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**NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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Subject: Union Position on the reply to ICAO State letter ENV 6/6 – 20/53:  
Proposed amendments to the ICAO document “CORSIA Sustainability  
Criteria for CORSIA Eligible Fuels”, referenced in Annex 16, Volume IV

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Delegates will find in annex the information note for the Union position on the reply to ICAO State letter ENV 6/6 - 20/53.

**Information note****Union Position on the reply to ICAO State letter ENV 6/6 – 20/53: Proposed amendments to the ICAO document “CORSA Sustainability Criteria for CORSA Eligible Fuels”, referenced in Annex 16, Volume IV****Background**

It is recalled that the position to be taken in ICAO bodies by the Member States on behalf of the European Union with regard to Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) is defined in Council Decision (EU) 2016/915 of 30 May 2016, as supplemented and refined by information notes following the 39th ICAO Assembly in 2016.

The Council, at its 217th Session in June 2019, approved the first edition of the ICAO document “CORSA Sustainability Criteria for CORSA Eligible Fuels”, containing the sustainability criteria applicable during the pilot phase of CORSA from 1 January 2021 to 31 December 2023. This ICAO document is referenced in Annex 16, Volume IV, Part II, Sections 2.2.4.1 and 2.2.4.3, and is available on the ICAO CORSA website.

Upon ICAO Council request, the Committee on Aviation Environmental Protection (CAEP) undertook work on additional and strengthened sustainability criteria applicable from the start of CORSA’s first phase on 1 January 2024. The Council, at its 219th Session in March 2020, agreed to bring the amendments recommended by CAEP to the ICAO document “CORSA Sustainability Criteria for CORSA Eligible Fuels”, for consultation with Member States through a State Letter.

The main objective of the amendments is to define Sustainability Criteria to be applicable to eligible CORSA sustainable aviation fuels after CORSA’s pilot phase. Hence, the document has been divided into three chapters that delimit the applicability of the different sets of sustainability criteria, as follows:

- Chapter 1 contains the sustainability criteria applicable to CORSA eligible fuels during the CORSA’s pilot phase, which were approved by the ICAO Council during its 217th Session

in 2019 and are unchanged. Additionally, amendments are recommended to define the time period during which a fuel producer can produce batches of CORSIA eligible fuels after it has been certified by a Sustainability Certification Scheme, clarifying that a fuel producer can produce batches of CORSIA eligible fuels for 365 days after it has been certified by an SCS for compliance with the CORSIA Sustainability Criteria applicable at the time of certification. After that, the fuel producer shall be re-certified for compliance with the sustainability criteria applicable at the time of re-certification. This avoids the so-called “grandfathering” of fuels;

- Chapter 2 contains recommended sustainability criteria to be applicable to CORSIA sustainable aviation fuels after CORSIA’s pilot phase, including the full set of 12 sustainability themes and corresponding criteria as originally recommended by CAEP; and
- Chapter 3 contains a placeholder for the future inclusion of sustainability criteria to be applicable to CORSIA “Lower Carbon Aviation Fuels” (LCAF) after CORSIA’s pilot phase, noting that work is ongoing in CAEP on developing these criteria.

It should be noted that Chapter 1 and Chapter 2 make it clear that the present sustainability criteria do not set a precedent for, or prejudice the outcome of negotiations in other fora. It should also be noted, that supporting the adoption of the present sustainability framework is without prejudice to existing and future EU or national legislation.

In response to the State letter ENV 6/6 – 20/53, dated 28 April 2020, ICAO Member States are invited to provide comments by 20 July 2020, if any, on the proposed amendments to the ICAO document “CORSIA Sustainability Criteria for CORSIA Eligible Fuels”, particularly on the proposal for Sustainability Criteria included in Chapter 2. Comments provided by ICAO Member States on the proposed amendments to the attached ICAO document will be brought to the Council, at its 221st Session in November 2020, to inform its further consideration of this matter.

## Union's response to the State letter: context and overall approach

The ANNEX I to this Information Note was developed following coordination between the Commission services and representatives from ECAC/EU States (European Aviation Environmental Group), with input from representatives at ICAO headquarters.

The document consists of key messages.

The overarching approach is to support the adoption by the ICAO Council of the proposed amendments to the ICAO document “CORSIA Sustainability Criteria for CORSIA Eligible Fuels” without change, while insisting that the recommended set of sustainability criteria is relevant as a whole. The approach is also to insist that the ongoing work to develop sustainability themes and criteria for Lower Carbon Aviation Fuels (LCAF) to apply beyond the CORSIA pilot phase should continue under CAEP. The specific sustainability framework for LCAF should be of equivalent environmental integrity to the one developed for SAF. Also, States should (continue to) insist that LCAF are not and may not become eligible under CORSIA before CAEP has carried out its task to develop a specific and robust framework for such fuels.

This approach is consistent with the one previously taken in the previous Information Note, which served to prepare the position of European States at the ICAO Council 219<sup>th</sup> sessions in March 2020, where the proposed amendments to the ICAO document “CORSIA Sustainability Criteria for CORSIA Eligible Fuels” were approved.

### **Union Position**

The Union Position as described in the ANNEX I below shall be expressed by the EU Member States in their replies to ICAO State letter ENV 6/6 – 20/53, in their capacity as ICAO Member States.

I. ATTACHMENT A to State letter ENV 6/6 – 20/53

Agreement

II. POSITION TO BE STATED BY THE STATE IN THE LETTER REPLYING TO STATE LETTER ENV 6/6 – 20/53

*Key messages: State XX ...*

- Acknowledges and welcomes the extensive efforts made by the ICAO Council with the contribution of CAEP in developing the recommended sustainability criteria to be applicable to CORSIA sustainable aviation fuels after CORSIA's pilot phase;
- Agrees that the proposed amendments to the ICAO document "CORSIA Sustainability Criteria for CORSIA Eligible Fuels" be brought without change to the ICAO Council for its consideration and adoption during its 221<sup>st</sup> session;
- The recommended set of sustainability criteria to be applicable to CORSIA sustainable aviation fuels after CORSIA's pilot phase is the product of extensive technical discussions in CAEP and were subsequently approved by the ICAO Council. The set of sustainability criteria functions as a whole to ensure the environmental, economic and social integrity of the use of sustainable aviation fuels under CORSIA. Should any part of the recommended set of criteria be altered or removed, it may prejudice the effective functioning and integrity of the CORSIA scheme concerning the use of sustainable aviation fuels. [State XX] would therefore have to be consulted again and consider whether it could support the proposed amendments to the ICAO document "CORSIA Sustainability Criteria for CORSIA Eligible Fuels".
- Further, [State XX] considers that CAEP should pursue its work towards the development of a specific sustainability framework for lower carbon aviation fuels, and insists that it must be of equivalent environmental integrity to the one developed for sustainable aviation fuels. