

**MATRIX FOR THE CAPTURE OF STAKEHOLDER'S INPUT TO THE DRAFT CARBON OFFSETTING AND REDUCTION
SCHEME FOR INTERNATIONAL AVIATION REGULATIONS.**

Regulation No.	Regulation Marginal Not/Subject	Comments from the Industry	KCAA Comments	Final draft of the regulation	Remarks if any
Reg.2	Interpretation.	A number of terms have been defined but are not used in the regulations: Airborne collision avoidance system(ACAS)	Agrees with Louise Mathu and delectated	Deleted the content.	
Reg.2	Interpretation.	Administrative partnership"	Agrees with Louise Mathu and delectated	Deleted the content.	
Reg.2	Interpretation.	IAF" means International Accreditation Forum	Agrees with Louise Mathu and delectated	Deleted the content.	
Reg.2	Interpretation.	IEC" means International Electrotechnical Commission	Agrees with Louise Mathu and delectated	Deleted the content.	
	Interpretation.	MJ" means Megajoule	Agrees with Louise Mathu and delectated	Deleted the content.	
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 operator over which it has jurisdiction	Agrees with Louise Mathu and delectated	Deleted the content.	
Reg.2	Interpretation.	Pathway" means a specific combination of feedstock and conversion process used for the production of aviation fuel.	Agrees with Louise Mathu and delectated	Deleted the content.	

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Reg.2	Interpretation.	"State of registry" means the State on whose register the aircraft is entered.	Agrees with Louise Mathu and delectated	Deleted the content.	
Reg.2	Interpretation.	Interpration of "Baseline phase" was missing	new	"Baseline phase" means the period from January 2019 to December 2020 change definition due to period	To clarify the what is meant by "baseline phase"
Reg2	Interpretation	Interpretation of "verification report" in line with ICAO standards	new	"Verification report" means a document, drafted by the verification body, containing the verification opinion and required supporting information	To clarify what is meant by "verification report"
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 Louise Mathu and deleted one ICAO Designator	(a) ICAO Designator, and	
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 Louise Mathu	Liability for compliance in sub-regulation (6) above shall not be delegated.	
Reg. 5 (5)	Attribution of an aeroplane operator	We propose the reference to the document for purposes of standardization with ICAO documentation be as follows;	Agrees with Louise Mathu	The Authority shall use the ICAO document "CORSIA Aeroplane Operator to State Attributions" manual to meet the	This will clarify

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		<i>'ICAO document CORSIA Aeroplane Operator to State Attributions'</i>		requirements of Sub-Regulation (2) above.	
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 (Regs. 11,12, 13,14, 15,17,18,20 and 29). ICAO Standards and define 'ICAO Standards' in the definition section.	disagrees with Louise Mathu, this 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.	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
Reg.10(5)	Applicability of MRV requirements.	To comply with new standard in Annex 16 vol4	KCAA	(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.	New
Reg.10(5)-10(6)	Applicability of MRV	Renumbering to allow for sub reg.(5)	KCAA	10(5), 10(6)	

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	requirements				
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 Louise Mathu 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	
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: ' <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> '	Agrees with Louise Mathu	"Baseline phase" means the period from January 2019 to December 2020 "Pilot phase" means the period from January 2021 to December 2023	To make it clear

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		We propose that the term 'Pilot Phase' defined for ease of understanding and reference. A proposed definition is as follows: 'the period from January 2021 to December 2023'			
Reg.13(4)	Implement ation Phase.	NEW	KCAA	13(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 CO ₂ Estimation and Reporting Tool (CERT), as specified in the Manual of CORSIA Implementation Standards in the year when it first meets the requirements	To comply with the amendment of ICAO annex 16 vol.4
Reg.13(4)-13(7)	Implement ation Phase.	new	KCAA	Re-numbering	To allow insertion of new sub-regulation
Reg.14(4)	Emissions monitoring plan.	New	KCAA	(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	To comply with the amendment of ICAO annex 16 vol.4

