodu li dik id-deċiżjoni tkun tirreferi għalih, l-Awtorità għandha, fi żmien tliet xhur minn dik id-deċiżjoni tikkalkula u tippubblika:

(a) l-allokazzjoni ta' permessi mir-riżerva speċjali lil kull operatur tal-ingenji tal-ajru li l-applikazzjoni dwaru tkun ġiet ippreżentata lill-Kummissjoni skond is-sub-regolament (4) ta' dan ir-regolament; u

(b) l-allokazzjoni ta' permessi mir-riżerva speċjali lil kull operatur tal-ingenji tal-ajru għal kull sena, li għandha tiġi stabbilita billi tiġi maqsuma l-allokazzjoni kif stabbilita skond il-paragrafu (a) bin-numru ta' snin kalendarji li jkun baqa' fil-perjodu li għalih l-allokazzjoni tkun tirreferi.

(6) L-allokazzjoni ta' permessi mir-riżerva speċjali lil kull operatur tal-ingenji tal-ajru taħt il-paragrafu (a) tas-subregolament (5) ta' dan ir-regolament għandha tiġi kalkulata billi tiġi multiplikata l-mira stabbilita fid-deċiżjoni tal-Kummissjoni msemmija fis-subregolament (5) ta' dan ir-regolament fil-każ ta':

(a) operatur tal-ingenji tal-ajru li jaqa' taħt il-paragrafu (a) tas-subregolament (1) ta' dan ir-regolament, li tkun ġiet ippreżentata l-applikazzjoni dwaru lill-Kummissjoni konformament mas-subregolament (4) ta' dan ir-regolament, bid-*data* ta' kilometru tunnellata inkluża fl-applikazzjoni li tiġi ppreżentata lill-Kummissjoni;

(b) operatur tal-ingenji tal-ajru li jaqa' taħt il-paragrafu (b) tas-subregolament (1) ta' dan ir-regolament li tkun ġiet ippreżentata l-applikazzjoni dwaru lill-Kummissjoni skond is-subregolament (4) ta' dan ir-regolament, bl-akkrexximent

assolut f'kilometri tunnellati li jkun jeċċedu l-perċentwali msemmi fil-paragrafu (b) tas-subregolament (1) ta' dan ir-regolament inkluż fl-applikazzjoni li tiġi ppreżentata lill-Kummissjoni.

(7) Allokazzjoni lil operatur tal-ingenji tal-ajru li jkun eliġibbli għal allokkazzjoni ta' permessi skond paragrafu (b) tas-subregolament (1) ta' dan ir-regolament m'għandhiex teċċedi l-miljun permess.

Monitoraġġ u
rappurtaġġ ta' *data*
ta' kilometru
tunnellata
ta' attivitajiet
tal-avjazzjoni.

6. (1) Kull operatur tal-ingenji tal-ajru għandu jippreżenta lill-Awtorità, pjan ta' monitoraġġ u rappurtaġġ li jkun jistabbilixxi miżuri biex jissorvelja u jirrapporta *data* ta' kilometru tunnellata minn attivitajiet tal-avjazzjoni elenkati fi Skeda 1 li tinsab ma' dawn ir-regolamenti għall-fini ta' applikazzjoni li ssir taħt ir-regolamenti 4 u 5 ta' dawn ir-regolamenti. Il-pjan għandu jiġi ppreżentat mhux aktar tard minn erba' xhur qabel ma jibda l-ewwel perjodu ta' rappurtaġġ għall-operatur, jew sa dik id-data li l-Awtorità tista' tistabbilixxi.

(2) Il-pjan ta' monitoraġġ u rappurtaġġ għandu jkun skond:

(a) il-prinċipji stabbiliti fi Skeda 3 li tinsab ma' dawn ir-regolamenti; u

(b) kull ħtieġa oħra li ssir mill-Awtorità f'dak li għandu x'jaqsam ma' monitoraġġ u rappurtaġġ ta' *data* ta' kilometru tunnellata għal attivitajiet ta' avjazzjoni.

(3) Il-pjan ta' monitoraġġ u rappurtaġġ li jiġi ppreżentat minn operatur tal-ingenji tal-ajru skond is-subregolament (1) ta' dan ir-regolament għandu jiġi approvat mill-Awtorità, jekk hija jidhrilha xieraq li l-pjan ikun skond il-ħtiġiet stabbiliti skond is-subregolament (2) ta' dan ir-regolament. L-Awtorità tista' teħtieġ mingħand operatur tal-ingenji tal-ajru kull informazzjoni supplimentari li hija jidhrilha xierqa għall-approvazzjoni tal-pjan.

(4) Operatur tal-ingenji tal-ajru għandu javża lill-Awtorità b'kull devjazzjoni minn jew bidla fil-pjan ta' monitoraġġ u rappurtaġġ li jistgħu isiru f'kull waqt wara l-approvazzjoni tal-pjan mill-Awtorità. Fejn jidhrilha xieraq, l-Awtorità tista' teħtieġ il-preżentazzjoni ta' pjan li jkun ġie revedut.

7. (1) Id-*data* ta' kilometru tunnellata li tiġi ppreżentata minn operatur tal-ingenji tal-ajru konformament mas-subregolamenti 4 u 5 ta' dawn ir-regolamenti għandha tiġi verifikata minn verifikatur skond:

Verifikazzjoni ta' *data* ta' kilometru tunnellata ta' attivitajiet tal-avjazzjoni.

(a) il-prinċipji stabbiliti fi Skeda 4 li tinsab ma' dawn ir-regolamenti; u

(b) kull ħtieġa oħra mill-Awtorità f'dak li għandu x'jaqsam ma' verifikazzjoni ta' *data* ta' kilometru tunnellata għal attivitajiet tal-avjazzjoni.

(2) Rapport ta' verifikazzjoni għandu jiġi ppreżentat mill-operatur tal-ingenji tal-ajru lill-Awtorità bid-*data* ta' kilometru tunnellata li tkun giet ippreżentata għall-finijiet ta' applikazzjoni skond ir-regolamenti 4 jew 5 ta' dawn ir-regolamenti.

8. (1) L-Awtorità għandha, sat-28 ta' Frar, 2012 u sat-28 ta' Frar ta' kull sena sussegwenti, toħroġ lil kull operatur tal-ingenji tal-ajru n-numru ta' permessi li jiġu allokat li lil dak l-operatur tal-ingenji tal-ajru għal dik is-sena kif stabbilit taħt il-paragrafu (b) tas-subregolament (6) tar-regolament 4 jew il-paragrafu (b) tas-subregolament (5) tar-regolament 5 ta' dawn ir-regolamenti. Hruġ ta' permessi għandhom isiru skond id-deċiżjonijiet rilevanti u r-regolamenti adottati mill-Kummissjoni konformament mad-Direttiva 2003/87/KE.

Hruġ ta' permessi li jiġu allokat li lil operaturi tal-ingenji tal-ajru u validita' ta' permessi.

(2) Għal kull operatur tal-ingenji tal-ajru għandhom jinħarġu permessi skond is-subregolament (1) ta' dan ir-regolament fil-kont miżmum mill-operatur tal-ingenji tal-ajru li jkun jinżamm fir-reġistru tal-Komunita.

(3) Permessi li jkunu nħarġu skond is-subregolament (1) ta' dan ir-regolament f'dak li għandu x'jaqsam mal-perjodu mill-1 ta' Jannar, 2012 sal-31 ta' Diċembru, 2012, il-perjodu li jibda mill-1 ta' Jannar, 2013 u perjodi sussegwenti għandhom jibqgħu validi għal emissjonijiet matul il-perjodu li huma jkunu nħarġu għalih.

(4) Erba' xhur wara l-bidu tal-perjodu li jkun jibda fl-1 ta' Jannar, 2013 u perjodi sussegwenti l-Awtorità għandha tħassar permessi li ma jkunux aktar validi għal dak il-perjodu u li ma jkunux ġew ċeduti u mħassra skond ir-regolament 12 ta' dawn ir-regolamenti.

(5) Għal kull perjodu msemmi fis-subregolament (4) ta' dan ir-regolament, l-Awtorità għandha toħroġ permessi lil operaturi tal-ingenji tal-ajru għal perjodu eżistenti biex tissostitwixxi kull permess miżmum minnhom li jkun gie mħassar skond is-subregolament (4) ta' dan ir-regolament.

(6) L-Awtorità għandha tħassar permessi f'kull waqt mat-talba tal-operatur tal-ingenji tal-ajru li jkollu l-permessi.

Trasferiment ta' permessi.

9. (1) Permessi li jkunu nħarġu mill-Awtorità lil operaturi tal-ingenji tal-ajru jkunu jistgħu jiġu trasferiti bejn:

(a) persuni fi Stati Membri;

(b) persuni, kemm jekk fi Stati Membri jew f'pajjiżi terzi, li jkunu operaturi tal-ingenji tal-ajru, għall-finijiet ta' u li jaqgħu taħt l-iskop ta' dawn ir-regolamenti, u li jkollhom kont fir-reġistru tal-Komunita;

(c) persuni fi Stati Membri u persuni f'pajjiżi terzi li jkunu elenkati f'Anness B li jinsab mal-Protokoll ta' Kyoto, u li jkunu pajjiżi li jkunu irrattifikaw il-Protokoll ta' Kyoto u li magħhom ikun intlaħaq ftehim wieħed jew aktar għal rikonoxximent reċiproku bejn l-iskema tal-Komunita u skemi ta' kummerċ oħrajn għal emissjonijiet ta' gassijiet serra, mingħajr restrizzjonijiet hlief dawk li jkun hemm fihom, jew li jiġu adottati skond dawn ir-regolamenti jew ir-Regolamenti tal-2005 dwar Skema Kummerċjali Għal Emissjonijiet ta' Gassijiet Serra fil-Komunita Ewropea.

A.L. 140 tal-2005.

(2) It-trasferiment ta' permessi għandu jsir skond id-deċiżjonijiet rilevanti u regolamenti adottati mill-Kummissjoni konformament mad-Direttiva 2003/87/KE.

(3) Permessi li jkunu nħarġu mill-awtorità kompetenti ta' Stat Membru ieħor għandhom ikunu rikonoxxuti mill-Awtorità għall-fini li jintlaħqu l-obligazzjonijiet ta' operaturi tal-ingenji tal-ajru skond is-subregolament (1) tar-regolament 12 ta' dawn ir-regolamenti.

Monitoraġġ u rappurtaġġ ta' emissjonijiet.

