



UNITED STATES MISSION
TO THE
EUROPEAN UNION

Brussels, October 30, 2008

Jos Delbeke
Acting Director General
Environment Directorate General
B-1049 Brussels

Dear Acting Director General Delbeke:

Thank you for the opportunity to comment on your proposals as part of the public consultation on Aviation Monitoring, Reporting and Verification (October 7, 2008 to November 3, 2008). Please include this statement of the views of the U. S. government in the public record of your consultation.

The United States reiterates its concerns with the inclusion of international civil aviation in the European Union Emissions Trading Scheme (ETS). The United States maintains that such unilateral, compulsory application to foreign carriers operating to and from European Union airports, without the consent of their governments, is inconsistent with the Convention on International Civil Aviation (the Chicago Convention) and the U.S.-EU Air Transport Agreement.

The United States agrees on the need to address aviation's contribution to climate change and is doing so in a comprehensive approach. The U.S. aviation industry has already achieved significant results in shrinking its carbon footprint while simultaneously growing. Since 2000, U.S. commercial aviation has reduced its carbon emissions by over 70 million tons while flying 20% more passenger miles and 30% more cargo miles. Looking forward, the combination of operational improvements, new technologies, and sustainable alternative fuels, matched with the particular circumstances of the U.S. aviation industry, promises to sustain and even exceed those results.

European Union measures taken without the consent of its international partners threatens global cooperation on climate change in the aviation sector. The United States urges the European Union to engage constructively with its partners to find real solutions, as suggested in the April 2007 letter to the German Presidency, attached hereto. While the conclusions of the October 2008 Transport Council were a positive step, they cannot be construed as sufficient response to our concerns. If the European Union insists on moving forward unilaterally, the United States reserves its right to take appropriate measures in response under international law.

Sincerely,

Kristen Silverberg
Ambassador

Enclosure: Copy of April 2007 letter to German Presidency

cc:

Klauss Gretschmann, Directorate-General C, Council Secretariat
Kerstin Nilblaus, Directorate-General I, Council Secretariat
Walter Grahammer, Deputy Permanent Representative of Austria
Didier Seeuws, Deputy Permanent Representative of Belgium
Mario Milouchev, Deputy Permanent Representative of Bulgaria
George Chacali, Deputy Permanent Representative of Cyprus
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Maria Rislakki, Deputy Permanent Representative of Finland
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Guido Peruzzo, Deputy Permanent Representative of Germany
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Agnes Vargha, Deputy Permanent Representative of Hungary
Geraldine Byrne Nason, Deputy Permanent Representative of Ireland
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Pedro Nuno Bartolo, Deputy Permanent Representative of Portugal
Marius Hirte, Deputy Permanent Representative of Romania
Peter Javorcik, Deputy Permanent Representative of Slovakia
Mary Veronika Tovsak Pleterski, Deputy Permanent Representative of Slovenia
Cristobal Gonzalez-Aller Jurado, Deputy Permanent Representative of Spain
Ulrika Barklund Larsson, Deputy Permanent Representative of Sweden
Andrew Lambert, Deputy Permanent Representative of the United Kingdom
Miroslav Ouzky, Member European Parliament
Peter Liese, Member European Parliament
Matthias Groote, Member European Parliament
Holgar Kraemer, Member European Parliament
Caroline Lucas, Member European Parliament
Roberto Musacchio, Member European Parliament
Johannes Blokland, Member European Parliament
Paolo Costa, Member European Parliament
Georg Jarzembowski, Member European Parliament
Antonio Tajani, Vice President, European Commission, Commissioner for Transport
Stavros Dimas, Commissioner for Environment
Benita Ferrero-Waldner, Commissioner for External Relations
Matthias Ruete, Director-General for Energy and Transport, European Commission
Eneko Landaburu, Director-General of External Relations

April 6, 2007

Ambassador Peter Witt
Deputy Permanent Representative of Germany
to the European Union
Rue Jacques de Lalain, 19-21
1040 Brussels

Dear Ambassador Witt:

Our governments share with the Member States of the European Union an interest in finding approaches to limit the impact of aviation greenhouse gas emissions on global climate. As you know, the member states of the International Civil Aviation Organization (ICAO), including the EU Member States, agreed to broad goals in this area at the triennial ICAO Assembly in 2004. We believe that success in addressing this matter lies in constructive consultation with international partners, a foundation of the international aviation system.

From this point of view, we want to convey our deep concern and strong dissatisfaction with the December 20, 2006, European Commission proposal to include international civil aviation in the European Union (EU) Emission Trading Scheme (ETS). Inclusion of our airlines in the EU scheme without the consent of our governments would potentially violate EU Member State international obligations under the Convention on International Civil Aviation, as well as bilateral aviation agreements.

Moreover, the proposal runs counter to the international consensus that ICAO should address international aviation emissions. ICAO is in fact doing so now. The ICAO Assembly in 2004 urged "States to refrain from unilateral environmental measures" and the ICAO Council echoed this in November 2006, urging Contracting States to "refrain from unilateral action to implement an emissions trading system". We are disappointed that the Commission has ignored the strong objections from the international community and is bypassing ICAO by issuing this proposal.

We support ICAO's current work to develop guidance on emissions trading for use by countries that wish to pursue this market-based approach based on mutual consent. We also believe real opportunities for addressing emissions exist in broader cooperative approaches to aviation operations, including energy efficiency and traffic management. In addition, some developing countries believe that the EU's unilateral inclusion of developing country airlines is also of concern in relation to the Framework Convention's principle of common, but differentiated, responsibilities and respective capabilities. Obviously, Europe is free to include emissions from European aircraft in its trading system. However, the Commission proposal to include third-country carriers unilaterally would significantly undercut rather than support international efforts to carry out improvements to better manage the impact of aviation emissions.

We urge you to consider fully the concerns of the international community and to exclude operations of non-European aircraft from the scope of the EU Emission Trading Scheme, unless they are included on the basis of mutual consent. If the EU insists on moving forward unilaterally, we reserve our rights to take appropriate measures under international law.

We ask EU Member States and EU representatives to participate continuously and constructively toward finalizing ICAO guidelines on aviation emissions, and to reconsider the Commission's unilateral proposal. It is our hope that by these efforts we can move forward in a manner that will lead to a successful global solution to address aviation emissions.

Sincerely,



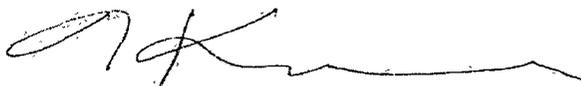
Alan Thomas
Ambassador of Australia to the European Communities, Belgium and Luxembourg



Ross Hornby
Ambassador of Canada to the European Union



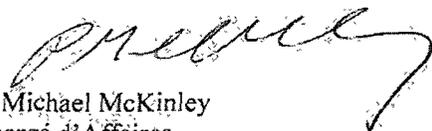
Yu Xuzhong
Deputy Head of the Mission of the People's Republic of China to the European Union



Takékazu Kawamúra
Ambassador of Japan to the European Union



Woo-seong Chong
Ambassador of the Republic of Korea to the European Union and Belgium



P. Michael McKinley
Chargé d'Affaires
Mission of the United States of America to the European Union

cc: Klaus Gretschmann, Directorate-General C, Council Secretariat
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Paolo Costa, Member, European Parliament
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Stavros Dimas, Commissioner for Environment
Bénita Ferrero-Waldner, Commissioner for External Relations
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