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				falling within the scope of applicability, as specified in the Manual of CORSIA Implementation standard	
Reg.14(5)	Emissions monitoring plan.	new	KCAA	(5) Pursuant to sub-regulation(4) above 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	To comply with the amendment of ICAO annex 16 vol.4
Reg.14(10)	Emissions monitoring plan.	new	KCAA	(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.	To comply with the amendment of ICAO annex 16 vol.4
Reg.14(4)-reg.14(10)	Emissions monitoring plan.	new	KCAA	Re-numbering to allow of 3 new sub-regulation	To comply with the amendment of ICAO annex 16 vol.4

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Reg.15(4)	Calculation of CO2 emissions from aeroplane fuel use.	new	KCAA	(4) The aeroplane operator shall calculate the CO₂ emissions from international flights as follows: $CO_2 = \sum_f M_f * FCF_f$ where: CO₂ = CO₂ emissions from international flights M_f = Mass of fuel consumed FCF_f = Fuel conversion factor (kg CO₂/kg fuel) for Jet-A fuel, Jet-A1 fuel, or No. 3 Jet fuel and 3.10 (in kg CO₂/kg fuel) for AvGas or Jet-B fuel.	Clarification of the term FCF _f = Fuel conversion factor of given fuel f, equal to 3.16 (in kg CO ₂ /kg fuel) for Jet-A fuel, Jet-A1 fuel, or No. 3 Jet fuel and 3.10 (in kg CO ₂ /kg fuel) for AvGas or Jet-B fuel.
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> '	Agrees with Louise Mathu	(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> "	

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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 Lead Consultant	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 (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-regulation capture the possible actions the Authority may take in each of these circumstances.	Agrees with the Lead Consultant 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	
Reg. 17 (8)	Aeroplane operator reporting	The introductory portion has a grammatical error. It reads...	Agrees with the Lead Consultant This sub-regulation no becomes sub-regulation (9)	(9) The aeroplane operator may request the authority in writing not to publish its	

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		'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>		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.	
Reg. 19 (3)	Reporting of CORSIA eligible fuels	We propose that the word 'fuel' be added before the word 'blender' to read 'fuel blender' for completeness and uniformity as referenced in ICAO documents	Agrees with the Lead Consultant	(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.	
Reg. 19 (2)	Reporting of CORSIA	The reference to GHG Schemes appears to be incomplete and	Agrees with the Lead Consultant	The aeroplane operator shall provide a declaration of all other Green House Gases (GHG)	

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	eligible fuels	should instead refer to: <i>'Green House Gas Emissions Trading Schemes it participates in ...'</i>		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.	
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. 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>	Agrees with the Lead Consultant	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.	
Reg.20(2)	Annual verification of an	New	KCAA	(2) Before engaging the verification body, the aeroplane operator shall conduct a check to	To comply with the new ICAO Standards

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	aeroplane operator's emissions report			confirm the verification body's accreditation status and included the list of verification bodies accredited in States and included within the ICAO document entitled "CORSIA Central Registry (CCR):	
Reg.21(3)	Annual verification of an aeroplane operator's emissions report	New	KCAA	(3) A verification body shall conduct the verification according to ISO 14064-3:2019 as amended, and the relevant requirements as specified in the Manual of CORSIA Implementation Standards.	Replacing to ISO 14064-3:2006 with to ISO 14064-3:2019
Reg.20(2)- reg.20(9)	Annual verification of an aeroplane operator's emissions report	New	KCAA	Re-numbering to allow insertion of new sub-regulations	To comply with the new ICAO Standards
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 Lead Consultant	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	

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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>		checks and ensure the completeness of reported data	
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 Lead Consultant	(1)The offsetting requirements of this Part shall be applicable to an aeroplane operator with international flights, between States as defined in the <i>ICAO document, "CORSIA for Chapter 3 State Pairs"</i> .	
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 Lead Consultant	The aeroplane operator shall use CORSIA approved Sustainability Certification Scheme to ensure that the methodology as defined in the <i>ICAO document – "CORSIA Methodology for Calculating Actual Life Cycle Emissions Values"</i> has been applied correctly, if an Actual Life Cycle Emissions value is used.	

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Reg.33(3)	Cancelling CORSIA eligible emissions units	ICAO ANNEX 16 VOL4	Inserted to comply with ICAO SARPS	(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	To comply with Annex 16 vol.4
Regl -reg41	all	KCAA		Typos especially CO ₂ to CO ₂ Re-numbering to make regulations follow	