10. (1) Kull operatur tal-ingenji tal-ajru għandu jippreżenta lill-Awtorità pjan ta' monitoraġġ u rappurtaġġ li jistabbilixxi miżuri biex jiġu sorveljati u rappurtati emissjonijiet ta' gassijiet serra msemmija f'dak li għandu x'jaqsam ma' attivitajiet tal-avjazzjoni fi Skeda 1 li tinsab ma' dawn ir-regolamenti. Għandu jiġi ppreżentat

pjan ta' monitoraġġ u rappurtaġġ lill-Awtorità minn operatur tal-ingenji tal-ajru, fil-każ ta':

(a) operatur tal-ingenji tal-ajru li dwaru Malta tkun identifikata bħala Stat Membru amministrattiv qabel il-bidu ta' perjodu ta' rappurtaġġ mill-1 ta' Jannar, 2010 sal-31 ta' Diċembru, 2010, sa dik id-data li tista' tiġi stabbilita mill-Awtorità;

(b) operatur tal-ingenji tal-ajru li jibda jwettaq attività tal-avjazzjoni elenkata fi Skeda 1 li tinsab ma' dawn ir-regolamenti wara l-bidu tal-perjodu ta' rappurtaġġ mill-1 ta' Jannar, 2010 sal-31 ta' Diċembru, 2010 u li dwaru Malta tkun identifikata bħala Stat Membru amministrattiv wara l-bidu ta' dak il-perjodu ta' rappurtaġġ, minnufih wara l-ewwel twettiq ta' dik l-attività, jew sa dik id-data li tista' tiġi stabbilita mill-Awtorità;

(c) operatur tal-ingenji tal-ajru li dwaru Malta tkun identifikata bħala Stat Membru amministrattiv wara l-bidu tal-perjodu ta' rappurtaġġ, sa dik id-data li tista' tiġi stabbilita mill-Awtorità.

(2) Il-pjan ta' monitoraġġ għandu jkun skond:

(a) il-prinċipji stabbiliti fi Skeda 3 li tinsab ma' dawn ir-regolamenti; u

(b) kull htieġa oħra li ssir mill-Awtorità fir-rigward tal-monitoraġġ u rappurtaġġ ta' emissjonijiet ta' gassijiet serra minn attivitajiet ta' avjazzjoni.

(3) Il-pjan ta' monitoraġġ u rappurtaġġ li jiġi ppreżentat minn operatur tal-ingenji tal-ajru skond is-subregolament (1) ta' dan ir-regolament għandu jiġi approvat mill-Awtorità, jekk hija jkun jidhrilha xieraq li l-pjan ikun skond il-htigiet stabbiliti taht is-subregolament (2) ta' dan ir-regolament. L-Awtorità tista' teħtieġ mingħand l-operatur tal-ingenji tal-ajru kull informazzjoni supplimentari li hija jidhrilha adatta għall-approvazzjoni tal-pjan.

(4) Operatur tal-ingenji tal-ajru għandu javża lill-Awtorità b'kull devjazzjoni minn jew bidla fil-pjan ta' monitoraġġ u rappurtaġġ li jistgħu isiru f'kull waqt wara l-approvazzjoni tal-pjan mill-Awtorità. Fejn jidhrilha xieraq, l-Awtorità tista' teħtieġ il-preżentazzjoni ta' pjan li jkun ġie revedut.

(5) Kull operatur tal-ingenji tal-ajru għandu jirrevedi l-pjan ta' monitoraġġ u rappurtaġġ qabel il-bidu tal-perjodu li jibda mill-1 ta' Jannar, 2013 u kull perjodu sussegwenti u jippreżenta pjan rivedut ta' monitoraġġ u rappurtaġġ kif xieraq.

(6) Kull operatur tal-ingenji tal-ajru għandu:

(a) mis-sena ta' monitoraġġ tal-2010 fil-każ ta' operatur tal-ingenji tal-ajru li dwaru Malta tkun identifikata bħala Stat Membru amministrattiv qabel il-bidu tas-sena tar-rappurtaġġ tal-2010; jew

(b) mill-ewwel sena ta' rappurtaġġ li tkun tapplika għalih fil-każ ta' operatur tal-ingenji tal-ajru li dwaru Malta tkun identifikata bħala Stat Membru amministrattiv wara l-bidu tas-sena tar-rappurtaġġ tal-2010, jissorvelja emissjonijiet minn ingenji tal-ajru li huwa jkun qiegħed jopera u li jkunu jwettqu attivitajiet ta' avjazzjoni elenkati fi Skeda 1 li tinsab ma' dawn ir-regolamenti, matul kull sena kalendarja u jirrapporta emissjonijiet skond il-pjan ta' monitoraġġ u rappurtaġġ li jkun gie approvat. Għandu jiġi ppreżentat lill-Awtorità rapport fuq emissjonijiet għal kull sena kalendarja mhux aktar tard mill-31 ta' Marzu tas-sena li tkun taħbat minnufih wara.

(7) L-Awtorità tista' tiegħu kull azzjoni li hi tqis neċessarja skond dawn ir-regolamenti biex tiżgura li operaturi tal-ingenji tal-ajru jkunu qegħdin jissorveljaw u jirrapurtaw emissjonijiet annwali skond il-pjanijiet ta' monitoraġġ u rappurtaġġ li jkunu ġew approvati.

(8) Operatur tal-ingenji tal-ajru li:

(a) jonqos mill jippreżenta pjan ta' monitoraġġ u rappurtaġġ skond is-subregolament (1) ta' dan ir-regolament f'dak li għandu x'jaqsam mas-snin 2010 u 2011, tista' tiġi imposta fuqu multa amministrattiva ta' mhux inqas minn elf euro (1,000) iżda ta' mhux iżjed minn ħamest elef euro (5,000);

(b) jonqos milli jissorvelja emissjonijiet annwali jew jonqos milli jippreżenta rapport dwar emissjonijiet annwali skond is-subregolament (6) ta' dan ir-regolament firrigward tas-snin 2010 u 2011, tista' tiġi imposta fuqu multa amministrattiva ta' mhux inqas minn elf euro (1,000) iżda ta' mhux iżjed minn ħamest elef euro (5,000);

(ċ) jonqos milli jippreżenta pjan ta' monitoraġġ u rappurtaġġ skond is-subregolament (1) ta' dan ir-regolament fir-rigward tal-perjodu mill 1 ta' Jannar, 2012 sal-31 ta' Diċembru, 2012, il-perjodu li jkun jibda mill-1 ta' Jannar, 2013 jew perjodu sussegwenti, tista' tiġi imposta fuqu multa amministrattiva ta' mhux inqas minn elfejn u ħames mitt euro (2,500) iżda ta' mhux iżjed minn għaxart elef euro (10,000);

(d) jonqos milli jissorvelja emissjonijiet annwali jew jonqos milli jippreżenta rapport dwar emissjonijiet annwali skond is-subregolament (6) ta' dan ir-regolament fir-rigward tal-perjodu mill-1 ta' Jannar, 2012 sal-31 ta' Diċembru, 2012, il-perjodu li jibda mill-1 ta' Jannar, 2013 jew perjodu sussegwenti, tista' tiġi imposta fuqu multa amministrattiva ta' mhux inqas minn ħamest elef euro (5,000) iżda ta' mhux iżjed minn għoxrin elf euro (20,000); u

(e) jonqos milli jirrevedi l-pjan ta' monitoraġġ u rappurtaġġ jew jippreżenta pjan ta' monitoraġġ u rappurtaġġ rivedut jekk xieraq skond is-subregolament (5) ta' dan ir-regolament tista' tiġi imposta fuqu multa amministrattiva ta' mhux inqas minn elfejn u ħames mitt euro (2,500) iżda ta' mhux iżjed minn għaxart elef euro (10,000).

11. (1) Ir-rapport li jiġi ppreżentat minn operatur tal-ingenji tal-ajru skond is-subregolament (6) tar-regolament 10 ta' dawn ir-regolamenti għandu jkun verifikat minn verifikatur skond:

Verifikazzjoni ta' rapporti dwar emissjonijiet annwali.

(a) il-prinċipji stabbiliti fi Skeda 4 li tinsab ma' dawn ir-regolamenti; u

(b) kull htieġa oħra li ssir mill-Awtorità f'dak li għandu x'jaqsam ma' verifikazzjoni ta' rapporti ta' emissjonijiet ta' gassijiet serra minn attivitajiet tal-avjazzjoni.

(2) Rapport ta' verifikazzjoni għandu jiġi ppreżentat minn operatur tal-ingenji tal-ajru lill-Awtorità flimkien ma' kull rapport ta' emissjoni li jkun ġie ppreżentat.

(3) Operatur tal-ingenji tal-ajru li r-rapport tiegħu dwar emissjonijiet għal xi sena kalendarja ma jkunx ġie verifikat bħala xieraq sal-31 ta' Marzu tas-sena li taħbat minnufih wara ma jistax jagħmel aktar trasferimenti ta' permessi qabel ma rapport minn dak l-operatur tal-ingenji tal-ajru jkun ġie verifikat bħala xieraq.

(4) Meta, fir-rigward ta' xi sena, operatur tal-ingenji tal-ajru ma jipprezentax rapport verifikat tal-emissjonijiet skond dan ir-regolament u s-subregolament (6) tar-regolament 10 ta' dawn ir-regolamenti jew meta jkun meqjus li l-operatur tal-ingenji tal-ajru ma jkunx ipprezenta rapport ta' emissjonijiet li jkun skond il-htigiet stabbiliti f'dan ir-regolament u fir-regolament 10 ta' dawn ir-regolamenti, l-Awtorità tista', kemm-il darba ma jkunx hemm ftehim bil-miktub bejn l-Awtorità u l-operatur tal-ingenji tal-ajru li jkun jipprovdix xort'oħra, tistabbilixxi l-emissjonijiet għal attivitajiet tal-avjazzjoni li jkunu ġew imwettqa mill-operatur tal-ingenji tal-ajru għal dik is-sena li dwarha r-rapport verifikat ma jkunx ġie pprezentat billi tiġi użata l-aħjar *data* disponibbli u jiġi żgurat li ssir stima konservattiva li ma tkunx tnaqqas mill-valur tal-emissjonijiet. Meta tkun qegħda tistabbilixxi l-emissjonijiet annwali taħt dan is-subregolament, l-Awtorità għandha tikkunsidra l-htigiet stabbiliti fi Skeda 4 li tinsab ma' dawn ir-regolamenti:

Iżda l-Awtorità għandha tavża lill-operatur tal-ingenji tal-ajru dwar l-emissjonijiet li jkunu ġew stabbiliti u l-metodoloġija li tkun ġiet użata biex jiġu stabbiliti daww l-emissjonijiet.

Ċessjoni u thassir
ta' permessi.

12. (1) Kull operatur għandu, mis-sena 2013 u mhux aktar tard mit-30 t'April ta' dik is-sena u ta' kull sena sussegwenti li tiġi wara, jċedi numru ta' permessi ugwali għat-total ta' emissjonijiet matul is-sena kalendarja preċedenti minn attivitajiet tal-avjazzjoni elenkati fi Skeda 1 li tinsab ma' dawn ir-regolamenti, kif rappurtati skond ir-regolament 10 ta' dawn ir-regolamenti u verifikati skond ir-regolament 11 ta' dawn ir-regolamenti.

(2) Permessi li jkunu ċeduti skond is-subregolament (1) ta' dan ir-regolament għandhom wara jiġu mħassra.

(3) L-Awtorità għandha tippubblika l-isem ta' kull operatur tal-ingenji tal-ajru li jkun kiser il-htieġa li jċedi permessi suffiċjenti skond is-subregolament (1) ta' dan ir-regolament.

