

To  
Jose Manuel Barroso  
President of the European Commission

Siim Kallas  
Commissioner for Transport

Connie Hedegaard  
Commissioner for Climate Action

European Commission  
200 Rue de la Loi  
Berlaymont  
B-1049 Brussels

- via E-Mail -

10.10.2013

Dear President, Vice-President, Commissioner,

The recent ICAO-Assembly has agreed to develop by 2016 a global market based mechanism to tackle aviation emissions, which can come into force in 2020.

While we would have liked a more ambitious outcome, we welcome this Decision. In light of this Decision, the EU now has to decide on the way forward with the EU ETS. In this context, we, the undersigned, would like to convey the European Parliament's position.

As you recall the "stop-the-clock" derogation decision anticipates further amendments in the EU ETS in the event of a successful ICAO Assembly outcome. The parameters identified for measuring the results were agreement on a timetable for a global MBM and an agreement on the framework for interim regional MBMs.

Whilst we recognise the efforts of the Commission and the EU Member States in trying to secure delivery on both these points, it is clear that as regards an agreement on the framework our expectations have not been met. In fact the outcome has been further watered down from the draft which was put forward by the ICAO Council of 4 September. The Assembly resolution language on the framework as expressed in paragraphs 16 a) appears to imply a condition of mutual consent as a precondition for the implementation of measures within states' airspace. This is in contradiction with the provisions of the Chicago Convention and the very same principles that govern the ICAO process. While

we agree with the importance of consultative processes and international engagement, mutual consent surely is not something the EU should accept.

We are clearly in a difficult situation. On one hand the EU must be considered as a credible and serious partner, and on the other we must live up to our reputation as a proponent of multilateralism. In this context, the result under the global MBM and the strong commitment expressed by the industry provide us the possibility to consider a more permanent amendment. The EU ETS must be seen as a positive contribution to the process – a pilot that will build readiness for the up-take of the global Measure.

We accept that the EU should not play into the hands of our adversaries by provoking a negative reaction and re-setting the clock. At the same time simply continuing the permanent derogation is not a politically viable option and the EP would therefore not be able to accept it. The EU needs more to show progress, and it needs more to show that international dialogue is not about pushing the EU to the barest minimum but rather about finding acceptable compromises that build from two way dialogue and mutual accommodation.

In this situation it would seem advisable to base future EU-action on the ICAO-Council outcome, which met the conditions of being both an acceptable and a pragmatic compromise. Domestic air traffic should continue to be covered as with "stop-the-clock" on the basis of distance travelled between EEA airports, while the so called third country traffic should be covered on the basis of distance travelled within EU's regional airspace.

As regards the time-frame of the proposal, considering the ICAO cycles and anticipated decision on implementation in 2016, this should be set up to 2016 subject to further revision.

Finally, given the limited amount of time available to find an agreement on an upcoming legislative proposal before the European Parliament's election recess, we would urge the Commission to come forward with its proposal without delay.

Kind regards,

A handwritten signature in blue ink, appearing to read 'M. Groote'.

Matthias Groote, Chairman of the Environment Committee

A handwritten signature in black ink, appearing to read 'Brian Simpson'.

Brian Simpson, Chairman of the Transport Committee



Peter Liese,

Rapporteur on the inclusion of aviation in the EU-ETS  
(Environment Committee)



Mathieu Grosch

Rapporteur of the Opinion on Stop the Clock of the  
Transport Committee