
EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements the monitoring, reporting and verification requirements of the Carbon Offsetting and Reduction Scheme for International Civil Aviation (CORSA) in Volume IV of Annex 16 to the Convention on Civil Aviation adopted by the Council of the International Civil Aviation Organisation on 27 June 2018.

This Order extends to the whole of the United Kingdom.

Under CORSA a baseline level of carbon dioxide (CO₂) emissions is established for aeroplane operators undertaking international flights. Aeroplane operators must monitor and report emissions for each year.

Part 1 sets out the general provisions for the Order, including the scope of application and flights to which the Order does not apply, and the definitions of various expressions used in the Order, and specifically the definition for the “aeroplane operator”.

Part 2, in conjunction with Schedules 1 and 5, sets out the administrative provisions for the Order. Chapter 1 sets out the requirements to notify ICAO of the United Kingdom’s voluntary participation in CORSA, to establish the attribution of aeroplane operators to the United Kingdom and international flights to those aeroplane operators, defines the regulator and the regulator’s tasks, sets out the record keeping requirements, compliance deadlines, and regulates the use of equivalent procedures, and the role of the Civil Aviation Authority. Chapter 2 makes provision in respect of an aeroplane operator’s change in circumstances. Chapter 3 sets out the requirements for the submission of applications and notices under the Order to a regulator, the determination of applications by a regulator, and the service of notices given by a regulator.

Part 3, in conjunction with Schedules 1 to 6, establishes the monitoring, reporting and verification (MRV) requirements of an aeroplane operator’s annual CO₂ emissions from attributable flights. Chapter 1 sets out the applicability of the MRV requirements. Chapter 2 establishes the requirements for the monitoring of aeroplane operator annual CO₂ emissions. These provisions include the duty on an aeroplane operator to monitor its CO₂ emissions, the monitoring methods available, the requirement for an Emissions Monitoring Plan, the calculation of CO₂ emissions from aeroplane fuel use, and the monitoring of CORSA eligible fuels. Chapter 3 establishes the requirements for the reporting of aeroplane operator annual CO₂ emissions. These provisions include the requirements on the aeroplane operator to report CO₂ emissions and CORSA eligible fuel use, and on the Secretary of State to report those emissions for aeroplane operators administered in the United Kingdom to ICAO. Chapter 4, in conjunction with Schedule 6, sets out the standards and requirements for the verification and accreditation bodies and establishes the requirements for the verification of aeroplane operator annual CO₂ emissions and CORSA eligible fuel use. Chapter 5 sets out the requirement for data management and control. These provisions include the requirements for the management of data gaps, corrective actions, improvements to the monitoring methodology, the rounding of data, and the use of an electronic data exchange and automated systems.

Part 4 makes provision for a regulator to charge for services undertaken pursuant to the Order, subject to the approval of the charge scheme by the relevant minister, its publication, and any revision of the charges.

Part 5 makes provision for compliance monitoring by a regulator or an authorised person. These provisions include the enabling of inspections, the issuing of warrants, and the issuing of information notices by a regulator.

Changes to legislation: *There are currently no known outstanding effects for the The Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021. (See end of Document for details)*

Part 6 sets out the enforcement requirements of the Order. The provisions include the requirements and issue of enforcement and penalty notices by a regulator, and establish the civil penalties which are applied to the specified acts or omissions of an aeroplane operator or other person in relation to the requirements of the Order. Those acts or omissions include failing to apply, or make revised application, for an emissions monitoring plan, failing to monitor emissions, failing to report emissions, failing to keep records, failing to comply with enforcement notice given by a regulator, failing to comply with an information notice, providing false or misleading information, etc. and refusing to allow access to premises for an inspection by a regulator or authorised person.

Part 7, in conjunction with Schedules 7 and 8, establishes appeals bodies, the right of appeal against certain decisions of a regulator, the effect of an appeal on the matter being appealed, and the appeals procedures.

Part 8 gives effect to the Schedules and makes provision for consequential amendments and savings in relation to the retained EU law which introduced the initial monitoring and reporting requirements for CORSIA through the European Union's Emissions Trading Scheme.

A full impact assessment has not been produced for this instrument, as no significant impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been published alongside this Order on the UK legislation website, www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021.