



Brussels, 20 September 2013

Mr José Manuel Barroso, President
Mr Siim Kallas, Vice President
Ms Connie Hedegaard, Commissioner
European Commission,
200, Rue de la Loi
B-1049 Brussels

Re: EU position at 38th ICAO Assembly

Dear Members of the Commission,

We write to express the grave concerns of NGOs at developments in the run-up to the ICAO Assembly and to suggest possible ways forward.

NGOs understand the extraordinary diplomatic and political obstacles preventing progress on climate change issues at ICAO and have always supported the EU's ambition for the EU ETS to be a stepping stone towards a global agreement on aviation.

But we fear that the EU has effectively given away a large part of the proverbial 'bird in the hand' (shrinking coverage of the aviation ETS by two thirds) for the 'two birds in the bush' (an aspirational future global deal on aviation emissions) very early and with unclear conditions. Moreover, we feel the way this decision was reached – in a Coreper meeting, without any consultation of Parliament or other stakeholders – runs contrary to the Commission's Treaty obligations to uphold EU legislation until any proposal to amend, backed by a full impact assessment, is adopted by the College.

Moreover, confining the ETS to "regional airspace" sets a dangerous precedent for global climate policy. A decision that states or regions can only regulate emissions in their own airspace implies that no-one would even be *allowed* to take responsibility for the 78% of global aviation CO₂ emissions that fall outside of this scope. There is a big difference between *not formally assigning* responsibility for these emissions, the current situation, and *formally not assigning* it, a likely outcome of Europe's concession to the Assembly.

Any ICAO agreement that falls short of a robust commitment now to prepare and implement a global measure that will be effective in reducing emissions and that at the same time binds Europe (and other states) to an airspace regime would be the worst of all worlds. To date, Commission officials have provided assurances that the concession on airspace and a strong outcome on a global MBM should be viewed as a package: one is only acceptable with the other. We urge EU member states and the Commission to hold to this stipulation at the Assembly. Any weakening of ICAO's commitment to implement a global deal should put the scope of the aviation ETS back on the table.

We have always felt that a '50/50' solution – covering half of emissions from both inbound and outbound flights – matches the environmental integrity of the 'departing flights' approach and addresses the question of responsibility for overflight and high-seas emissions without provoking sovereignty concerns. As to any eventual post-Assembly proposal amending the ETS, we note that the current Assembly draft allows for a wider geographic scope than airspace.

NGOs share EU concerns that the Resolution should not place distortive or environmentally unsound requirements on either regional or global schemes. Europe should defend the existing level of *de minimis* provisions in the ETS and strongly resist calls for a threshold of 1% or any figure remotely close to that.

Lastly, the NGO Observer to ICAO, ICESA, has proposed the organisation undertake a wide-ranging review of decision-making processes and transparency. European members of ICAO are bound by Aarhus to support more transparent procedures in ICAO – procedures that are sadly lacking. We are firmly convinced that a far more transparent and consultative ICAO decision-making process can help unlock the intractable issues that bedevil the organisation. We ask for your active support for our proposals during and after the Assembly so that the process towards a global solution can be successful.

Yours sincerely,



Tim Johnson
Director
Aviation Environment Federation



Jos Dings
Director
Transport & Environment

On behalf of :

Célia Gautier
EU Climate Policy Officer
Reseau Action Climat France

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Secretary for Transport Policy
Verkehrsclub Deutschland

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