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# **Linking of the Swiss and EU ETS: Frequently Asked Questions (FAQs) regarding the acquisition of aviation data in 2018 and the obligation to hand in a monitoring plan for tonne-kilometre data**

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Reference: R175-1059

## **Disclaimer**

This collection of FAQs was developed by the Swiss Federal Office for the Environment (FOEN) to assist aircraft operators with the compilation of a monitoring plan in accordance with the Ordinance on the Acquisition and Reporting of Tonne-Kilometre Data relating to Distances Covered by Aircraft from 2 June 2017, Status as of 1 July 2017 (tkm-Ordinance)<sup>1</sup>. The tkm-Ordinance is currently under revision and the revised version is expected to enter into force in June 2019. Although this document represents the latest interpretation of the requirements of the tkm-Ordinance, it is not legally binding. The FAQs will be updated and complemented as new questions emerge, so you may want to check the sections below from time to time.

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<sup>1</sup> Swiss classified compilation [641.714.11](#)

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## 1 General Information

### 1.1 Whom can I contact with questions related to the tkm-Ordinance and the tkm monitoring plan?

Please address all inquiries to [emissions-trading@bafu.admin.ch](mailto:emissions-trading@bafu.admin.ch).

All relevant information regarding the tkm-data acquisition in 2018 and the future linking of the Swiss and EU emission trading systems (ETS) is available on the website of the FOEN:

<https://www.bafu.admin.ch/bafu/en/home/topics/climate/info-specialists/climate-policy/emissions-trading.html>

## 2 Which operators are affected by the data acquisition and submission of a tkm monitoring plan?

### 2.1 What is the scope of the Swiss tkm-Ordinance?

The Ordinance refers to flights within Switzerland and flights from Switzerland to the European Economic Area (EEA). Flights from Basel-Mulhouse airport to the EEA or to Switzerland are **not** in the scope of application, even if they are operated under Swiss transport law.

### 2.2 Why are flights from Basel-Mulhouse now out of scope while there was previously information that they have to be included in the tkm monitoring plan?

Flights to and from the binational Basel-Mulhouse airport, situated on French Territory, are currently covered by the ETS of the EU. Because the EU Directive 2003/87/EC does not allow for exceptions from the territorial principle, flights to and from this airport will continue to be covered by the EU ETS. Consequently, Switzerland refrains from collecting tkm data related to Basel-Mulhouse according to article 3 paragraph 1 letters c and d of the tkm-Ordinance.

**Thus, only tkm data for flights within Switzerland and for flights from Switzerland to member states of the European Economic Area (EEA) shall be reported.** Please note that flights from Switzerland to Basel-Mulhouse – like all flights from Switzerland to the EEA – are within the scope of the Ordinance.

### 2.3 Do I need to submit an updated version of my tkm monitoring plan with respect to the change in scope related to Basel-Mulhouse?

No, there is no need to submit an updated version of your approved tkm monitoring plan. However, you are required not to include flights from Basel-Mulhouse in your tkm-report.

### 2.4 I have already compiled a tkm monitoring plan within the EU ETS, do I also have to hand in a tkm monitoring plan to the Swiss authorities?

Yes, submission of a tonne-kilometre monitoring plan is mandatory if the operator plans to carry out flights within the scope of the Swiss tkm-Ordinance in 2018 (flights within Switzerland and flights from Switzerland to the European Economic Area (EEA)).

Please note that certain exemptions (*de minimis* rules) apply, particularly thresholds for flights or CO<sub>2</sub>-emissions in the year 2016 (tkm-Ordinance: article 3 paragraph 2 letter j for commercial operators,

letter k for non-commercial operators). For these thresholds only flights and CO<sub>2</sub>-emissions are relevant that fall within the scope of the tkm-Ordinance (flights related to Switzerland, see above).

However, if the operator was included in the EU ETS in 2016 he must submit a tkm monitoring plan (if he plans to carry out flights within the scope of the tkm-Ordinance in 2018) and collect tonne-kilometre-data in 2018, even if his activities fall below the Swiss thresholds.

**2.5 Is a tkm monitoring plan required, if an operator does not plan to carry out in-scope flights in 2018?**

No. A monitoring plan only needs to be submitted if the operator plans to carry out flights within the scope of the tkm-Ordinance in 2018.

**2.6 I was included in the EU ETS in 2016 but I do not know yet whether I will carry out any flights within the scope of the tkm-Ordinance in 2018. Do I still have to hand in a tkm monitoring plan to the Swiss authorities?**

Yes, since you were included in the EU ETS in 2016, you have to hand in a monitoring plan for your potential flights in 2018 that fall within the scope of the tkm-Ordinance. Please note that in this case the Swiss *de minimis* thresholds are not applicable.