(4) Kull operatur tal-ingenji tal-ajru li ma jkunx ċeda biżżejjed permessi sat-30 t'April ta' kull sena kif meħtieġ bis-subregolament (1) ta' dan ir-regolament biex ikopri l-emissjonijiet tiegħu matul is-sena preċedenti tista' tiġi imposta fuqu multa amministrattiva ta' mitt euro (100) għal kull tunnellata ta' dijossidu karboniku ekwivalenti li jkun ġie rilaxxat, li dwaru l-operatur tal-ingenji tal-ajru ma jkunx ċeda l-permessi. Għall-finijiet ta' dan is-subregolament, kull permess li ma jkunx ġie ċedut mill-operatur tal-ingenji tal-ajru għal kull tunnellata ta' dijossidu karboniku

ekwivalenti li jkun gie rilaxxat għandu jittqies bħala kontravvenzjoni separata.

(5) Meta tkun giet imposta multa amministrattiva kif stabbilit fis-subregolament (4) ta' dan ir-regolament, dan m'għandux jeżenta lill-operatur tal-ingenji tal-ajru mill-obbligazzjoni li jċedi ammont ta' permessi ugwali għal dawk l-emissjonijiet eċċessivi li dwarhom tkun giet imħallsa l-multa amministrattiva meta jiġu ċeduti permessi dwar is-sena kalendarja li tkun taħbat minnufih wara.

13. (1) Matul il-perjodu mill-1 ta' Jannar, 2012 sal-31 ta' Diċembru, 2012, operaturi tal-ingenji tal-ajru jistgħu jagħmlu użu minn *CERs* u *ERUs* sa 15% tan-numru ta' permessi li huma jkunu meħtieġa li jċedu konformament mas-subregolament (1) tar-regolament 12 ta' dawn ir-regolamenti.

Użu ta' *CERs* u *ERUs* minn attivitajiet ta' proġetti fl-iskema kummerċjali ta' emissjonijiet fl-UE.

(2) Għall-perjodu li jibda mill-1 ta' Jannar, 2013 u perjodi sussegwenti, operaturi tal-ingenji tal-ajru jistgħu jagħmlu użu minn *CERs* u *ERUs* sa 15% tan-numru ta' permessi li huma jkunu meħtieġa li jċedu konformament mas-subregolament (1) tar-regolament 12 ta' dawn ir-regolamenti, jew sa percentwali kif jista' jiġi pubblikat mill-Kummissjoni.

(3) L-użu ta' *CERs* u *ERUs* minn operaturi tal-ingenji tal-ajru konformament mas-subregolamenti (1) u (2) ta' dan ir-regolament għandu jseħħ permezz tal-ħruġ u ċ-ċessjoni minnufih ta' permess wieħed mill-Awtorità bi skambju għal *CER* jew *ERU* waħda miżmuma mill-operatur fir-registru tal-Komunità. *CERs* u *ERUs* li jkunu ntużaw mill-operaturi tal-ingenji tal-ajru li jkunu konformi mal-obbligazzjonijiet taħt ir-regolament 12 ta' dawn ir-regolamenti skond dan ir-regolament għandhom jiġu wara mħassra.

(4) *CERs* u *ERUs* li jkunu nħarġu u jkunu jistgħu jintużaw skond il-*UNFCCC* u l-Protokoll ta' Kyoto u d-deċiżjonijiet sussegwenti adottati taħthom, jistgħu jintużaw minn operaturi tal-ingenji tal-ajru skond is-subregolamenti (1) u (2) ta' dan ir-regolament:

Izda *CERs* u *ERUs* minn użu tal-art, bidla fl-użu tal-art u attivitajiet fil-foresti, u għall-perjodu li jibda mill-1 ta' Jannar, 2012 sal-31 ta' Diċembru, 2012 *CERs* u *ERUs* li jkunu generati minn faċilitajiet nukleari, jistgħu ma jiġux użati b'dak il-mod.

Hruġ ta' CERs
jew ERUs minn
attivitajiet ta' proġett
fis-settur tal-
avjazzjoni.

14. Ebda CER jew ERU minn attivitajiet ta' proġett kif imfissra taht ir-regolament 2 ta' dawn ir-regolamenti m'għandu jinħareġ għal tnaqqis jew limitazzjonijiet ta' emissjonijiet ta' gassijiet serra f'dak li għandu x'jaqsam m'attivitajiet tal-avjazzjoni li jaqgħu taht l-iskop ta' dawn ir-regolamenti.

Bord tal-Appelli
tar-Rizorsi.

15. Il-Bord tal-Appelli tar-Rizorsi stabbilit fl-Artikolu 33 tal-Att dwar l-Awtorità ta' Malta dwar ir-Rizorsi, għandu jkollu l-gurisdizzjoni li jiddeċiedi appelli minn deċiżjonijiet tal-Awtorità li jittiehdu taht dawn ir-regolamenti.

Aċċess għal
informazzjoni.

16. Deċiżjonijiet li jkollhom x'jaqsmu mal-allokkazzjoni ta' permessi għal operaturi tal-ingenji tal-ajru u kull informazzjoni li tiġi ppreżentata f'dak li għandu x'jaqsam mar-rapport ta' emissjonijiet tista' tkun soġġetta għal aċċess pubbliku skond ir-Regolamenti tal-2005 dwar l-Aċċess Hieles għal Informazzjoni dwar l-Ambjent:

A.L. 116 tal-2005.

Kap. 440.

Izda kull aċċess għal *data* personali għandu jkun skond l-Att dwar il-Privatezza u l-Protezzjoni tad-Data:

Izda wkoll mingħajr preġudizzju għal dan ir-regolament u l-obbligazzjoni li tista' tiġi mposta fuq l-Awtorità li tiżvela kull informazzjoni, l-Awtorità m'għandha tiżvela ebda nformazzjoni kunfidenzjali jew xi partijiet minn din l-informazzjoni jew xi informazzjoni oħra li tingħata f'dak li għandu x'jaqsam mar-rapport li għandha tiġi trattata bħala kummerċjalment kunfidenzjali:

Izda anke kull informazzjoni li għandha tiġi trattata bħala kummerċjalment kunfidenzjali għandha tiġi nfurmata f'kull waqt lill-Awtorità.

Skeda 1

Regolamenti 2, 3, 4(2), 4(6)(b), 5(1)(a), 5(3)(a), 6(1), 10(1), 10(1)(b), 10(6) u 12(1).

Kategoriji ta' Attivitajiet li dwarhom Jappikaw Dawn ir-**Regolamenti**

Attivitajiet	Gassijiet Serra
<i>Avjazzjoni</i>	
Titjiriet li jitolqu minn jew jaslu f'ajruport li jkun jinsab fit-territorju ta' Stat Membru:	Dijossidu Karboniku
Din l-attività m'għandhiex tkun tinkludi:	
(a) titjiriet li eskusivament isiru għat-trasport, fuq missjoni uffiċjali, ta' xi Monarkia renjanti u l-familja tagħha fil-qrib, Kapijiet ta' Stat, Kapijiet ta' Gvern u Ministri tal-Gvern ta' xi pajjiż li ma jkunx Stat Membru, meta dan jiġi verifikat minn indikatur ta' status adatt fil-pjan tat-titjira;	
(b) titjiriet militari li jsiru minn ingeni tal-ajru militari u titjiriet tad-dwana u tal-pulizija;	
(c) titjiriet li jkollhom x'jaqsmu ma' tfittxija u savataġġ, titjiriet għat-tifi tan-nar, titjiriet umanitarjani u titjiriet ta' servizzi mediċi ta'	

- | | |
|---|--|
| emergenza li jkunu hekk awtorizzati mill-awtorita` adatta; | |
| (d) kull titjira li tkun saret esklussivament skond ir-regoli dwar it-titjiriet viżwali kif imfisser f'Anness 2 li jinsab mal-Konvenzjoni ta' Chicago; | |
| (e) titjiriet li jieqfu fl-ajruport minn fejn l-ingenji tal-ajru jkunu taru u li matulhom ma tkun saret ebda waqfa intermedja; | |
| (f) titjiriet ta' tahrig li jkunu saru esklussivament għall-fini li tiġi akkwistata liċenza, jew <i>rating</i> fil-każ ta' titjira ta' ekwipaġġ fil-kabina tal-piloti meta dan jiġi verifikat b'rimarka adatta fil-pjan tat-titjira u sakemm it-titjira ma ssirx għat-trasport ta' passigieri u/jew merkanzija jew għat-tqeghid f'pożizzjoni jew garr tal-ingenji tal-ajru; | |
| (g) titjiriet li jsiru eskklusivament għall-fini ta' riċerka xjentifika jew għall-fini ta' verifika, testjar jew għaċ-ċertifikazzjoni tal-ingenji tal-ajru jew tagħmir tagħhom kemm dak li jtir kemm dak tal-art; | |
| (h) titjiriet li jkunu saru minn ingenji tal-ajru b'massa ta' titjir massimu ċertifikat ta' inqas | |

minn 5 700kg;

(i) titjiriet li jsiru fil-kuntest ta' obbligazzjonijiet ta' servizz pubbliku imposti skond ir-Regolament (KEE) Nru. 2408/92 fuq rotot fir-regjuni fuq in-naħa ta' barra, kif imsemmi fl-Artikolu 299(2) tat-Trattat li jistabbilixxi l-Komunita' Ewropea, jew fuq rotot fejn il-kapaċita' li tkun provduta ma tkunx teċċedi it-30,000 sigġu fis-sena;

(j) titjiriet li, hlief għal din l-eċċezzjoni, jaqgħu taħt it-tifsira ta' attivita' tal-avjazzjoni kif hawn elenkata, li ssir minn operatur tat-trasport kummerċjali tal-ajru li jkun qiegħed jopera jew:

- inqas minn 243 titjira kull perjodu għal perjodu ta' erba' xhur għal tliet darbiet konsekuttivi; jew

- titjiriet b'total ta' emissjonijiet annwali inqas minn 10,000 elef tonnellata fis-sena.

Titjiriet li jsiru esklusivament għat-trasport, fuq missjonijiet uffiċjali, ta' xi Monarkia renjanti u l-familja tagħha fil-qrib, Kapijiet ta' Stat, Kapijiet ta' Gvern u Ministri tal-Gvern ta'

Stat Membru ma jistghux ikunu eskluzi taht dan il-paragrafu.	
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Skeda 2**Regolament 2****Gassijiet Serra**

Dijossidu Karboniku (CO_2)

Metan (CH_4)

Ossidu Nitrus (N_2O)

Hydrofluorocarbons (HFCs)

Perfluorocarbons (PFCs)

Sulphur Hexafluoride (SF_6)

Skeda 3**Regolamenti 6(2)(a) u 10(2)(a)****Prinċipji għal Monitoraġġ u Rappurtaġġ ta' Emissjonijiet u Data ta' Kilometru Tunnellata minn Attivitàjiet tal-Avjazzjoni****Monitoraġġ ta' emissjonijiet ta' diossidu karboniku minn attivitàjiet tal-avjazzjoni**

L-emissjonijiet għandhom jiġu monitorjati permezz ta' kalkoli.
L-emissjonijiet għandhom jiġu kalkulati billi tintuża l-formola:

Konsum ta' karburanti $\times$ fattur ta' emissjoni

Il-konsum tal-karburant għandu jinkludi l-karburant ikkunsmat mill-generator awżiljarju. Il-konsum attwali tal-karburant għal kull titjira għandu jintuża kull fejn hu possibbli u għandu jiġi kalkulat permezz tal-formola:

Ammont ta' karburant li jinsab fit-tankijiet tal-inġenju tal-ajru ladarba jkun sar il-mili tal-karburant għat-titjira – ammont ta' karburant li jinsab fit-tankijiet tal-inġenju tal-ajru wara li jkun sar il-mili tal-karburant għat-titjira flimkien mal-mili tal-karburant għal dik it-titjira sussegwenti.

