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THE CIVIL AVIATION ACT

(Cap. 394)

THE CIVIL AVIATION (CARBON OFFSETTING AND
REDUCTION SCHEME FOR INTERNATIONAL AVIATION)
REGULATIONS, 2025

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THE CIVIL AVIATION ACT

(Cap. 394)

IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013 the Cabinet Secretary for Roads and Transport makes the following Regulations—

THE CIVIL AVIATION (CARBON OFFSETTING AND
REDUCTION SCHEME FOR INTERNATIONAL AVIATION)
REGULATIONS, 2025

PART I—PRELIMINARY

1. These Regulations may be cited as the Civil Aviation (Carbon Offsetting and Reduction Scheme for International Aviation) Regulations, 2025. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“aerodrome” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“aerodrome pair” means a group of two aerodromes composed of a departing aerodrome and an arrival aerodrome;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“aeroplane owner” means person, organization or enterprise identified via item 4 (name of owner) and item 5 (address of owner) on the certificate of registration of an aeroplane;

“air operator certificate (AOC)” means a certificate authorizing an operator to carry out specified commercial air transport operations;

“Authority” means the Kenya Civil Aviation Authority established under section 4 of the Act;

“baseline phase” means the period from January 2019 to December 2020;

“cancel” means the permanent removal and single use of a CORSIA Eligible Emissions Unit within a CORSIA Eligible Emissions Unit Programme designated registry such that the same emissions unit may not be used more than once. This is sometimes also referred to as “retirement”, “cancelled”, “cancelling” or “cancellation”;

“CERT” means CO₂ Estimation and Reporting Tool;

“CO₂” means Carbon dioxide;

“CO₂e” means Carbon dioxide equivalent;

“CORSIA” means Carbon Offsetting and Reduction Scheme for International Aviation;

“CORSIA eligible fuel” means a CORSIA sustainable aviation fuel or a CORSIA lower carbon aviation fuel, which an operator may use to reduce their offsetting requirements;

“conversion process” means a type of technology used to convert a feedstock into aviation fuel;

“CORSIA sustainable aviation fuel” means a renewable or waste-derived aviation fuel that meets the CORSIA Sustainability Criteria;

“data gaps” means are missing data which is necessary for the correct determination of CO₂ emissions but cannot be taken from primary sources anymore and cannot be reconstructed from secondary sources;

“domestic flight” means the operation of an aircraft from take-off at an aerodrome in Kenya or its territories, and landing at an aerodrome in Kenya or its territories;

“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;

“emissions unit” means one metric tonne of carbon dioxide equivalent;

“feedstock” means a type of unprocessed raw material used for the production of aviation fuel;

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“fuel uplift” means measurement of fuel provided by the fuel supplier, as documented in the fuel delivery notes or invoices for each flight (in litres);

“GHG” means Green House Gases;

“great circle distance” means the shortest distance, rounded to the nearest kilometre, between the origin and the destination aerodromes, measured over the earth’s surface modelled according to the World Geodetic System 1984 (WGS84);

“international flight” means the operation of an aircraft from take-off at an aerodrome in Kenya or its territories, and landing at an aerodrome of another State or its territories;

“ICAO” means International Civil Aviation Organization;

“ISO” means International Organization for Standardization;

“material change” means an event, occurrence, change in condition or any other change that would affect monitoring of CO₂ emissions reporting by Aeroplane Operator.

“MRV” means Monitoring, Reporting and Verification;

“national accreditation body” means a body authorized by State which attests that a verification body is competent to provide specific verification services;

“new entrant” means any aeroplane operator that commences an aviation activity falling within the scope of these Regulations on or after its entry into force and whose activity is not in whole or in part a continuation of an aviation activity previously performed by another aeroplane operator;

“operator” means the person, organization or enterprise engaged in or offering to engage in an aircraft operation;

“pilot phase” means the period from January 2021 to December 2023;

“reporting period” means a period which commences on 1 January and finishes on 31 December in a given year for which an aeroplane operator or State reports required information and the flight departure time (UTC) determines which reporting period a flight belongs to;

