

MATRIX ON DRAFT CIVIL AVIATION (CARBON OFFSETTING & REDUCTION SCHEME FOR INTERNATIONAL AVIATION) REGULATIONS 2022

No.	Reg. No.	Regulation Title	Stakeholder Comment	KCAA Comment	Final Regulation Text	Remarks if any
1.	Reg.2	Interpretation.	A number of terms have been defined but are not used in the regulations: Airborne collision avoidance system (ACAS)	Agrees with stakeholder and deleted the terms	N/A	N/A
2.	Reg.2	Interpretation.	Administrative partnership"	Agrees with stakeholder and deleted the terms	N/A	N/A
3.	Reg.2	Interpretation.	IEC" means International Electrotechnical Commission	Agrees with stakeholder and deleted the terms	N/A	N/A
4.	Reg.2	Interpretation.	MJ" means Megajoule	Agrees with stakeholder and deleted the terms	N/A	N/A
5.	Reg.2	Interpretation.	Notifying State" means the State that has submitted to ICAO the request for the registration of or change in the three-letter designator of an aeroplane	Agrees with stakeholder and deleted the terms	N/A	N/A

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			operator over which it has jurisdiction			
6.	Reg.2	Interpretation.	<i>Pathway</i> ” means a specific combination of feedstock and conversion process used for the production of aviation fuel.	Agrees with stakeholder and deleted the terms	N/A	N/A
7.	Reg.2	Interpretation.	<i>Interpretation of “Baseline phase”</i> was missing	Agrees with stakeholder and added the terms	“Baseline phase” means the period from January 2019 to December 2020	N/A
8.	Reg. 4 (3)	Attribution of international flights to an aeroplane operator	The term ‘ICAO Designator’ is repeated and the connecting word ‘and’ is misplaced.	Agrees with stakeholder and deleted one ICAO Designator	(a) ICAO Designator, and	N/A
9.	Reg. 4 (7)	Attribution of international flights to an aeroplane operator	The cross reference to sub-regulation 7 is erroneous. The cross-reference should be to ‘sub-regulation (6) above’	Agrees with stakeholder and made the correction	(7) Liability for compliance in sub-regulation (6) above shall not be delegated.	N/A
10.	Reg. 5 (5)	Attribution of an aeroplane operator	We propose the reference to the document for purposes of	Agrees with stakeholder and made the correction	The Authority shall use the ICAO document “CORSIA Aeroplane Operator to State Attributions” manual to meet the requirements	N/A

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			standardization with ICAO documentation be as follows; <i>'ICAO document CORSIA Aeroplane Operator to State Attributions'</i>		of Sub-Regulation (2) above.	
11.	Reg. 5 (6)	Attribution of an aeroplane operator	We propose the document referred to as 'the Manual CORSIA of Implementing Standards' be referred to accurately as <i>'ICAO Standards and Recommended Practices, Annex 16 – Environmental Protection, Volume IV, CORSIA'</i> in this clause and wherever else referred to throughout the Regulations	Stakeholder's comment was not taken onboard because the Manual CORSIA of Implementation Standards is a guidance document prepared by the Authority to assist the aeroplane operators and other stakeholders to implement and comply with Civil Aviation (CORSIA) Regulations	6) The Authority shall submit to ICAO a list of aeroplane operators which are attributed to it according to the requirements as specified in the Manual CORSIA of Implementation Standards.	Regulation 5(6) was retained as it was

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			(Regs. 11,12, 13,14, 15,17,18,20 and 29). ICAO Standards and define 'ICAO Standards in the definition section.			
12.	Reg. 11 (2)	Eligibility of Monitoring Methods	We propose that the term 'Emissions Monitoring Plan' be defined for ease of understanding and reference.	Agrees with stakeholders and Emissions Monitoring Plan is interpreted	'Emissions monitoring plan" means a collaborative tool Authority and air operator that identifies the most appropriate means and methods for CO2 emissions monitoring and facilitates the reporting of required information to the Authority	The term emissions monitoring plan was defined as requested
13.	Reg. 12 (4)	Baseline phase	We propose that the term 'baseline period' be replaced with ' <i>Baseline Phase</i> ' for uniformity and ease of reference throughout the regulations (term is also used in Reg. 18 (1)). To facilitate better understanding, a definition may also be added as follows:	Agrees with stakeholders	"Baseline phase" means the period from January 2019 to December 2020 "Pilot phase "means the period from January 2021 to December 2023	N/A

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			<i>'Baseline Phase means the Pilot Phase in respect of which data on the historic and projected fuel consumption and CO2 emissions are collected'</i> We propose that the term 'Pilot Phase' defined for ease of understanding and reference. A proposed definition is as follows: <i>'the period from January 2021 to December 2023'</i>			
14.	Reg. 16 (1) & (4)	Monitoring of CORSIA eligible fuels claims	We propose that the document referred to as 'CORSIA Sustainability Document' be accurately referred to as <i>'ICAO document on CORSIA Sustainability Criteria for CORSIA Eligible Fuels'</i>	Agreed with the stakeholder and refined the text	(1) The aeroplane operator that intends to claim for emissions reductions from the use of CORSIA eligible fuels shall use a CORSIA eligible fuel that meets the ICAO document <i>"CORSIA Sustainability Criteria for CORSIA Eligible Fuels"</i>	The stakeholder's comment was taken onboard

