



Bundesministerium  
für Umwelt, Naturschutz  
und Reaktorsicherheit

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# German Legal Framework for Aviation ETS

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# Transposition of the Directive

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Aviation-ETS-Directive is transposed in two steps:

- Data Collection Ordinance 2020 in place for reporting duties in 2010 and 2011
- Further legislation in 2010



# Scope of national legislation

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An operator is administered by Germany if he

- is assigned to Germany on the Commission's list of operators or
- is not on the list but has a German operating licence

and

- carries out an activity to which the ETS-Directive applies pursuant to its Annex I



# Exemptions

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- Commission´s list only determines Administering Member State, not whether operator carries out ETS-activity
- An operator which is assigned to Germany on the list can apply to be exempted from the reporting obligations if
  - he has not carried out an Annex I-activity in the year 2008 or
  - if it is to be expected that he will not carry out an Annex I-activity in the years 2010 or 2011.
- The exemption ends automatically when the operator carries out an Annex I-activity



# Timelines

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- Deadline for monitoring plans in Germany:  
20 October 2009
- Emissions must be monitored for 2010 and following years, tonne-kilometres only for 2010
- Reports must be verified by an independent verifier
- First emissions report and application for free allocation due 31 March 2011
- Allowances for emissions of 2012 must be surrendered until 30 April 2013



# Competent authority

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- Deutsche Emissionshandelsstelle (DEHSt) im Umweltbundesamt (German Emissions Trading Authority) – [www.dehst.de](http://www.dehst.de)
- Forms Management System (FMS) Software from DEHSt-homepage must be used to prepare monitoring plans
- Virtual Post Office (VPS) must be used to submit monitoring plans
- Exemplar monitoring plans, user manuals available on DEHSt-homepage



# Monitoring plans: State of affairs

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- 326 operators administered by Germany on list
- 137 operators have submitted emissions monitoring plans
- 125 operators have submitted tonne-kilometre monitoring plans
- 24 „operators“ on list are not operators (any more)
- 98 operators have applied for exemption
- Operators which have submitted emissions monitoring plans cover > 97% of the emissions of all operators administered by Germany



# Typical mistakes in monitoring plans

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- No complete monitoring of all emission sources / all flights
- No correct distinction between those flights covered by ETS and those which are not (exemptions)
- Monitoring plan for CO<sub>2</sub> not consistent to the monitoring plan for tkm
- Monitoring plan not in line with practice
- No description of approaches for data gaps
- Insufficient description of data collection, handling and control activities and quality assurance
- Low transparency of monitoring method



# Further steps by DEHSt

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- For operators that have not submitted a monitoring plan until 20 October, the competent authority has set an additional respite
- If operators do not submit emissions monitoring plan until the deadline of the respite or apply successfully for exemption, a fine of up to 50,000.- € can be imposed on them
- No fine for missing tonne-kilometre plans, but necessary to receive free allocation
- DEHSt aims to have all plans which were completely submitted until end of August approved by end of year



# Upcoming legislation

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- Aviation planned to be included into the German Greenhouse Gas Emissions Trading Act in 2010
- Emissions Trading Act is key legal basis for ETS in Germany, so far covers installations
- Will contain duty for aircraft operators to surrender allowances, etc.



# Allocation

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- Application for free allowances:
  - Application by 31 March 2011
  - Tonne-kilometre data of 2010 must be reported
  - COM will calculate benchmark by dividing number of allowances that shall be allocated free through the total number of reported tonne-kilometres
  - Member States will then calculate the amount of allowances allocated to an individual operator
- Operators must buy more allowances if needed, e.g. at auction



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Thank you for your attention!