“RTK” means Revenue Tonne Kilometres;

“state pair” means a group of two States composed of a departing State or its territories and an arrival State or its territories;

“Tribunal” means the National Civil Aviation Administrative Review Tribunal established under section 66 of the Act;

“verification of report” means an independent, systematic and sufficiently documented evaluation process of an emissions report and, when required, a cancellation of eligible emissions units report;

“verification body” means a legal entity that performs the verification of an Emissions Report and, when required, an Emissions Unit Cancellation Report, as an accredited independent third party;

“verification team” means a group of verifiers (the team can be supported by technical experts), or a single verifier that also qualifies as a team leader, belonging to a verification body conducting the verification of an Emissions Report and, when required, an Emissions Unit Cancellation Report; and

“verification report” means a document, drafted by the verification body, containing the verification opinion and required supporting information.

3. (1) These Regulations shall apply to an aeroplane operator that produces annual CO₂ emissions greater than 10,000 tonnes from the use of an aeroplane(s) with a maximum certificated take-off mass greater than 5,700 kg conducting international flights.

Application.

(2) These Regulations shall not apply to state aircraft, humanitarian, medical and fire-fighting flights.

PART II — CARBON OFFSETTING AND REDUCTION SCHEME FOR INTERNATIONAL AVIATION (CORSIA)

4. (1) The aeroplane operator shall identify international flights, as defined in these Regulations, that are attributed to it in accordance with these Regulations.

Attribution of international flights to an aeroplane operator.

(2) Subject to sub-regulation (1), two or more consecutive flights operated under the same flight number shall be considered as separate flights for the purposes of these Regulations.

(3) The attribution of a specific international flight to an aeroplane operator shall be determined as follows—

- (a) ICAO Designator; and
- (b) registration marks.

(4) Subject to sub-regulation (3), where the aeroplane operator of a flight has not been identified via sub-regulation (3)(a) or (b), that flight shall be attributed to the aeroplane owner who shall then be considered the aeroplane operator.

(5) An aeroplane owner identified in sub-regulation (4) shall provide all information necessary to identify the actual aeroplane operator of a flight, when requested by the Authority.

(6) The aeroplane operator may, by contract, delegate the administrative requirements of these Regulations to a third party, as long as the delegation is not to the same entity as the verification body.

(7) Liability for compliance in sub-regulation (6) above shall not be delegated.

5. (1) Operators of aeroplanes with ICAO designators notified by Kenya, holders of AOCs issued by the Authority or registered in Kenya shall, for the purposes of these Regulations, be attributed to Kenya.
- (2) Operators of aeroplanes that change their ICAO designator, AOC or registration, shall become attributed to the new State at the start of the next compliance period.
- (3) Operators of aeroplanes with a wholly owned subsidiary aeroplane operator that is registered in Kenya may be treated as a single consolidated aeroplane operator liable for compliance with the requirements of these regulations subject to approval of the Authority.
- (4) For purposes of compliance with sub-regulation (3), evidence shall be provided in the operator's emission monitoring plan to demonstrate that the subsidiary is wholly owned.
- (5) The Authority shall use the ICAO document "CORSIA Aeroplane Operator to State Attributions" manual to meet the requirements of sub-regulation (2) above.
- (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 of CORSIA Implementation Standards.
6. (1) The Authority shall approve the aeroplane operator compliance on the basis of satisfactory evidence that the aeroplane operator meets requirements that are at least equal to the applicable Standards specified in these Regulations.
- (2) The Authority shall submit to ICAO a list of verification bodies accredited in Kenya as specified in Manual of CORSIA Implementation Standards.
7. (1) The aeroplane operator shall keep records relevant to demonstrating compliance with the requirements specified in Parts II, III and IV of these Regulations for a period of ten years.
- (2) The Authority shall keep records relevant to the aeroplane operator's CO₂ emissions per State pair during the period of 2019-2020 in order to calculate the aeroplane operator's offsetting requirements during the 2030-2035 compliance periods.
8. The aeroplane operators shall comply with these Regulations in accordance with the timeline as specified in Manual of CORSIA Implementation Standards.
- (2) Equivalent procedures described in sub regulation (1) shall demonstrably meet the requirements of these Regulations.
9. (1) The use of equivalent procedures in lieu of the procedures specified in these Regulations shall be approved by the Authority.