Jekk id-data tal-konsum attwali tal-karburant ma tkunx disponibbli, għandu jintuża metodu standardizzat imqassam f'livelli għall-istima *tad-data* tal-konsum tal-karburant ibbażat fuq l-aħjar informazzjoni disponibbli.

Għandhom jintużaw il-fatturi ta' bażi għall-emissjonijiet IPCC, meħudin mil-Linji Gwida tal-Inventarju tal-IPCC 2006 jew

minn aġġornamenti sussegwenti ta' dawn il-Linji Gwida, sakemm ma jkunux aktar preċiżi l-fatturi għall-emissjonijiet marbutin speċifikament mal-attività li waslu għalihom laboratorji indipendenti akkreditati permezz ta' metodi ta' analizi aċċettati. Il-fattur tal-emissjoni għall-biomassa għandu jkun żero.

Għandu jsir kalkolu separat għal kull titjira u għal kull karburant.

Rappurtaġġ ta' emissjonijiet

Kull operatur tal-inġenji tal-ajru għandu jinkludi l-informazzjoni li ġejja fir-rapport tiegħu skond is-subregolament (6) tar-regolament 10 ta' dawn ir-regolamenti:

A. *Data* li tidentifika l-operatur tal-inġenji tal-ajru, inkluż:

- (i) l-isem tal-operatur tal-inġenji tal-ajru,
- (ii) l-Istat Membru li jamministrat,
- (iii) l-indirizz tiegħu, inkluż il-kodiċi postali u l-pajjiż u, jekk differenti, l-indirizz ta' kuntatt tiegħu fl-Istat Membru li jamministrat,
- (iv) in-numri ta' registrazzjoni tal-inġenju tal-ajru u t-tipi ta' inġenji tal-ajru li jkunu ntużaw minnu fil-perjodu kopert bir-rapport għat-twettiq tal-attivitajiet tal-avjazzjoni elenkati fi Skeda 1,
- (v) in-numru u l-awtorità tal-hruġ taċ-ċertifikat tal-operatur tal-ajru u l-liċenza operattiva li permezz tagħha l-operatur tal-inġenji tal-ajru jkun wettaq l-attivitajiet tal-avjazzjoni elenkati fi Skeda 1,
- (vi) l-indirizz, u d-dettalji tat-telefon, *fax* u *e-mail* ta' min għandu jiġi kuntattjat, u
- (vii) l-isem ta' sid l-inġenju tal-ajru.

B. Għal kull tip ta' karburant li għalih jiġu kalkulati l-emissjonijiet:

- (i) il-konsum tal-karburant,
- (ii) il-fattur tal-emissjoni,
- (iii) l-emissjonijiet totali aggregati mit-titjiriet kollha li jkunu twettqu matul il-perjodu kopert bir-rapport li jaqgħu fl-ambitu tal-attivitajiet tal-avjazzjoni elenkati fi Skeda I li għalihom l-operatur in kwistjoni ikun meqjus l-operatur tal-inġenji tal-ajru,
- (iv) l-emissjonijiet aggregati minn:
 - it-titjiriet kollha li jkunu twettqu matul il-perjodu kopert bir-rapport li jaqgħu fi hdan l-attivitajiet tal-avjazzjoni elenkati fi Skeda 1 li għalihom l-operatur in kwistjoni ikun meqjus l-operatur tal-inġenji tal-ajru u li telqu minn ajrudrom li jinsab fit-territorju ta' Stat Membru u li waslu f'ajruport li jinsab fit-territorju tal-istess Stat Membru,
 - titjiriet kollha oħrajn li twettqu matul il-perjodu kopert bir-rapport li jaqgħu fl-ambitu tal-attivitajiet tal-avjazzjoni elenkati fi Skeda 1 li għalihom l-operatur in kwistjoni jkun meqjus l-operatur tal-inġenji tal-ajru,
- (v) l-emissjonijiet totali aggregati mit-titjiriet kollha li twettqu matul il-perjodu kopert bir-rapport li jaqgħu fl-ambitu tal-attivitajiet tal-avjazzjoni elenkati fi Skeda 1 li għalihom l-operatur in kwistjoni ikun meqjus l-operatur tal-inġenji tal-ajru u li:
 - telqu minn kull Stat Membru, u
 - waslu f'kull Stat Membru minn pajjiż terz,
- (vi) l-inċertezza.

Monitoraġġ ta' data ta' kilometru tunnellata

Għall-fini tal-applikazzjoni għal allokkazzjoni ta' kwoti skond ir-regolament 4 jew ir-regolament 5 ta' dawn ir-regolamenti, l-ammont tal-attività tal-avjazzjoni għandu jiġi kalkulat

f'kilometru tunnellata permezz tal-formola li ġejja:

fejn kilometri tunnellata = distanza x taghbija li tingarr bi hlas:

‘distanza’ tfisser id-distanza fiċ-ċirku kbir bejn l-ajrudrom tat-tluq u l-ajrudrom tal-wasla b’żieda ta’ fattur fiss supplimentari ta’ 95 km; u

‘taghbija li tingarr bi hlas’ tfisser il-massa totali tal-merkanzija, il-posta u l-passiġġieri li jingarru.

Ghall-finijiet ta’ kalkolu ta’ taghbija li tingarr bi hlas:

- (a) in-numru tal-passiġġieri għandu jkun in-numru ta’ persuni abbord esklużi l-membri tal-ekwipaġġ,
- (b) operatur tal-inġenji tal-ajru jista’ jagħzel li japplika jew il-massa attwali jew standard għall-passiġġieri u l-valiġġa reġistrata li jinsabu fil-massa tiegħu u d-dokumentazzjoni bilanċarja għat-titjiriet rilevanti jew valur ta’ bazi ta’ 100 kg għal kull passiġġier u l-valiġġa reġistrata tiegħu.

Rappurtaġġ ta’ data f’kilometru tunnellata

Kull operatur tal-inġenji tal-ajru għandu jinkludi l-informazzjoni li ġejja fl-applikazzjoni tiegħu skond ir-regolament 4 jew ir-regolament 5 ta’ dawn ir-regolamenti:

A. *Data* li tidentifika l-operatur tal-inġenji tal-ajru, inkluż:

- (i) l-isem tal-operatur tal-inġenji tal-ajru,
- (ii) l-Istat Membru amministrattiv tiegħu,
- (iii) l-indirizz tiegħu, inkluż il-kodiċi postali u l-pajjiż u, jekk differenti, l-indirizz ta’ kuntatt tiegħu fl-Istat Membru

amministrattiv, in-numri ta' registrazzjoni tal-inġenji tal-ajru u t-tipi ta' inġenji tal-ajru li ntuzaw matul is-sena koperta bl-applikazzjoni għat-twettiq tal-attivitajiet tal-avjazzjoni mill-operatur tal-inġenji tal-ajru elenkati fi Skeda 1,

- (iv) in-numru u l-awtorità tal-ħruġ taċ-ċertifikat tal-operatur tal-ajru u l-liċenza operattiva li permezz tagħha l-operatur tal-inġenji tal-ajru jkun wettaq l-attivitajiet tal-avjazzjoni elenkati fi Skeda 1,
- (v) l-indirizz, u d-dettalji tat-telefon, *fax* u *e-mail* ta' min għandu jiġi kuntattjat, u
- (vi) l-isem ta' sid l-inġenju tal-ajru.

B. *Data* ta' kilometru tunnellata:

- (i) numru ta' żewġ titjiriet għal kull ajruport,
- (ii) numru ta' żewġ kilometri passiġġiera għal kull ajruport,
- (iii) numru ta' żewġ kilometri tunnellata għal kull ajruport,
- (iv) il-metodu magħżul biex tiġi kalkulata l-massa għall-passiġġieri u l-valiġġa verifikata,
- (v) in-numru totali ta' kilometri tunnellata għat-titjiriet kollha li jkunu ġew imwettqa matul is-sena li r-rapport ikun jirreferi għaliha li jkunu jaqgħu taħt l-attivitajiet tal-avjazzjoni elenkati fi Skeda 1.

Skeda 4**Regolamenti 7(1), 11(1)(a) u 11(4).****Kriterji għall-Verifika****Prinċipji Ġenerali**

1. L-emissjonijiet minn kull waħda mill-attivitajiet elenkati fi Skeda 1 għandhom ikunu soġġetti għal verifika.

2. Il-proċess tal-verifika għandu jinkludi l-konsiderazzjoni tar-rapport konformament mas-subregolament (6) tar-regolament 10 ta' dawn ir-regolamenti u tal-monitoraġġ matul is-sena ta' qabel. Huwa għandu jindirizza l-fiduċja, l-kredibbiltà u l-eżattezza tas-sistemi tal-monitoraġġ u l-informazzjoni u t-tagħrif rappurtati fejn jidhlu l-emissjonijiet, b'mod partikolari:

(a) l-informazzjoni dwar l-attività rappurtata u l-kejl u l-kalkoli relatati;

(b) il-għażla u l-użu tal-fatturi ta' l-emissjonijiet;

(ċ) il-kalkoli li jwasslu sabiex jiġu stabbiliti l-emissjonijiet ġenerali; u

(d) jekk jintuza l-kejl, kemm ikunu adatti l-għażla u l-użu tal-metodi tal-kejl.

3. L-emissjonijiet rappurtati jistgħu jiġu validati biss jekk l-informazzjoni u t-tagħrif ta' fiduċja u kredibbli jkunu jippermettu li l-emissjonijiet jiġu stabbiliti b'livell għoli ta' ċertezza. Livell għoli ta' ċertezza jehtieg li l-operatur juri illi:

- (a) l-informazzjoni rappurtata tkun hielsa mill-inkonsistenzi;
- (b) il-kollezzjoni ta' l-informazzjoni tkun saret skond *standards* xjentifiċi li japplikaw; u
- (ċ) ir-registri rilevanti ta' l-istallazzjoni jkunu kompleti u konsistenti.

4. Il-verifikatur għandu jingħata aċċess għas-siti kollha u t-tagħrif fejn jidhol is-sugġett tal-verifika.

5. Il-verifikatur għandu jikkunsidra jekk l-istallazzjoni tkunx reġistrata skond l-iskema Komunitarja ta' l-eko-ġestjoni u l-verifika (*EMAS*).

