

Issues and Challenges of Enforcement

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Progress On Enforcement

- ➔ Prioritised approach
- ➔ Mandatory €100/t penalties first
- ➔ Prioritised by CO₂ emissions
- ➔ Non mandatory penalties – lower priority
- ➔ About €3,000,000 of penalties issued
- ➔ Six appeals
- ➔ Next steps

Next Steps

- ➔ Continue to issue penalties in order of priority
- ➔ Penalties paid €370,000
- ➔ Focus is moving to recovery of penalty debts
- ➔ So how can we make an operator pay their penalty?
- ➔ Split UK and Non UK Operators

Operator based in the UK

- ➔ We can obtain a UK Court order to enforce the penalty
- ➔ Assets can be seized and sold
- ➔ Routine – debt recovery process is well established in UK law

Operator based outside the UK

- ➔ Obtain a UK court order
- ➔ Then obtain a court order in the home country of the operator
- ➔ EU reciprocal arrangements (limited)
- ➔ Hire a local legal representative
- ➔ Translation of documents
- ➔ Probability of success?
- ➔ Cost would be much higher than for the UK
- ➔ Likely to evaluate on a case by case basis

Operator based outside the UK

- ➔ Alternatives to legal action in home country
- ➔ Powers to detain aircraft
- ➔ Powers to sell detained aircraft
- ➔ Could be very effective
- ➔ But actions must be proportionate to the value of the penalty
- ➔ Legal safeguards for the owner of the aircraft
- ➔ Operating ban.....

Summary

- ⇒ Processes and mechanisms for issuing penalties are in place
- ⇒ Mandatory €100/t penalties are the top priority
- ⇒ Non mandatory penalties lower priority
- ⇒ Our focus is moving to recovery of debt
- ⇒ UK based operators straightforward
- ⇒ EU Operators?
- ⇒ Non-EU operators more difficult

And finally

- ➔ Debt recovery is an issue for many (all?) of us
- ➔ Not just a challenge for the UK
- ➔ Please share your ideas and experiences



Thank you for listening

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