Attribution of an
aeroplane
operator.

Approval of
compliance.

Record keeping.

Compliance
periods and
timeline.

Equivalent
procedures.

(2) Equivalent procedures described in sub regulation (1) shall demonstrably meet the requirements of these Regulations.

PART III—MONITORING, REPORTING AND VERIFICATION (MRV) OF AEROPLANE OPERATOR ANNUAL CO₂ EMISSIONS

10. (1) This part shall be applicable to—

Applicability of
MRV
requirements.

- (a) an aeroplane operator as specified in regulation 3; and
- (b) a new entrant aeroplane operator from the year after the operator meets the requirements in regulation 3.

(2) This Part shall not be applicable to international flights preceding or following a humanitarian, medical or firefighting flight provided such flights are conducted with the same aeroplane, and are required to accomplish the related humanitarian, medical or firefighting activities or to reposition thereafter the aeroplane for its next activity.

(3) Pursuant to sub-regulation (2), the aeroplane operator shall provide supporting evidence of such activities to the verification body or, upon request, to the Authority.

(4) The aeroplane operator shall engage the Authority for guidance if its annual CO₂ emissions from international flights is close to the threshold specified in Regulation 3.

(5) The aeroplane operator that was within the scope of applicability the previous year but falls outside of scope in the given year, shall notify the Authority of this fact.

(6) The Authority shall carry out oversight of the aeroplane operators attributed to it, and engage with any that it considers may be below, close to or above the threshold.

Monitoring of CO₂ Emissions

11. (1) The aeroplane operator shall monitor and record its fuel use from international flights in accordance with an eligible monitoring method as specified in the Manual of CORSIA Implementation Standards and approved by the Authority.

Eligibility of
monitoring
methods.

(2) The aeroplane operator shall use the same eligible monitoring method for the entire compliance period following approval of the Emissions Monitoring Plan.

12. (1) The aeroplane operator with annual CO₂ emissions from international flights greater than or equal to 500,000 tonnes shall use a fuel use monitoring method as specified in the Manual of CORSIA Implementation Standards.

Baseline phase.

(2) The aeroplane operator with annual CO₂ emissions from international flights of less than 500 000 tonnes shall use either a Fuel Use Monitoring Method or the ICAO CORSIA CO₂ Estimation and Reporting Tool (CERT), as specified in the Manual of CORSIA Implementation Standards.

(3) The Authority may permit the aeroplane operator to continue to use the monitoring method chosen in accordance to sub-regulation 12 (2), if the aeroplane operator's annual CO₂ emissions from international flights increases above the threshold of 500 000 tonnes in baseline.

(4) The aeroplane operator shall use the same monitoring method during the baseline phase that it expects to use during the pilot phase, taking into account its expected annual CO₂ emissions during the pilot phase.

(5) The aeroplane operator shall submit a revised Emissions Monitoring Plan if it needs to change the monitoring method.

(6) The aeroplane operator shall monitor and record its CO₂ emissions in accordance with the eligible monitoring method outlined in the Emissions Monitoring Plan submitted to the Authority.

(7) The Authority may approve a different eligible Fuel Use Monitoring Method within the Emissions Monitoring Plan, if the aeroplane operator's Emissions Monitoring Plan is determined to be incomplete or inconsistent with the eligible Fuel Use Monitoring Method as specified in the Manual of CORSIA Implementation Standards.

(8) The Authority may approve the use of the ICAO CORSIA CO₂ Estimation and Reporting Tool (CERT), if the aeroplane operator does not have sufficient information to use a Fuel Use Monitoring Method, as specified in the Manual of CORSIA Implementation Standards.

13. (1) The aeroplane operator, with annual CO₂ emissions from international flights subject to offsetting requirements, of greater than or equal to 50 000 tonnes, shall use a Fuel Use Monitoring Method, as specified in the Manual of CORSIA Implementation Standards

Implementation
Phase.