Il-metodoloġija

Analizi ta' Strategija

6. Il-verifika għandha tkun imsejsa fuq analizi ta' strategija dwar l-attivitajiet kollha tal-avjazzjoni koperti mir-rapport li jsir mill-operatur tal-inġenju tal-ajru. Dan jirrikjedi lill-verifikatur li jkollhom tagħrif ġenerali tal-attivitajiet kollha u s-sinifikat tagħhom għall-emissjonijiet.

Analizi tal-proċess

7. Il-verifika tat-tagħrif li jkun ġie ipprezentat għandha, meta jkun xieraq, ssir fuq is-sit li jkun qiegħed jiġi użat mill-operatur tal-inġenji tal-ajru biex iwettaq l-attivitajiet tal-avjazzjoni li jkunu koperti bir-rapport. Il-verifikatur għandu jagħmel użu mill-verifiki fuq il-post sabiex jistabbilixxi l-fiduċja ta' l-informazzjoni u *data* li jiġu rappurtati.

Analizi tar-riskju

8. Il-verifikatur għandu jippreżenta l-inġenji kollha tal-ajru li l-operatur tal-inġenji tal-ajru huwa responsabbli għalihom, għal valutazzjoni f'dak li għandu x'jaqsam mal-fiduċja tad-*data* ta' kull sors li jikkontribwixxi għall-emissjonijiet generali tal-operatur tal-inġenji tal-ajru.

9. Abbazi ta' din l-analizi, il-verifikatur għandu jidentifika b'mod esplicitu dawk is-sorsi b'riskju għoli ta' żball u aspetti oħra tal-proċedura ta' monitoraġġ u rappurtaġġ li x'aktarx ikunu jikkontribwixxu għall-iżbalji meta jiġu stabbiliti l-emissjonijiet generali. Dan jinvolti b'mod speċjali l-għażla tal-fatturi ta' l-emissjonijiet u l-kalkoli neċessarji sabiex jiġu stabbilit l-livell ta' emissjonijiet minn sorsi individwali. Għandha tingħata importanza partikolari lil dawk is-sorsi b'riskju għoli ta' żball u l-aspetti msemmija hawn qabel tal-proċedura ta' monitoraġġ.

10. Il-verifikatur għandu jieħu in kunsiderazzjoni kull metodu effettiv ta' kontroll ta' riskju li jiġi applikat mill-operatur tal-inġenji tal-ajru bil-ħsieb li jitnaqqas sew il-grad ta' incertezza.

Ir-rapport

11. Il-verifikatur għandu jhejji rapport dwar il-proċess tal-validazzjoni fejn jiddikjara jekk ir-rapport skond is-subregolament (6) tar-regolament 10 ta' dawn ir-regolamenti ikunx sodisfaċenti. Dan ir-rapport għandu jispeċifika l-kwistjonijiet kollha rilevanti għax-xogħol li jkun sar. Tista' ssir dikjarazzjoni li r-rapport skond is-subregolament (6) tar-regolament 10 ta' dawn ir-regolamenti jkun sodisfaċenti jekk, fl-opinjoni tal-verifikatur, l-emissjonijiet totali ma jkunux materjalment dikjarati ħazin.

Ħtiġiet tal-kompetenza minima għall-verifikatur

12. Il-verifikatur għandu jkun indipendenti mill-operatur tal-inġenji tal-ajru, jkun iwettaq l-attivitajiet tiegħu b'mod professjonali li jkun razzjonali u oġġettiv, u jkun jifhem:

(a) id-disposizzjonijiet ta' dawn ir-regolamenti kif ukoll ta' *standards* rilevanti u l-gwida adottata mill-Kummissjoni skond l-Artikolu 14(1) tad-Direttiva 2003/87/KE kif emendata b'dawn ir-regolamenti u kull ħtieġa li ssir mill-Awtorita`;

(b) il-ħtiġiet leġislattivi, regolatorji u amministrattivi rilevanti għall-attivitajiet li qegħdin jiġu verifikati; u

(c) il-ġenerazzjoni tat-tagħrif kollu relatat ma' kull inġenji tal-ajru li għalih l-operatur tal-inġenji tal-ajru jkun responsabbli, b'mod partikolari, f'dak li għandu x'jaqsam mal-ġbir, kejl, kalkolu u rappurtaġġ ta' *data*.

Dispożizzjonijiet supplimentari għall-verifikazzjoni ta' rapporti ta' emissjonijiet tal-avjazzjoni

13. Il-verifikatur għandu b'mod partikolari jaççerta li:

(a) it-titjiriet kollha li jaqgħu taħt attività tal-avjazzjoni elenkata fi Skeda 1 ikun ittiehed kont tagħhom. F'din il-ħidma il-verifikatur għandu jiġi assistit permezz ta' *data* dwar skeda ta' żmien u *data* oħra dwar it-traffiku tal-operatur tal-inġenji tal-ajru inkluża d-*data* mill-*Eurocontrol* li tkun intalbet minn dak l-operatur;

(b) ikun hemm konsistenza ġenerali bejn id-*data* dwar il-

konsum aggregat tal-karburant u d-*data* dwar il-karburant li jkun inxtara jew fornut xort'ohra lill-inġenju tal-ajru li jkun qieghed iwettaq l-attività tal-avjazzjoni.

Dispożizzjonijiet supplimentari għall-verifika ta' *data* ta' kilometru tunnellata li tiġi ppreżentata għall-fini tar-regolamenti 4 u 5 ta' dawn ir-regolamenti

14. Il-prinċipji generali u l-metodoloġija għall-verifika tar-rapporti tal-emissjonijiet stabbiliti f'din l-Iskeda għandhom, fejn ikun japplika, japplikaw ukoll b'mod korrispondenti għall-verifika ta' *data* ta' kilometru tunnellata tal-avjazzjoni ppreżentata skond is-subregolament (2) tar-regolament 4 ta' dawn ir-regolamenti u s-subregolament (2) tar-regolament 5 ta' dawn ir-regolamenti.

15. Il-verifikatur għandu b'mod partikolari jiżgura li daww it-titjiriet biss li attwalment ikunu qegħdin isiru u li jaqgħu taħt attività tal-avjazzjoni kif elenkata fl-Iskeda 1 li jkun responsabbli għaliha, l-operatur tal-inġenji tal-ajru ikun ittieħed kont tagħhom fl-applikazzjoni ta' dak l-operatur skond ir-regolament 4 u r-regolament 5 ta' dawn ir-regolamenti. F'din il-hidma l-verifikatur għandu jiġi assistit permezz ta' *data* dwar it-traffiku tal-operatur tal-inġenji tal-ajru inkluża *data* mill-*Eurocontrol* li tkun intalbet minn dak l-operatur. Minbarra dan, il-verifikatur għandu jiżgura li t-tagħbija li tingarr bi hlas li tiġi rappurtata mill-operatur tkun tikkorrispondi għar-registri dwar it-tagħbija li tingarr bi hlas li tkun miżmuma minn dak l-operatur għall-finijiet ta' sigurtà`.

L.N. 445 of 2010

**ENVIRONMENT PROTECTION ACT
(CAP. 435)**

**MALTA RESOURCES AUTHORITY ACT
(CAP. 423)**

**European Community Greenhouse Gas Emissions Trading
Scheme for Aviation Regulations, 2010**

IN exercise of the powers conferred by article 9 of the Environment Protection Act and by article 28 of the Malta Resources Authority Act the Prime Minister and the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority, have made the following regulations:

Title, scope and
commencement.

1. (1) The title of these regulations is the European Community Greenhouse Gas Emissions Trading Scheme for Aviation Regulations, 2010.

(2) These regulations provide for the implementation in Malta of a scheme for greenhouse gas emissions allowance trading within the Community for aircraft operators. These regulations also transpose Directive 2008/101/EC amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community.

(3) These regulations shall come into force on the 28th September 2010, with the exception of regulations 5, 8, 12, 13 and 14 which shall come into force on such date as the Minister responsible for the environment and the Minister responsible for resources may establish by notice in the Gazette.

Interpretation.

2. For the purposes of these regulations and unless the context otherwise requires, the following definitions shall apply:

“the Authority” means the Malta Resources Authority;

“aircraft operator” means the person who operates an aircraft at the time it performs an aviation activity listed in Schedule 1 or, where that person is not known or is not identified by the owner of the aircraft, the owner of the aircraft;

“allowance” means an allowance to emit one tonne of carbon dioxide equivalent during a specified period, which shall be valid only for the purposes of meeting the requirements of these regulations and shall be transferable in accordance with the provisions of these regulations;

“Annex I Party” means a country listed in Annex I to the United Nations Framework Convention on Climate Change (UNFCCC) that has ratified the Kyoto Protocol to the UNFCCC as specified in Article 1(7) of the Kyoto Protocol;

“base year” means, for the purposes of paragraph (b) of regulation 3 hereof, in relation to an aircraft operator which started operating in the Community after the 1st January 2006, the first calendar year of operation, and in all other cases, the calendar year starting on 1st January 2006;

“cancellation” means the cancellation of allowances and other units which:

(a) are surrendered by such aircraft operator in pursuance of regulation 12 of these regulations;

(b) are cancelled at the end of the trading period in pursuance of regulation 8 of these regulations; or

(c) shall be cancelled at the voluntary request of the aircraft operator holding allowances in pursuance of regulation 8 hereof;

“certified emission reduction” or “CER” means a unit issued pursuant to Article 12 of the Kyoto Protocol and the decisions adopted pursuant to the UNFCCC or the Kyoto Protocol;

“commercial air transport operator” means an operator that provides scheduled or non-scheduled air transport services to the public for the carriage of passengers, freight or mail against economic consideration;

“the Commission” means the European Commission;

“the Community” means the European Community as established by the Treaty establishing the European Community;

“Community registry” means the registry established and maintained in accordance with Article 19 of Directive 2003/87/EC as amended by Directive 2009/29/EC for the execution of processes pertaining to the maintenance of holding accounts and the allocation, surrender and cancellation of allowances;

“confidential information” means any non-public information deemed to be sensitive by the operator and, or any privileged information falling within the scope of regulation 16 of these regulations, disclosed only for promoting and elaborating certain purposes. It shall include *inter alia*:

(a) trade secrets;

(b) any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or

(c) information other than trade secrets or information under paragraph (b) concerning a person, organisation or undertaking in respect of their business, professional, commercial or financial affairs;

“emissions” means the release of greenhouse gases into the atmosphere from an aircraft performing an aviation activity listed in Schedule 1 to these regulations, as specified in respect of that activity;

“emissions reduction unit” or “ERU” means a unit issued pursuant to Article 6 of the Kyoto Protocol and the decisions adopted pursuant to the UNFCCC or the Kyoto Protocol;

“greenhouse gases” means the gases listed in Schedule 2 to these regulations;

“Kyoto Protocol” means the Kyoto Protocol to the UNFCCC;

“Member State” means a state which is a member of the European Union;

“person” means any natural or legal person;

“project activity” means a project activity approved by one or more Annex I Parties to the UNFCCC in accordance with Article 6 or Article 12 of the Kyoto Protocol and the decisions adopted pursuant to the UNFCCC or the Kyoto Protocol;

“the public” means one or more persons and associations, organisations or groups of persons;

“surrender” means the surrender by an aircraft operator of allowances and other units each year, to account for emissions as reported in pursuance of regulation 10 of these regulations in respect of the previous calendar year;

“trading period” means the period beginning from 1st January 2012 up to 31st December, 2012, the eight-year period beginning 1st January, 2013 and the subsequent eight-year period thereafter;

“transfer of allowances” means any transfer of allowances allocated by the Authority to aircraft operators performing aviation activities falling within the scope of these regulations;

“the Treaty” means the Treaty establishing the European Community;

“verifier” means a competent, independent, accredited verification body or person with responsibility for performing and reporting on the verification process in respect of aviation activities listed in Schedule 1 to these regulations and in accordance with Directive 2003/87/EC, these regulations and any other requirements made by the Authority.