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15.	Reg. 17(6)	Aeroplane operator reporting	We propose deletion of the words 'Subject to sub-regulation (6)' and propose the sub-regulation be captured as follows for clarity: <i>'Where an aeroplane operator makes a request to the Authority in sub-regulation (5), it shall explain the reasons why and how such disclosure would harm its commercial interests.'</i>	Agrees with the comments from the stakeholder	Where an aeroplane operator makes a request to the Authority in sub-regulation (5), it shall explain the reasons why and how such disclosure would harm its commercial interests	Regulation 17(6) was rephrased
16.	Regulation 17 (7)	Aeroplane operator reporting	This sub-regulation appears incomplete i.e. it does not indicate what action the Authority will take if: (a) It determines the data is confidential (b) It determines the data is not confidential For completeness, we propose the sub-	Agrees with the stakeholder We have introduced a sub-regulation (8)	(8) Subject to sub-regulation (7) above, the Authority shall not publish the information if it determines that the data is confidential	All subsequent sub-regulations were renumbered

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			regulation capture the possible actions the Authority may take in each of these circumstances.			
17.	Reg. 17 (8)	Aeroplane operator reporting	The introductory portion has a grammatical error. It reads... 'The aeroplane operator may request in writing the Authority not to...' It should instead be captured as follows: <i>'The aeroplane operator may request the Authority in writing not to...'</i>	Agrees with the stakeholder This sub-regulation now becomes sub-regulation (9)	(9) The aeroplane operator may request the authority in writing not to publish its data at State pair level in circumstances where aggregated State pair data may be attributed to an identified aeroplane operator as a result of a very limited number of aeroplane operators conducting flights on a State pair.	N/A
18.	Reg. 19 (2)	Reporting of CORSIA eligible fuels	The reference to GHG Schemes appears to be incomplete and should instead refer to: <i>'Green House Gas Emissions Trading Schemes it participates</i>	Agrees with the stakeholder	The aeroplane operator shall provide a declaration of all other Green House Gases (GHG) Emissions trading schemes it participates in where the emissions reductions from the use of CORSIA eligible fuels may be claimed, and	N/A

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			<i>in...'</i>		a declaration that it has not made claims for the same batches of CORSIA eligible fuel under these other schemes.	
19.	Reg. 19 (3)	Reporting of CORSIA eligible fuels	We propose that the word ' <i>fuel</i> ' be added before the word 'blender' to read ' <i>fuel blender</i> ' for completeness and uniformity as referenced in ICAO documents	Agrees with the stakeholder	(2) The aeroplane operator shall provide the information as specified in the Manual of CORSIA Implementation Standards within a given compliance period for all CORSIA eligible fuel received by a fuel blender by the end of that compliance period to claim emissions reductions from the use of CORSIA eligible fuels.	N/A
20.	Reg. 19 (6)	Reporting of CORSIA eligible fuels	We propose that this sub-regulation be rephrased to place the obligation on the aeroplane operator and not the fuel supplier.	Agrees with the stakeholder	The aeroplane operator shall obtain all the requisite documentation from the fuel supplier in order for the emissions reductions from the use of CORSIA eligible fuels to be claimed by the aeroplane operator in accordance	N/A

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			This is because the Authority's purview in these regulations is with regard to aeroplane operators and not the fuel suppliers. A proposed rephrasing is as follows: <i>'The aeroplane operator shall obtain all the requisite documentation from the fuel supplier in order for...'</i>		with Part IV of these Regulations.	
21.	Reg. 20 (5) & (6)	Annual verification of an aeroplane operator's Emissions Report	The phrasing of the first line of this sub-regulation is ambiguous and could be better phrased. It is not clear if the agreement is required to be in place prior to receiving the request from another state or an agreement is entered into	Agrees with the stakeholder	The Authority shall share, where an agreement exists between Kenya and another State, specific data and information contained in the aeroplane operator's Emissions Report for aeroplane operators performing flights to and from the requesting State in order to facilitate order of magnitude checks and ensure the completeness of reported data	N/A

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			when a request is made/received from another state. Reference to Kenya as a state is ideally captured in the Treaty Agreement and not the Regulations. Reference at the beginning of the sub-regulation should therefore ideally be to <i>'the Authority'</i>			
22.	Reg. 27 (1)	Applicability of CO ₂ offsetting requirements	Reference the ICAO document correctly as follows: <i>'...between States as listed in ICAO document, CORSIA States for Chapter 3 State Pairs'</i>	Agrees with the stakeholder	(1) The offsetting requirements of this Part shall be applicable to an aeroplane operator with international flights, between States as defined in the ICAO document, <i>"CORSIA for Chapter 3 State Pairs"</i> .	N/A
23.	Reg. 29 (3)	Emissions reductions from the use of CORSIA eligible fuels	Reference to Sustainability Scheme to accurately be captured as: <i>'a CORSIA Approved Sustainability Certification Scheme'</i>	Agrees with the stakeholder	The aeroplane operator shall use CORSIA approved Sustainability Certification Scheme to ensure that the methodology as defined in the ICAO document – <i>"CORSIA Methodology for Calculating Actual Life"</i>	N/A

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					<i>Cycle Emissions Values” has been applied correctly, if an Actual Life Cycle Emissions value is used.</i>	
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