(2) The aeroplane operator shall use either a Fuel Use Monitoring Method or the ICAO CORSIA CO₂ Estimation and Reporting Tool as specified in the Manual of CORSIA Implementation Standards.

(3) The aeroplane operator, with annual CO₂ emissions from international flights subject to offsetting requirements of less than 50 000 tonnes, shall use either a Fuel Use Monitoring Method or the ICAO CORSIA CO₂ Estimation and Reporting Tool (CERT) as specified in the Manual of CORSIA Implementation Standards.

(4) The aeroplane operator that meets the requirements of these regulations after 1 January 2021 for the first time without qualifying as a new entrant shall use either a Fuel Use Monitoring Method or the ICAO CORSIA CO₂ Estimation and Reporting Tool (CERT), as specified in the Manual of CORSIA Implementation Standards in the year when it first meets the requirements

(5) The aeroplane operator shall submit an updated Emissions Monitoring Plan by 30th September of year (y + 2), if the aeroplane operator's annual CO₂ emissions from international flights subject to offsetting requirements increases above the threshold of 50,000 tonnes in a given year (y), and also in year (y+1).

(6) The aeroplane operator shall change to a Fuel Use Monitoring Method as specified in the Manual of CORSIA Implementation Standards on 1st January of the year (y+3).

(7) The aeroplane operator shall submit an updated Emissions Monitoring Plan by 30 September of year (y + 2) if the aeroplane operator chooses to change the monitoring method.

14. (1) The aeroplane operator shall submit an emissions monitoring plan to the Authority for approval in accordance with the timeline as specified in the Manual of CORSIA Implementation Standards.

Emissions
monitoring plan.

(2) The Emissions Monitoring Plan shall contain the information as specified in the Manual of CORSIA Implementation Standards.

(3) A new entrant aeroplane operator shall submit an Emissions Monitoring Plan to the Authority within three months of falling within the scope of applicability.

(4) The aeroplane operator that meets the requirements of these regulations after 1 January 2021 for the first time without qualifying as a new entrant shall submit an Emissions Monitoring Plan within three months of falling within the scope of applicability, as specified in the Manual of CORSIA Implementation standard.

(5) Pursuant to sub-regulation (4), the Authority shall approve Emissions Monitoring Plan within two months of receiving a completed Emissions Monitoring Plan in accordance with Manual of CORSIA Implementation standard.

(6) The aeroplane operator shall resubmit the emissions monitoring plan to the Authority for approval if a material change is made to the information contained within the emissions monitoring plan.

(7) The aeroplane operator shall inform the Authority of the following intended changes—

- (a) change in corporate name;
- (b) change of address;
- (c) the changes that do not fall within the definition of a material change.

(8) The Authority shall engage the aeroplane operator to resolve outstanding issues, if the aeroplane operator's Emissions Monitoring Plan is determined to be incomplete or inconsistent with the Emissions Monitoring Plan requirements as specified in the Manual of CORSIA Implementation Standards.

(9) The Emissions Monitoring Plan referred in sub regulation (6) may be returned to the aeroplane operator along with an explanation as to why the plan was found deficient, or a request for further information.

(10) The aeroplane operator shall engage with the Authority before falling into scope and to include Emissions Monitoring Plan development as part of any planning process for situations such as mergers, splits, subsidiary development, expanding from domestic to international operations, or other change in status or activity which may cause them to fall into the scope of applicability of these Regulations.

15. (1) The aeroplane operator shall apply a fuel density value to calculate fuel mass where the amount of fuel uplift is determined in units of volume.

Calculation of CO₂ emissions from aeroplane fuel use.

(2) The aeroplane operator shall record the fuel density, which may be an actual or a standard value of 0.8 kilograms per litre, that is used for operational and safety reasons.

(3) The procedure for informing the use of actual or standard density shall be detailed in the Emissions Monitoring Plan along with a reference to the relevant aeroplane operator documentation.