3. These regulations shall apply to aircraft operators performing aviation activities resulting in emissions of greenhouse gases specified in respect of those activities as listed in Schedule 1 to these regulations, and:

Applicability.

(a) who have a valid operating licence granted by Malta in accordance with the provisions of Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community; or

(b) for whom Malta being the Member State with the greatest estimated attributed aviation emissions from aviation activities as listed in Schedule 1 to these regulations performed in the base year by those aircraft operators, has been designated as the administering Member State either in the Commission list published in pursuance of Article 18a(3) of Directive 2003/87/EC as amended by Directive 2008/101/EC, or any other measure taken by the Commission or by the Authority pursuant to Directive 2003/87/EC as amended by Directive 2008/101/EC.

Allocation of
allowances to
aircraft operators.

4. (1) For each trading period, an aircraft operator may apply for an allocation of allowances that are to be allocated free of charge.

(2) An application made by an aircraft operator pursuant to sub-regulation (1) of this regulation may be made by submitting to the Authority verified tonne-kilometre data for the aviation activities listed in Schedule 1 to these regulations performed by that aircraft operator for the monitoring year. For the purposes of this regulation:

(a) the monitoring year for the period from 1st January, 2012 to 31st December, 2013 shall be 2010;

(b) the monitoring year for the period beginning 1st January, 2013 shall be 2010; and

(c) the monitoring year for subsequent periods shall be the calendar year ending 24 months before the start of the period to which the application relates.

(3) An application made in terms of sub-regulation (1) of this regulation shall be submitted to the Authority:

(a) in relation to the period from 1st January 2012 to 31st December, 2012, by the 31st March, 2011;

(b) in relation to the period beginning 1st January, 2013, by 31st March, 2011;

(c) in relation to subsequent periods, by at least 21 months before the start of the period to which the application relates.

(4) The Authority shall submit to the Commission any application received pursuant to sub-regulation (1) of this regulation, if it is satisfied that the application is in accordance with the provisions of these regulations and that the aircraft operator who submitted the application has complied with regulations 6 and 7 of these regulations.

(5) The Authority shall submit to the Commission any application pursuant to sub-regulation (4) of this regulation:

(a) in relation to the period from 1st January 2012 to the 31st December, 2013, by 30th June, 2011;

(b) in relation to the period beginning 1st January, 2013, by 30th June, 2011;

(c) in relation to subsequent periods, by at least 18 months before the start of the period to which the application relates.

(6) Pursuant to a decision adopted by the Commission setting out the benchmark for a period to be used to allocate allowances free of charge to aircraft operators for the period to which such a decision relates, the Authority shall, within three months of such a decision, calculate and publish:

(a) the total allocation of allowances for the period to each aircraft operator whose application it has submitted to the Commission in accordance with sub-regulation (4) of this regulation, calculated by multiplying the tonne-kilometre data included in the application by the benchmark set out in the Commission decision; and

(b) the allocation of allowances to each aircraft operator for each year, which shall be determined by dividing its total allocation of allowances for the period calculated under paragraph (a) by the number of years in the period for which that aircraft operator is performing an aviation activity listed in Schedule 1 to these regulations.

5. (1) For the period beginning 1st January, 2013 or a subsequent period, an aircraft operator may apply for a free allocation from the special reserve set aside pursuant to Article 3(f) of Directive 2003/87/EC as amended by Directive 2008/101/EC. An application for a free allocation from the special reserve may be made by an aircraft operator:

Allocation of allowances from special reserve to aircraft operators.

(a) who starts performing an aviation activity falling within Schedule 1 to these regulations after the monitoring year for which tonne-kilometre data had to be submitted in respect of the period beginning 1st January, 2013 or a subsequent period; or

(b) whose tonne-kilometre data increases by an average of more than 18% annually between the monitoring year for which tonne-kilometre data was submitted under regulation 4 of these regulations in respect of the period beginning 1st January, 2013 or a subsequent period and the second calendar year of that period, and whose activity under paragraph (a) or additional activity under paragraph (b), is not, in whole or in part, a continuation of an aviation activity previously performed by another aircraft operator.

(2) An aircraft operator who is eligible under sub-regulation (1) of this regulation may apply for a free allocation of allowances from the special reserve by submitting an application to the Authority, and such an application shall be made by the 30th June of the third year of the period to which the application relates.

(3) An application under sub-regulation (2) of this regulation shall:

(a) include verified tonne-kilometre data for the aviation activities listed in Schedule 1 to these regulations performed by the aircraft operator in the second calendar year of the period to which the application relates;

(b) provide evidence that the criteria for eligibility under sub-regulation (1) of this regulation are fulfilled; and

(c) in the case of an aircraft operator falling within paragraph (b) of sub-regulation (1) of this regulation, state:

(i) the percentage increase in tonne-kilometres performed by that aircraft operator between the monitoring year for which tonne-kilometre data was submitted under regulation 4 of these regulations in respect of the period beginning 1st January, 2013 or a subsequent period and the second calendar year of that period;

(ii) the absolute growth in tonne-kilometres

performed by that aircraft operator between the monitoring year for which tonne-kilometre data was submitted under regulation 4 of these regulations in respect of the period beginning 1st January, 2013 or a subsequent period and the second calendar year of that period; and

(iii) the absolute growth in tonne-kilometres performed by that aircraft operator between the monitoring year for which tonne-kilometre data was submitted under regulation 4 of these regulations in respect of the period beginning 1st January, 2013 or a subsequent period and the second calendar year of that period which exceeds the percentage specified in paragraph (b) of sub-regulation (1) of this regulation.

(4) The Authority shall submit to the Commission any application received pursuant to sub-regulation (2) of this regulation, if it is satisfied that the application is in accordance with this regulation and that the aircraft operator who submitted the application has complied with regulations 6 and 7 of these regulations. The Authority shall submit any such application by not later than the 31st December of the third year of the period to which the application relates.

(5) Pursuant to a decision adopted by the Commission setting out the benchmark for a period to be used to allocate allowances free of charge from the special reserve to aircraft operators for the period to which such a decision relates, the Authority shall, within three months of such a decision, calculate and publish:

(a) the allocation of allowances from the special reserve to each aircraft operator whose application it has submitted to the Commission in accordance with sub-regulation (4) of this regulation; and

(b) the allocation of allowances from the special reserve to each aircraft operator for each year, which shall be determined by dividing the allocation as determined under paragraph (a) by the number of calendar years remaining in the period to which the allocation relates.

(6) The allocation of allowances from the special reserve to each aircraft operator under paragraph (a) of sub-

regulation (5) of this regulation shall be calculated by multiplying the benchmark set out in the Commission decision referred to under sub-regulation (5) of this regulation in the case of:

(a) an aircraft operator falling within paragraph (a) of sub-regulation (1) of this regulation whose application was submitted to the Commission pursuant to sub-regulation (4) of this regulation, by the tonne kilometre data included in the application submitted to the Commission;

(b) an aircraft operator falling within paragraph (b) of sub-regulation (1) of this regulation whose application was submitted to the Commission pursuant to sub-regulation (4) of this regulation, by the absolute growth in tonne-kilometres exceeding the percentage specified in paragraph (b) of sub-regulation (1) of this regulation included in the application submitted to the Commission.

(7) An allocation to an aircraft operator eligible for an allocation of allowances under paragraph (b) of sub-regulation (1) of this regulation shall not exceed one million allowances.

Monitoring and reporting of tonne-kilometre data for aviation activities.

6. (1) Each aircraft operator shall submit, to the Authority, a monitoring and reporting plan setting out measures to monitor and report tonne-kilometre data from aviation activities listed in Schedule 1 to these regulations for the purpose of an application made under regulations 4 and 5 of these regulations. The plan shall be submitted by not later than four months before the start of the first reporting period for the operator, or by such date as may be determined by the Authority.

(2) The monitoring and reporting plan shall be in accordance with:

(a) the principles set out in Schedule 3 to these regulations; and

(b) any other requirements made by the Authority in respect of monitoring and reporting of tonne-kilometre data for aviation activities.

(3) The monitoring and reporting plan submitted by an aircraft operator pursuant to sub-regulation (1) of this regulation shall be approved by the Authority, if it is satisfied that the plan is in accordance with the requirements set out under sub-regulation

(2) of this regulation. The Authority may request from the aircraft operator any additional information it deems appropriate for the approval of the plan.

(4) An aircraft operator shall notify the Authority of any deviations from or changes in the monitoring and reporting plan that may occur at any time after the approval of the plan by the Authority. Where it deems appropriate, the Authority may request the submission of a revised plan.

7. (1) The tonne-kilometre data submitted by an aircraft operator pursuant to regulations 4 or 5 of these regulations shall be verified by a verifier in accordance with:

Verification of
tonne-kilometre
data for
aviation activities.

(a) the principles set out in Schedule 4 to these regulations; and

(b) any other requirements made by the Authority in respect of verification of tonne-kilometre data for aviation activities.

(2) A verification report shall be submitted by the aircraft operator to the Authority with tonne-kilometre data submitted for the purposes of an application under regulations 4 or 5 of these regulations.

8. (1) The Authority shall, by the 28th February, 2012 and by the 28th February of each subsequent year, issue to each aircraft operator the number of allowances allocated to that aircraft operator for that year as determined under paragraph (b) of sub-regulation (6) of regulation 4 hereof or paragraph (b) of sub-regulation (5) of regulation 5 of these regulations. Issuance of allowances shall be carried out in accordance with the relevant decisions and regulations adopted by the Commission pursuant to Directive 2003/87/EC.

Issuing of allowances
allocated to aircraft
operators and validity
of allowances.

(2) Each aircraft operator shall be issued allowances in accordance with sub-regulation (1) of this regulation in the aircraft operator's holding account held in the Community registry.

(3) Allowances issued in accordance with sub-regulation (1) of this regulation in respect of the period from 1st January, 2012 to 31st December, 2012, the period beginning 1st January, 2013 and subsequent periods shall be valid for emissions during the period for which they are issued.

(4) Four months after the beginning of the period commencing on the 1st January, 2013 and subsequent periods the Authority shall cancel allowances that are no longer valid for that period and have not been surrendered and cancelled in accordance with regulation 12 of these regulations.

