



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 October 2012

15449/12

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AVIATION	164
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NOTE

from: General Secretariat
to: Delegations

Subject: ETS/Aviation: Action on international aviation emissions
- Information from the Commission

Delegations will find annexed an information note by the Commission on the above topic, which will be dealt with under "other business" at the meeting of the Council (Environment) on 25 October 2012.

Action on international aviation emissions
Information from the Commission

This note provides an update on international developments.

The multilateral process is the central plank for addressing international aviation emissions.

The EU is committed to reaching a global approach in ICAO and to work with third countries to address their concerns. There is a shared view on the need to step-up efforts for addressing international aviation emissions in the International Civil Aviation Organisation (ICAO). Reaching an agreement at international level is the best means to facilitate our ability to take advantage of the flexibilities provided for in the Directive.

In the short term the way forward could be an ICAO agreement at the September 2013 Assembly on an enabling global framework that would facilitate the uptake of national/regional market based measures. Such a framework should, in order to facilitate comprehensive global action, not rely on complicated bilateral agreement structures, and it should have at its core the principle of non-discrimination to minimise any risks of competitive distortions.

The ICAO Council of November this year will be important for testing the genuine commitment of our partners. Commission experts are heavily involved in the preparations and the EU has encouraging signals from third country partners as regards their willingness to engage. EU legislation has some important flexibilities that would enable the EU to respond to positive international developments and cater for optimal interaction without compromising our goals. We are ready to discuss these options.

Despite some strong reactions, we continue discussions with our third country partners

Technical and political discussions with key partners are on-going. The US Senate decision to adopt the so-called "Thune bill" giving the Secretary of Transportation the possibility to prohibit aircraft operators from complying with the EU law remains to be approved by the Congress and signed by the President. In the event that it becomes law, there is a choice to be made by the US administration as to whether or not such authority will be exercised. On the positive side, the bill also calls on the Administration to use its authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions.

The EU remains committed to the implementation of the EU ETS and its application to aviation. A firm and common line between Member States is essential, in particular with respect to the coordination of enforcement activities.