(4) The aeroplane operator using a Fuel Use Monitoring Method, as specified in the Manual of CORSIA Implementation Standards shall determine the CO₂ emissions from international flights using the following equation□

$$CO_2 = \sum_f M_f * FCF_f$$

where:

CO ₂	=	CO ₂ emissions (in tonnes);
M _f	=	Mass of fuel f used (in tonnes);
	and	
FCF _f	=	Fuel conversion factor of given

fuel f, equal to 3.16 (in kg CO₂/kg fuel) for Jet-A fuel, Jet-A1 fuel TS-1 fuel, or No. 3 Jet fuel and 3.10 (in kg CO₂/kg fuel) for AvGas or Jet-B fuel.

16. (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 “CORSIA Sustainability Criteria for CORSIA Eligible Fuels”.

Monitoring of
CORSIA eligible
fuels claims.

(2) The aeroplane operator that intends to claim for emissions reductions from the use of CORSIA eligible fuels shall only use CORSIA eligible fuels from fuel producers that are certified by an approved Sustainability Certification Scheme.

(3) Subject to sub-regulation (2), such certification schemes shall meet the requirements prescribed by the Authority.

(4) The CORSIA eligible fuel shall not be accounted for if the aeroplane operator cannot demonstrate compliance with the CORSIA Sustainability Criteria.

Reporting of CO₂ Emissions

17. (1) The aeroplane operator shall submit to the Authority a copy of the verified Emissions Report for approval and a copy of the associated verification report in accordance with the timeline as specified in the Manual of CORSIA Implementation Standards.

Aeroplane
operator
reporting.

(2) The Authority shall decide on the level of aggregation, State pair or aerodrome pair, for which an aeroplane operator shall report the number of international flights, as specified in the Manual of CORSIA Implementation Standards.

(3) The Emissions Report shall contain the information as specified in the Manual of CORSIA Implementation Standards.

(4) The aeroplane operator shall use the standardized Emissions Report template approved by the Authority for submission of information to the Authority.

(5) The aeroplane operator shall report its consolidated CO₂ emissions from international flights during the baseline phase and append to the main Emissions Report, disaggregated data relating to each subsidiary aeroplane operator.

(6) The aeroplane operator may request the Authority not to publish its data at the aeroplane operator level, in circumstances where the aeroplane operator operates a very limited number of state pairs that are subject to offsetting requirements or a very limited number of state pairs that are not subject to offsetting requirements.

(7) Where an aeroplane operator makes a request to the Authority in sub-regulation (6), it shall explain the reasons why and how such disclosure would harm its commercial interests.

(8) Subject to the request made in sub-regulation (7), the Authority shall determine if the data is confidential.

(9) Subject to sub-regulation (8) above, the Authority shall not publish the information if it determines that the data is confidential.

(10) 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.

(11) Subject to sub-regulation (10), the aeroplane operator shall explain the reasons why disclosure would harm its commercial interests.

(12) Subject to the request made in sub-regulation (10), the Authority shall determine if the data is confidential.

18. (1) The Authority shall calculate and inform each of the aeroplane operators of their average total annual CO₂ emissions during the baseline phase, in accordance with the timelines specified in the Manual of CORSIA Implementation Standards.

Reporting of
annual CO₂
emissions.

(2) The Authority shall submit a report to ICAO within the timelines specified in the Manual of CORSIA Implementation Standards.

(3) The report in sub-regulation (2) shall contain the information as specified in the Manual of CORSIA Implementation Standards.

(4) The Authority shall inform ICAO of any reported data deemed confidential in accordance with regulations 17(7) and (10).

(5) All aeroplane operator data which is deemed confidential in accordance with regulations 17(7) and (10) shall be aggregated without attribution to the specific aeroplane operator.

19. (1) The aeroplane operator shall subtract CORSIA eligible fuels traded or sold to a third party from its total reported quantity of CORSIA eligible fuels.

Reporting of
CORSIA eligible
fuels.

(2) 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 a declaration that it has not made claims for the same batches of CORSIA eligible fuel under these other schemes.

(3) 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.

(4) Subject to sub-regulation (3), the information provided shall be through to the blend point, and includes information received from both the neat or unblended fuel producer and the fuel blender.

