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INFORMATION NOTE

from:	Commission
to:	Council
Subject:	Aviation / ETS update – Information from the Commission

Delegations will find in Annex an information note from the Commission on the 38th ICAO Assembly Outcome on Climate Change, which will be dealt with under "Any other business" at the meeting of the Council (Transport, Telecommunications and Energy) on 10 October 2013.

Information Note from the Commission
38th ICAO Assembly Outcome on Climate

After two weeks of difficult and intense negotiations the 191 ICAO member States agreed at the ICAO Assembly to develop a global market based measure to limit $C0_2$ emissions from international aviation, which should be ready for implementation as of 2020. This is an important achievement.

The agreed ICAO Assembly Resolution foresees a decision on the actual implementation of the global MBM scheme at the next ICAO Assembly in 2016. In the coming three years substantive progress on the design of the scheme needs to be made at a technical level. The EU needs to be ready and prepared to contribute actively to the work on the development of the global scheme together with its ICAO partners and other stakeholders.

Despite significant efforts and outreach by the ECAC States, the Assembly did not agree to new language on a meaningful framework for national and regional measures to be applied prior to a global MBM taking effect. Unusually for an ICAO Assembly, roll-call voting was used on the drafting options for implementing national and/or regional schemes. Many non-EU States took the view that no State has the right to regulate air carriers from another State without the prior agreement of that State. A proposal including language from the 2010 Resolution on mutual agreement and on a *de minimis* threshold of 1% for developing countries for the application of interim market based measures was put forward by Russia in association with several other States (including Brazil, China India and South Africa) and passed by a vote of 97-39. The EU and several other major aviation countries voted against the proposal, and as in 2007 and 2010 the ECAC States reaffirmed States' sovereign rights to regulate and take appropriate measures to mitigate aviation emissions.

The discussions on the global MBM saw a heated debate on whether the UNFCCC principle of "common but differentiated responsibilities and respective capabilities" (CBDR-RC) should be explicitly referred to in the Resolution. The CBDR-RC principle was eventually incorporated in the annex on guiding principles for the development of market based measures, alongside the fundamental ICAO principles of non-discrimination and fair and equal opportunity.

As in 2010, ICAO confirmed once again a global aspirational goal to limit international aviation emissions at 2020 levels. In addition it confirmed that a comprehensive package of measures for tackling the climate change impact of international civil aviation is necessary, including technological and operational measures, and sustainable alternative jet fuels, in addition to market based measures, such as emissions trading.

In line with longstanding EU positions, the EU signaled its intention to submit formal reservations on the following parts of the Resolution: (i) the ambition level of aspirational goals; (ii) the totality of the amended framework language, and (iii) the inclusion of the CBDR-RC in the annex.

With respect to addressing the wider environmental impacts of aviation, other important decisions were taken at the ICAO Assembly. This included endorsement of a more stringent international technical standard for aircraft noise, and going forward with a programme of technical work towards new standards for CO_2 and particulates emitted by aircraft.