(5) For each period referred to in sub-regulation (4) hereof, the Authority shall issue allowances to aircraft operators for the current period to replace any allowances held by them which are cancelled in accordance with sub-regulation (4) of this regulation.

(6) The Authority shall cancel allowances at any time at the request of the aircraft operator holding them.

Transfer of
allowances.

9. (1) Allowances issued by the Authority to aircraft operators may be transferable between:

(a) persons within Member States;

(b) persons, whether within Member States or in third countries, who are aircraft operators for the purposes of and falling within the scope of these regulations, and holding an account in the Community registry;

(c) persons within Member States and persons in third countries listed in Annex B to the Kyoto Protocol, which countries have ratified the Kyoto Protocol and with whom agreements are concluded for the mutual recognition of allowances between the Community scheme and other greenhouse gas emissions trading schemes, without restrictions other than those contained in, or adopted pursuant to these regulations or the European Community Greenhouse Gas Emissions Trading Scheme Regulations, 2005.

L.N. 140 of 2005.

(2) The transfer of allowances shall be carried out in accordance with the relevant decisions and regulations adopted by the Commission pursuant to Directive 2003/87/EC.

(3) Allowances issued by a competent authority of another Member State shall be recognized by the Authority for the purpose of meeting an aircraft operator's obligations under sub-regulation (1) of regulation 12 of these regulations.

10. (1) Each aircraft operator shall submit to the Authority a monitoring and reporting plan setting out measures to monitor and report emissions of greenhouse gases specified in respect of aviation activities in Schedule 1 to these regulations. A monitoring and reporting plan shall be submitted by an aircraft operator to the Authority, in the case of:

Monitoring and reporting of emissions.

(a) an aircraft operator for whom Malta is identified as the administering Member State before the commencement of the reporting period from 1st January, 2010 to 31st December, 2010, by such date as may be determined by the Authority;

(b) an aircraft operator that starts performing an aviation activity listed in Schedule 1 to these regulations after the commencement of the reporting period from 1st January, 2010 to 31st December, 2010 and for whom Malta is identified as the administering Member State after the commencement of that reporting period, immediately upon the first performance of such an activity, or by such date as may be determined by the Authority;

(c) an aircraft operator for whom Malta is identified as the administering Member State after the commencement of a reporting period, by such date as may be determined by the Authority.

(2) The monitoring plan shall be in accordance with:

(a) the principles set out in Schedule 3 to these regulations; and

(b) any other requirements made by the Authority in respect of monitoring and reporting of emissions of greenhouse gases from aviation activities.

(3) The monitoring and reporting plan submitted by an aircraft operator pursuant to sub-regulation (1) of this regulation shall be approved by the Authority, if it is satisfied that the plan is in accordance with the requirements set out under sub-regulation (2) of this regulation. The Authority may request from the aircraft operator any additional information it deems appropriate for the approval of the plan.

(4) An aircraft operator shall notify the Authority of any deviations from or changes in the monitoring and reporting plan that may occur at any time after the approval of the plan by the Authority. Where it deems appropriate, the Authority may request the submission of a revised plan.

(5) An aircraft operator shall review the monitoring and reporting plan before the start of the period beginning from 1st January, 2013 and each subsequent period and submit a revised monitoring and reporting plan as appropriate.

(6) Each aircraft operator shall:

(a) from the monitoring year 2010 in the case of an aircraft operator for whom Malta is identified as the administering Member State before the start of the reporting year 2010; or

(b) from the first reporting year applicable to it in the case of an aircraft operator for whom Malta is identified as the administering Member State after the beginning of the reporting year 2010, monitor emissions from aircraft which it operates that perform aviation activities listed in Schedule 1 to these regulations, during each calendar year and report emissions for each calendar year in accordance with the approved monitoring and reporting plan. A report on emissions for each calendar year shall be submitted to the Authority by not later than 31st March of the subsequent year.

(7) The Authority may take any action it deems necessary under these regulations to ensure that aircraft operators are monitoring and reporting annual emissions in accordance with the approved monitoring and reporting plans.

(8) An aircraft operator who:

(a) fails to submit a monitoring and reporting plan in accordance with sub-regulation (1) of this regulation in respect of the years 2010 and 2011, shall be liable to the imposition of an administrative fine of not less than one thousand euro (1,000) but not exceeding five thousand euro (5,000);

(b) fails to monitor annual emissions or fails to submit an annual emissions report in accordance with sub-regulation

(6) of this regulation in respect of the years 2010 and 2011, shall be liable to the imposition of an administrative fine of not less than one thousand euro (1,000) but not exceeding five thousand euro (5,000);

(c) fails to submit a monitoring and reporting plan in accordance with sub-regulation (1) of this regulation in respect of the period from 1st January, 2012 to 31st December, 2012, the period beginning 1st January, 2013 or a subsequent period, shall be liable to the imposition of an administrative fine of not less than two thousand and five hundred euro (2,500) but not exceeding ten thousand euro (10,000);

(d) fails to monitor annual emissions or fails to submit an annual emissions report in accordance with sub-regulation (6) of this regulation in respect of the period from 1st January, 2012 to 31st December, 2012, the period beginning 1st January, 2013 or a subsequent period, shall be liable to the imposition of an administrative fine of not less than five thousand euro (5,000) but not exceeding twenty thousand euro (20,000); and

(e) fails to review the monitoring and reporting plan or submit a revised monitoring and reporting plan if appropriate in accordance with sub-regulation (5) of this regulation shall be liable to the imposition of an administrative fine of not less than two thousand and five hundred euro (2,500) but not exceeding ten thousand euro (10,000).

11. (1) The report submitted by an aircraft operator pursuant to sub-regulation (6) of regulation 10 hereof shall be verified by a verifier in accordance with:

Verification of
annual emission
reports.

(a) the principles set out in Schedule 4 to these regulations; and

(b) any other requirements made by the Authority in respect of verification of reports of emissions of greenhouse gases from aviation activities.

(2) A verification report shall be submitted by the aircraft operator to the Authority with each emission report submitted.

(3) An aircraft operator whose report on emissions for a calendar year has not been verified as satisfactory by 31st March of the subsequent year cannot make further transfers of allowances until a report from that aircraft operator has been verified as satisfactory.

(4) Where, in respect of any year, an aircraft operator does not submit a verified emissions report in accordance with this regulation and with sub-regulation (6) of regulation 10 hereof or where it is deemed that the aircraft operator has not submitted an emissions report which is in accordance with the requirements set out in this regulation and regulation 10 hereof, the Authority may, unless there is a written agreement between the Authority and the aircraft operator providing otherwise, determine the emissions for aviation activities performed by the aircraft operator for such year for which the verified report was not submitted using best available data and ensuring that a conservative estimate is made that does not under-estimate emissions. When annual emissions are determined under this sub-regulation, the Authority shall consider the requirements set in Schedule 4 to these regulations:

Provided that the Authority notifies the aircraft operator on the emissions as determined and the methodology used to determine such emissions.

Surrender and
cancellation of
allowances.

12. (1) Each aircraft operator shall, as from the year 2013 and by not later than the 30th April of that year and of each subsequent year thereafter, surrender a number of allowances equal to the total emissions during the preceding calendar year from aviation activities listed in Schedule 1 to these regulations as reported in accordance with regulation 10 of these regulations and verified in accordance with regulation 11 of these regulations.

(2) Allowances surrendered in accordance with sub-regulation (1) of this regulation shall be subsequently cancelled.

(3) The Authority shall publish the name of any aircraft operator who is in breach of the requirement to surrender sufficient allowances under sub-regulation (1) of this regulation.

(4) Any operator or aircraft operator who does not surrender sufficient allowances by 30th April of each year as required by sub-regulation (1) of this regulation to cover its emissions during the preceding year shall be liable to the imposition of an administrative fine of one hundred euro (100)

for each tonne of carbon dioxide equivalent emitted, for which the aircraft operator has not surrendered allowances. For the purposes of this sub-regulation, each allowance not surrendered by the aircraft operator for a tonne of carbon dioxide equivalent emitted, shall be considered as a separate contravention.

(5) The imposition of an administrative fine as prescribed in sub-regulation (4) of this regulation shall not release the aircraft operator from the obligation to surrender an amount of allowances equal to those excess emissions in respect of which the administrative fine is paid when surrendering allowances in relation to the following calendar year.

13. (1) During the period from 1st January, 2012 to 31st December, 2012, aircraft operators may use CERs and ERUs, up to 15% of the number of allowances they require to surrender pursuant to sub-regulation (1) of regulation 12 of these regulations.

Use of CERs and ERUs from project activities in the EU emissions trading scheme.

(2) For the period beginning 1st January, 2013 and subsequent periods, aircraft operators may use CERs and ERUs, up to 15% of the number of allowances they require to surrender pursuant to sub-regulation (1) of regulation 12 of these regulations, or up to a revised percentage as may be published by the Commission.

(3) The use of CERs or ERUs by aircraft operators pursuant to sub-regulations (1) and (2) of this regulation shall take place through the issue and immediate surrender of one allowance by the Authority in exchange for one CER or ERU held by the operator in the Community registry. CERs and ERUs used by aircraft operators to meet obligations under regulation 12 hereof in accordance with this regulation shall be subsequently cancelled.

(4) CERs and ERUs that are issued and may be used in accordance with the UNFCCC and the Kyoto Protocol and subsequent decisions adopted thereunder, may be used by aircraft operators in accordance with sub-regulations (1) and (2) of this regulation:

Provided that CERs and ERUs from land use, land use change and forestry activities and, for the period beginning 1st January, 2012 to 31st December, 2012 CERs and ERUs generated from nuclear facilities, may not be so used.

Issue of CERs or ERUs from project activities in the aviation sector.

14. No CERs or ERUs from project activities as defined under regulation 2 of these regulations shall be issued for reductions or limitations of greenhouse gas emissions with respect to aviation activities falling within the scope of these regulations.

Resources Appeals Board.

15. The Resources Appeals Board established in Article 33 of the Malta Resources Authority Act shall have jurisdiction to hear and determine appeals from decisions of the Authority made under these regulations.

Access to information.

16. Decisions related to the allocation of allowances to aircraft operators and any information submitted in respect of the report of emissions may be subject to public access in accordance with the Freedom of Access to Information on the Environment Regulations, 2005:

L.N. 116 of 2005.

Cap. 440.

Provided that any access to personal data shall be made in accordance with the Data Protection Act:

Provided also that without prejudice to this regulation and to the obligation which may be imposed on the Authority to disclose any information, the Authority shall not disclose any confidential information or any parts thereof or any other information provided in connection with the report which should be treated as commercially confidential:

Provided further that any information which shall be treated as commercially confidential shall be made known at all times to the Authority.

Schedule 1

Regulations 2, 3, 4(2), 4(6) (b), 5(1) (a), 5(3) (a), 6(1), 10(1), 10(1) (b), 10(6), and 12(1).