(5) The aeroplane operator shall make CORSIA eligible fuel claims on an annual basis in order to ensure all documentation is dealt with in a timely manner.

(6) 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 with Part IV of these Regulations.

Verification of CO₂ emissions

20. (1) The aeroplane operator shall engage a verification body for the verification of its annual emissions report.

Annual
verification of an
aeroplane
operator's
emissions report.

(2) Before engaging the verification body, the aeroplane operator shall conduct a check to confirm the verification body's accreditation status, including the list of verification bodies accredited in States within the ICAO document entitled "CORSIA Central Registry (CCR)

(3) A verification body shall conduct the verification according to ISO 14064-3:2019, and the relevant requirements as specified in the Manual of CORSIA Implementation Standards.

(4) The aeroplane operator and the verification body shall both independently submit, upon authorization by the aeroplane operator, a copy of the Emissions Report and associated Verification Report to the Authority, in accordance with the timeline as specified in the Manual of CORSIA Implementation Standards.

(5) The Authority shall perform an order of magnitude check of the Emissions Report in accordance with the timeline, as specified in the Manual of CORSIA Implementation Standards.

(6) The Authority shall share, where an agreement exist 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.

(7) Subject to sub-regulation (6), the Authority shall inform concerned aeroplane operators on the requests for data sharing and in the absence of an agreement between the two States, this information shall not be disclosed to third parties.

(8) The Authority shall provide the name of the verification body used to verify each Emissions Report upon a request for information disclosure.

(9) The Authority shall inform concerned aeroplane operators of any request for information disclosure.

21.(1) A verification body shall be accredited to—

Verification body and national accreditation body for CO₂ emissions.

(a) ISO/IEC 17029:2019;

(b) ISO 14065:2020; and

(c) a national accreditation body.

(2) Subject to sub-regulation (1), the verification body shall meet the requirements as specified in the Manual of CORSIA Implementation Standards in order to be eligible to verify the Emissions Report of the aeroplane operator.

22.(1) The aeroplane operator shall present to the Authority details of fuel purchases, transaction reports, fuel blending records and sustainability credentials as the documentary proof for the purpose of verification and approval of emissions reductions from the use of CORSIA eligible fuels.

Verification of CORSIA eligible fuels.

(2) The aeroplane operator shall ensure that it, or its designated representative, has audit rights of the production records for the CORSIA eligible fuels that it purchases.

Data Gaps

23. The aeroplane operator shall provide procedures to prevent data gaps in the Emissions Monitoring Plan as specified in the Manual of CORSIA Implementation Standards.

Prevention of data gaps.

24.(1) The aeroplane operator using a Fuel Use Monitoring Method, shall fill data gaps using the ICAO CORSIA CO₂ Estimation and Reporting Tool (CERT), as specified in the Manual of CORSIA Implementation Standards, provided that the data gaps during a compliance period do not exceed the following thresholds—

Filling of data gaps by aeroplane operator.

(a) baseline phase: five percent of international flights, as defined in these Regulations;

- (b) implementation phase: five percent of international flights subject to offsetting requirements, as defined in these Regulations

(2) The aeroplane operator shall correct issues identified with the data and information management system in a timely manner to mitigate ongoing data gaps and system weaknesses.

(3) The aeroplane operator shall engage with the Authority to take remedial action to address any data gaps and system weaknesses that exceed the threshold as defined in sub-regulation (1).

(4) Subject to sub-regulation (3), the aeroplane operator shall state the percentage of international flights, for the baseline phase, or flights subject to offsetting requirements, for the implementation phase, that had data gaps, and provide an explanation to the Authority in their annual emissions report when the threshold is exceeded.

(5) The aeroplane operator shall fill all data gaps and correct systematic errors and misstatements prior to the submission of the emissions report.

25.(1) The Authority shall engage with the aeroplane operator to obtain the necessary information, if the aeroplane operator does not provide its annual Emissions Report in accordance with the timeline as specified in the Manual of CORSIA Implementation Standards.

Non provision of aeroplane operator's annual emission report.