However, if in the course of 2018 you are certain that you will not perform any flights within the scope of the tkm-Ordinance, you can inform the FOEN of a modification of your monitoring plan in accordance with article 6 of the tkm-Ordinance regarding the description of your activities (Section 2 letters l and m in the monitoring plan). There you can state that your activities in 2018 do not fall within the scope of the tkm-Ordinance (so zero tonne-kilometres to be reported). In this case, you will not have to submit a verified tonne-kilometre report for the year 2018.

**2.7 I was included in the EU ETS in 2016 but I won't carry out any scheduled or non-scheduled flights within the scope of the tkm-Ordinance in 2018, with the potential exception of unplanned diversions. Do I still have to hand in a tkm monitoring plan to the Swiss authorities?**

No, if diverted flights due to unforeseeable reasons such as e.g. weather conditions or medical emergency are the only flights that fall under the scope of the tkm-Ordinance, you do not have to hand in a monitoring plan.

**2.8 I was included in the EU ETS in 2016 but I won't carry out any payload flights within the scope of the tkm-Ordinance in 2018. Do I still have to hand in a tkm monitoring plan to the Swiss authorities?**

No, if non-payload flights are the only flights that fall under the scope of the tkm-Ordinance, you do not have to hand in a monitoring plan.

Please confirm in writing that you will not carry out any payload flights or any other flights that fall under the scope of the Swiss tkm-Ordinance in 2018.

**2.9 I was included in the EU ETS in 2016 but I will not be included in 2018 and in the following years and my flights falling under the scope of the tkm-Ordinance fall below the Swiss *de minimis* thresholds. Do I still have to hand in a tkm monitoring plan to the Swiss authorities?**

You have to confirm in writing that you will not be included in the EU ETS in 2018 and in the following years in accordance with your long-term strategic planning.

It is your responsibility to assess whether your flights that fall within the scope of the tkm-Ordinance in 2018 will be below the applicable thresholds (article 3, paragraph 2-5 of the tkm-Ordinance).

If you can confirm that you will not be included in the EU ETS from 2018 onwards and if your flights that fall within the scope of the tkm-Ordinance will be below the applicable thresholds, you do not have to hand in a tkm monitoring plan.

**2.10 I was not included in EU ETS in 2016 and I will be below the Swiss thresholds in 2018. Can I voluntarily apply for tonne-kilometre monitoring and reporting?**

The purpose of the tkm-Ordinance is to acquire data of aircraft operators which are likely to participate in the Swiss ETS once it is linked with the EU ETS such that their free allocation (within the Swiss ETS) can be calculated and issued to the operator.

According to the drafted linking agreement between Switzerland and the EU, an operator is compliant in a specific year in the Swiss ETS if he is compliant in the EU ETS – even if he would fall below Swiss *de minimis* thresholds. This shall ensure that flights on the same routes, namely between Switzerland and the EEA, are treated equally, i.e. covered by an ETS, and eligible for free allocation under certain conditions.

The tkm-Ordinance stipulates that an operator which was included in the EU ETS in 2016 must acquire data for flights within the scope of the Ordinance, even if he fell below the Swiss *de minimis* thresholds (article 3, paragraph 2, letters j and k of the tkm-Ordinance). If the operator was not included in the EU ETS in 2016 and did fall below the *de minimis* thresholds, he does not have to acquire data and does not have to submit a tkm monitoring plan.

An operator that was not included in the EU ETS in 2016 and did fall below the Swiss *de minimis* thresholds in 2016 may voluntarily submit a tkm monitoring plan and tkm report under the following conditions:

1. The operator was previously included in the EU ETS as of 2013 and has received a free allocation in the years he was included.
2. It must be likely that the operator will be included again in the EU ETS from 2018 onwards.

The operator must confirm in writing that he is fulfilling all these conditions when submitting the tkm monitoring plan and tkm report to the Swiss authorities.

Please note that – in a linked system – the operator will only receive a free allocation from Switzerland in the years he is included in the Swiss ETS (which is the case when he is included in the EU ETS or when he is above Swiss *de minimis* thresholds).

### **3 Completing and submitting your tkm monitoring plan by 30 September 2017**

**3.1 I need to add additional rows in the Excel template, but the sheet is protected by a password. How shall I proceed?**

Please contact: [emissions-trading@bafu.admin.ch](mailto:emissions-trading@bafu.admin.ch)

### 3.2 What emission factor for kerosene do I have to apply to calculate CO<sub>2</sub> emissions from tonnes of fuel for the tkm monitoring plan?

Our guidance<sup>2</sup> for compiling a tkm monitoring plan in accordance with the tkm-Ordinance suggests to use an emission factor for kerosene of 3,16 tonnes of CO<sub>2</sub> / tonne of fuel, which is compatible with the emission factor used internationally under ICAO.