Categories of Activities to which these Regulations Apply

Activities	Greenhouse gases
<i>Aviation</i> Flights which depart from or arrive in an aerodrome situated in the territory of a Member State: This activity shall not include: (a) flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, Heads of Government and Government Ministers, of a country other than a Member State, where this is substantiated by an appropriate status indicator in the flight plan; (b) military flights performed by military aircraft and customs and police flights; (c) flights related to search and rescue, fire fighting flights, humanitarian flights and emergency medical service flights authorised by the appropriate	Carbon dioxide

- | | |
|--|--|
| authority; | |
| (d) any flights performed exclusively under visual flight rules as defined in Annex 2 to the Chicago Convention; | |
| (e) flights terminating at the aerodrome from which the aircraft has taken off and during which no intermediate landing has been made; | |
| (f) training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit flight crew where this is substantiated by an appropriate remark in the flight plan provided that the flight does not serve for the transport of passengers and/or cargo or for the positioning or ferrying of the aircraft; | |
| (g) flights performed exclusively for the purpose of scientific research or for the purpose of checking, testing or certifying aircraft or equipment whether airborne or ground-based; | |
| (h) flights performed by aircraft with a certified maximum take-off mass of less than 5 700kg; | |
| (i) flights performed in the | |

framework of public service obligations imposed in accordance with Regulation (EEC) No 2408/92 on routes within the outermost regions, as specified in Article 299(2) of the Treaty establishing the European Community, or on routes where the capacity offered does not exceed 30 000 seats per year;

- (j) flights which, but for this exclusion, would fall within the definition of aviation activity as listed here, performed by a commercial air transport operator operating either:
- fewer than 243 flights per period for three consecutive four-month periods; or
 - flights with total annual emissions lower than 10,000 tonnes per year.

Flights performed exclusively for the transport, on official missions, of a reigning Monarch and his immediate family, Heads of State, Heads of Government and Government, of a Member State may not be excluded under this paragraph.

Schedule 2

Regulation 2

Greenhouse gases

Carbon dioxide (CO₂)

Methane (CH₄)

Nitrous Oxide (N₂O)

Hydrofluorocarbons (HFCs)

Perfluorocarbons (PFCs)

Sulphur Hexafluoride (SF₆)

Schedule 3

Regulations 6(2) (a) and 10(2) (a).

**Principles for Monitoring and Reporting of Emissions and
Tonne-kilometre Data from Aviation Activities**

**Monitoring of carbon dioxide emissions from aviation
activities**

Emissions shall be monitored by calculation. Emissions shall be calculated using the formula:

Fuel consumption × emission factor

Fuel consumption shall include fuel consumed by the auxiliary power unit. Actual fuel consumption for each flight shall be used wherever possible and shall be calculated using the formula:

Amount of fuel contained in aircraft tanks once fuel uplift for the flight is complete – amount of fuel contained in aircraft tanks once fuel uplift for subsequent flight is complete together with fuel uplift for that subsequent flight.

If actual fuel consumption data are not available, a standardised tiered method shall be used to estimate fuel consumption data based on best available information.

Default IPCC emission factors, taken from the 2006 IPCC Inventory Guidelines or subsequent updates of these Guidelines, shall be used unless activity-specific emission factors identified by independent accredited laboratories using accepted analytical

methods are more accurate. The emission factor for biomass shall be zero.

A separate calculation shall be made for each flight and for each fuel.

Reporting of emissions

Each aircraft operator shall include the following information in its report under sub-regulation (6) of regulation 10 of these regulations:

A. Data identifying the aircraft operator, including:

- (i) name of the aircraft operator,
- (ii) its administering Member State,
- (iii) its address, including postcode and country and, where different, its contact address in the administering Member State,
- (iv) the aircraft registration numbers and types of aircraft used in the period covered by the report to perform the aviation activities listed in Schedule 1,
- (v) the number and issuing authority of the air operator certificate and operating licence under which the aviation activities listed in Schedule 1 were performed,
- (vi) address, telephone, fax and e-mail details for a contact person, and
- (vii) name of the aircraft owner.

B. For each type of fuel for which emissions are calculated:

- (i) fuel consumption,
- (ii) emission factor,
- (iii) total aggregated emissions from all flights performed during the period covered by the report which fall

within the aviation activities listed in Schedule 1, for which the operator in question is considered to be the aircraft operator,

(iv) aggregated emissions from:

— all flights performed during the period covered by the report which fall within the aviation activities listed in Schedule 1, for which the operator in question is considered to be the aircraft operator and which departed from an aerodrome situated in the territory of a Member State and arrived at an aerodrome situated in the territory of the same Member State,

— all other flights performed during the period covered by the report which fall within the aviation activities listed in Schedule 1, for which the operator in question is considered to be the aircraft operator

(v) aggregated emissions from all flights performed during the period covered by the report which fall within the aviation activities listed in Schedule 1, for which the operator in question is considered to be the aircraft operator and which:

— departed from each Member State, and

— arrived in each Member State from a third country,

(vi) uncertainty.

Monitoring of tonne-kilometre data

For the purpose of applying for an allocation of allowances in accordance with regulation 4 or regulation 5 of these regulations, the amount of aviation activity shall be calculated in tonne-kilometres using the following formula:

$$\text{tonne-kilometres} = \text{distance} \times \text{payload}$$

where:

‘distance’ means the great circle distance between the aerodrome of departure and the aerodrome of arrival plus an additional fixed factor of 95 km; and

‘payload’ means the total mass of freight, mail and passengers carried.

For the purposes of calculating the payload:

- (a) the number of passengers shall be the number of persons on-board excluding crew members;
- (b) an aircraft operator may choose to apply either the actual or standard mass for passengers and checked baggage contained in its mass and balance documentation for the relevant flights or a default value of 100 kg for each passenger and his checked baggage.

Reporting of tonne-kilometre data

Each aircraft operator shall include the following information in its application under regulation 4 or regulation 5 of these regulations:

- A. Data identifying the aircraft operator, including:
 - (i) name of the aircraft operator;
 - (ii) its administering Member State;
 - (iii) its address, including postcode and country and, where different, its contact address in the administering Member State;
 - (iv) the aircraft registration numbers and types of aircraft used during the year covered by the application to

- perform the aviation activities listed in Schedule 1;
- (v) the number and issuing authority of the air operator certificate and operating licence under which the aviation activities listed in Schedule 1 were performed;
 - (vi) address, telephone, fax and e-mail details for a contact person, and
 - (vii) name of the aircraft owner.

B. Tonne-kilometre data:

- (i) number of flights by aerodrome pair;
- (ii) number of passenger-kilometres by aerodrome pair;
- (iii) number of tonne-kilometres by aerodrome pair;
- (iv) chosen method for calculation of mass for passengers and checked baggage;
- (v) total number of tonne-kilometres for all flights performed during the year to which the report relates falling within the aviation activities listed in Schedule 1.

Schedule 4

Regulations 7(1), 11(1) (a) and 11(4).

Criteria for Verification

General Principles

1. Emissions from flights falling within aviation activities listed in Schedule 1 shall be subject to verification.
2. The verification process shall include consideration of the report pursuant to sub-regulation (6) of regulation 10 of these regulations and of monitoring during the preceding year. It shall address the reliability, credibility and accuracy of monitoring systems and the reported data and information relating to emissions, in particular:
 - (a) the reported activity data and related measurements and calculations;
 - (b) the choice and the employment of emission factors;
 - (c) the calculations leading to the determination of the overall emissions; and
 - (d) if measurement is used, the appropriateness of the choice and the employment of measuring methods.
3. Reported emissions may only be validated if reliable and credible data and information allow the emissions to be determined with a high degree of certainty. A high degree of certainty requires the aircraft operator to show that:

- (a) the reported data is free of inconsistencies;
 - (b) the collection of the data has been carried out in accordance with the applicable scientific standards; and
 - (c) the relevant records of the aircraft used to perform the aviation activities covered by the report are complete and consistent.
4. The verifier shall be given access to all sites and information in relation to the subject of the verification.
5. The verifier shall take into account whether the aircraft operator is registered under the European Community eco-management and audit scheme (EMAS).

Methodology

Strategic analysis

6. The verification shall be based on a strategic analysis of all the aviation activities covered by the report carried out by the aircraft operator. This requires the verifier to have an overview of all the activities and their significance for emissions.

Process analysis

7. The verification of the information submitted shall, where appropriate, be carried out at the sites used by the aircraft operator to perform the aviation activities covered by the report. The verifier shall use spot-checks to determine the reliability of the reported data and information.

Risk analysis

8. The verifier shall submit all the aircraft for which the aircraft operator is responsible to an evaluation with regard to the reliability of the data of each source contributing to the overall emissions of the aircraft operator.

9. On the basis of this analysis the verifier shall explicitly identify those sources with a high risk of error and other aspects of the monitoring and reporting procedure which are likely to contribute to errors in the determination of the overall emissions. This especially involves the choice of the emission factors and the calculations necessary to determine the level of the emissions from individual sources. Particular attention shall be given to those sources with a high risk of error and the abovementioned aspects of the monitoring procedure.

10. The verifier shall take into consideration any effective risk control methods applied by the aircraft operator with a view to minimising the degree of uncertainty.

Report

11. The verifier shall prepare a report on the validation process stating whether the report pursuant to sub-regulation (6) of regulation 10 of these regulations is satisfactory. This report shall specify all issues relevant to the work carried out. A statement that the report pursuant to sub-regulation (6) of regulation 10 of these regulations is satisfactory may be made if, in the opinion of the verifier, the total emissions are not materially misstated.

Minimum competency requirements for the verifier

12. The verifier shall be independent of the aircraft operator, carry out his activities in a sound and objective professional manner, and understand:

- (a) the provisions of these regulations, as well as relevant standards and guidance adopted by the Commission pursuant to Article 14(1) of Directive 2003/87/EC as amended by these regulations and any requirements made by the Authority;
- (b) the legislative, regulatory, and administrative requirements relevant to the activities being verified; and
- (c) the generation of all information related to each aircraft for which the aircraft operator is responsible, in particular, relating to the collection, measurement, calculation and reporting of data.

**Additional provisions for the verification of aviation
emission reports**

13. The verifier shall in particular ascertain that:

- (a) all flights falling within an aviation activity listed in Schedule 1 have been taken into account. In this task the verifier shall be assisted by timetable data and other data on the aircraft operator's traffic including data from Eurocontrol requested by that aircraft operator;
- (b) there is overall consistency between aggregated fuel consumption data and data on fuel purchased or otherwise supplied to the aircraft performing the aviation activity.

Additional provisions for the verification of tonne-kilometre

**data submitted for the purposes of regulations 4 and 5 of
these regulations**

14. The general principles and methodology for verifying emissions reports as set out in this Schedule shall, where applicable, also apply correspondingly to the verification of aviation tonne-kilometre data submitted under sub-regulation (2) of regulation 4 of these regulations and sub-regulation (2) of regulation 5 of these regulations.

15. The verifier shall in particular ascertain that only flights actually performed and falling within an aviation activity listed in Schedule 1 for which the aircraft operator is responsible have been taken into account in that operator's application under regulation 4 and regulation 5 hereof. In this task the verifier shall be assisted by data on the aircraft operator's traffic including data from Eurocontrol requested by that operator. In addition, the verifier shall ascertain that the payload reported by the aircraft operator corresponds to records on payloads kept by that operator for safety purposes.