(2) Subject to sub-regulation (1), the Authority shall estimate the aeroplane operator's annual emissions using the best available information and tools, such as the CERT as specified in the Manual of CORSIA Implementation Standards, if the engagement proves unsuccessful.

26. (1) The Authority shall update the reported CO₂ emissions to address the errors in the aeroplane operator's reported emissions when identified by the Authority, the verification body, or the aeroplane operator after the reported CO₂ emissions have been submitted to ICAO.

Error correction to emissions reports.

(2) Subject to sub-regulation (1), the Authority shall assess any implications with respect to the aeroplane operator's offsetting requirements in previous years and, if necessary, make an adjustment to compensate for the error during the compliance period in which the error was identified.

(3) The Authority shall report an error in the aeroplane operator's CO₂ emissions and the follow-up result of the related adjustment to ICAO.

PART IV — CO₂ OFFSETTING REQUIREMENTS FROM INTERNATIONAL FLIGHTS AND EMISSIONS REDUCTIONS FROM THE USE OF CORSIA ELIGIBLE FUELS

27. (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 “*CORSIA for Chapter 3 State Parties*”.

Applicability of CO₂ offsetting requirements.

(2) This Part of the Regulations shall not be applicable to a new entrant aeroplane operator—

(a) for three years starting in the year when it meets the requirements in regulation 10(1); or

(b) until its annual CO₂ emissions exceed 0.1 per cent of total CO₂ emissions from international flights.

(3) The Authority shall calculate the annual aeroplane operator’s final CO₂ offsetting requirements based on the data reported in accordance with the requirements of these Regulations.

28. The Authority shall calculate, for each of the aeroplane operators, the amount of CO₂ emissions required to be offset in a given year during all phases of CORSIA Implementation as specified in the Manual of CORSIA Implementation Standards.

CO₂ offsetting requirements.

29. (1) The aeroplane operator that intends to claim for emissions reductions from the use of CORSIA eligible fuels in a given year shall compute emissions reductions as specified in the Manual of CORSIA Implementation Standards.

Emissions reductions from the use of CORSIA eligible fuels.

(2) Subject to sub-regulation (1), the aeroplane operator shall use the *ICAO default life cycle emissions values for CORSIA eligible fuels* document for the calculation, if a default Life Cycle Emissions value is used.

(3) The aeroplane operator shall use CORSIA approved Sustainability Certification Scheme to ensure that the methodology as defined in the *ICAO document – “CORSIA Methodology for Calculating Actual Life Cycle Emissions Values”* has been applied correctly, if an Actual Life Cycle Emissions value is used.

30. (1) The amount of CO₂ emissions required to be offset by the aeroplane operator, after taking into account emissions reductions from the use of CORSIA eligible fuels in a given compliance period during all phases of implementation shall be calculated as specified in the Manual of CORSIA Implementation Standards.

Total Final CO₂ Offsetting Requirements for a Given Compliance Period with Emissions Reductions from the Use of CORSIA eligible fuels.

(2) The aeroplane operator shall have no offsetting requirements for the compliance period, if its total final offsetting requirements during a compliance period is negative.

(3) The negative offsetting requirements in sub-regulation (2) shall not be carried forward to subsequent compliance periods.

(4) The aeroplane operator's total final offsetting requirements during a compliance period shall be rounded up to the nearest tonne of CO₂.

(5) The Authority shall, upon calculating the total final offsetting requirements for a given compliance period of each of the aeroplane operators, inform the aeroplane operators of their total final offsetting requirements according to the timelines as specified in the Manual of CORSIA Implementation Standards.

PART V — EMISSIONS UNITS

31. This part shall be applicable to an aeroplane operator who is subject to offsetting requirements in Part IV of these Regulations.

Applicability of emissions units.

32. (1) The aeroplane operator shall meet its offsetting requirements in accordance with Regulation 30, as calculated by the Authority, by cancelling CORSIA Eligible Emissions Units in a quantity equal to its total final offsetting requirements for a given compliance period.

Cancelling CORSIA eligible emissions units.