Please note that the guidance is not legally binding. It shall assist operators in assessing whether they can apply the Swiss *de minimis* rules in accordance with article 3 paragraph 5 of the tkm-Ordinance. Any potential discrepancies to the EU ETS will be addressed when drafting the Swiss legislation to implement the link (i.e. inclusion of aviation in Swiss ETS, obligations for reporting of CO<sub>2</sub>-emissions and surrendering of allowances etc.).

### 3.3 I operate leased-in aircrafts. Which aircrafts/flights do I have to include in my tkm-monitoring plan?

We consider the „aircraft operator“ to be the operator as identified by the ICAO designator in box 7 of the flight plan.

In the **wet lease** case, generally the ICAO designator of the **lessor** is written down in the flight plan. In this case, the lessor is the “aircraft operator”.

In the **dry lease** case, generally the ICAO designator of the **lessee** is written down in the flight plan. In this case, the lessee is the “aircraft operator”.

The “aircraft operator” is responsible for complying with the tkm-Ordinance.

### 3.4 How should I sign the monitoring plan?

A legally authorized person must sign the paper version. This person confirms with its signature that the information provided is correct and complete – and has the competence to do so within the company. It can be for example the person responsible for EU ETS or environmental issues and does not have to be the CEO.

For the electronic version, we do not require a digital signature.

### 3.5 How do I have to hand in my monitoring plan?

You are required to use the Excel template from the FOEN's homepage to compile your monitoring plan (link to the file: [Template\\_Tkm-Monitoring\\_Plan\\_en\\_EMPTY\\_final](#)). Open the file and save it as a copy.

Please send an electronic version of the completed Excel file to the following e-mail address:

[emissions-trading@bafu.admin.ch](mailto:emissions-trading@bafu.admin.ch)

In addition, you are required to send a signed paper copy of this monitoring plan to the following postal address. Please make sure that the signed paper copy is identical to the electronic version of the monitoring plan.

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<sup>2</sup> Guidance for Aircraft Operators: How to compile a monitoring plan in accordance with the Ordinance on the Acquisition and Reporting of Tonne-Kilometre Data relating to Distances Covered by Aircraft from 4 July 2017. Available from the [FOEN website](#).

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"Monitoring Plan Aviation Operators"  
3003 Bern  
Switzerland

### **3.6 What happens if I cannot submit my tkm monitoring plan by 30 September 2017?**

In accordance with article 11 of the tkm-Ordinance, aircraft operators who wilfully or negligently infringe the provisions of the Ordinance shall be liable to a fixed penalty imposed by the Federal Office of Civil Aviation (FOCA) up to 5,000 Swiss francs.

Please contact us as soon as possible should you have problems meeting the deadline.

## **4 Obligations and administration in a future linked Swiss and EU ETS**

### **4.1 When do I have to surrender emissions allowances to cover my emissions in the Swiss ETS?**

Switzerland and the EU have concluded an agreement to link their ETS. The agreement has been signed on 23 November 2017. Before the agreement can enter into force, it must be approved by the parliaments of Switzerland and the EU (ratification process). Switzerland will also have to amend its relevant legislation (CO<sub>2</sub>-Act, CO<sub>2</sub>-Ordinance) to take account of the linking. This includes the formal inclusion of aviation in the Swiss ETS, the issuance of Swiss aviation allowances, the obligation to monitor, report, and verify CO<sub>2</sub>-emissions and to surrender allowances for these emissions. Depending on progress of the legislative process, the agreement might enter into force on 1 January 2020. From that date on aviation operators would have the obligation to report CO<sub>2</sub>-emissions and surrender emission allowances within the Swiss ETS.

### **4.2 Will I be administered by an EEA and a Swiss authority in a linked system? And will I have two aviation operator accounts?**

Administration shall remain as simple as possible within a linked system. Aviation operators continue to be administered by only one authority, even in a linked system. They will report emissions within the Swiss ETS and the EU ETS to this single authority. They will continue to have only one aviation operator account and surrender allowances for the Swiss and EU ETS within this account. In principle, operators with a Swiss operating license will be administered by Switzerland in the future and will have an operator account within the Swiss emissions trading registry. A transition period is foreseen to transfer any accounts from an EEA administering member state to Switzerland.

### **4.3 How will the allocation of free allowances be calculated?**

The allocation of allowances for flights within the scope of the Swiss ETS will be based on the tkm-data collected in 2018, while the allocation for flights within the scope of the EU ETS will continue on the basis of EU rules. To calculate free allocation within the Swiss ETS, the reported tkm-data of the year 2018 will be multiplied with the benchmark currently applied in the EU ETS for aviation operators.