(2) The CORSIA Eligible Emissions Units shall be only those units which meet the CORSIA Emissions Unit Eligibility Criteria as prescribed in the ICAO document entitled "CORSIA Eligible Emissions Units".

(3) The Authority shall develop procedures to ensure aeroplane operators are notified of programme eligibility changes within 14 days of the publication of the changes by ICAO.

(4) Subject to the provisions in sub-regulations (1) and (2), the aeroplane operator shall—

- (a) cancel such CORSIA Eligible Emissions Units within a registry designated by a CORSIA Eligible Emissions Unit Programme in accordance with the timeline as specified in the Manual of CORSIA Implementation Standards; and
- (b) request each CORSIA Eligible Emissions Unit Programme registry to make visible on the registry's public website, information on each of the aeroplane operator's cancelled CORSIA Eligible Emissions Units for a given compliance period, as specified in the Manual of CORSIA Implementation Standards.

33. (1) The aeroplane operator shall report to the Authority, the cancellation of CORSIA Eligible Emissions Units carried out in accordance with regulation 32 to meet its total final offsetting requirements for a given compliance period

Reporting emissions unit cancellation.

(2) Subject to sub-regulation (1), the aeroplane operator shall submit copies of the verified Emissions Unit Cancellation Report and the associated Verification Report to the Authority.

(3) The Authority shall report to ICAO in accordance with the timelines as specified in the Manual of CORSIA Implementation Standards.

(4) The Authority shall publish the following information, once submitted to ICAO, for a given compliance period—

- (a) total final offsetting requirements over the compliance period for each aeroplane operators; and
- (b) total quantity of emissions units cancelled over the compliance period by each aeroplane operator to reconcile the total final offsetting requirements, as reported by each aeroplane operator

Verification of emissions unit cancellation report

34. (1) The aeroplane operator shall engage a verification body for the verification of its Emissions Unit Cancellation Report.

Verification of an aeroplane operator's emissions unit cancellation report.

(2) Subject to sub-regulation (1), an aeroplane operator shall inform the Authority of the verifier(s) engaged by operator.

(3) The verification body shall conduct the verification according to ISO 14064-3:2019, and the relevant requirements as specified in the Manual of CORSIA Implementation Standards.

(4) The aeroplane operator and the verification body shall both independently submit, upon authorization by the aeroplane operator, a copy of the Emissions Unit Cancellation Report and associated Verification Report to the Authority in accordance with the timeline specified in the Manual of CORSIA Implementation Standards.

(5) The Authority shall perform an order of magnitude check of the Emissions Unit Cancellation Report in accordance with the timeline as specified in the Manual of CORSIA Implementation Standards.

35. (1) A verification body for Emissions Unit cancelling report shall be accredited as specified in the Manual of CORSIA Implementation Standards, in order to be eligible to verify the Emissions Unit Cancellation Report of an aeroplane operator.

Verification body and national accreditation body for Emissions Unit cancellation.

(2) An aeroplane operator may engage a verification body accredited in another Country, subject to rules and regulations affecting the provision of verification services in Kenya.

PART VI — GENERAL PROVISIONS

36. (1) Any person who becomes aware of a violation of the Act, or any Regulations, rules, or orders issued there under, shall report it to the Authority.

Reports of violation.

(2) The Authority may determine the nature and type of investigation or enforcement action that need to be taken.

37. Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

Failure to comply with directions.

PART VII — MISCELLANEOUS PROVISIONS

38. (1) The Authority may suspend or revoke the licence, certificate, approval, authorization, exemption or other document of a person who contravenes any provision of these Regulations.

Contravention of Regulations.

39. A person aggrieved with the decision of the Authority under these Regulations may within thirty days of such decision appeal to the Tribunal.

Appeals to the Tribunal.

40. (1) A person who contravenes any provision of these Regulations commits an offense and is liable upon conviction to a fine not exceeding one million shillings or to imprisonment for a term not more than six months or to both.

Offences.

(2) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations, orders, notices or proclamations made there under was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

Made on the 15th December, 2025.

DAVIS CHIRCHIR,
Cabinet Secretary for Roads and Transport.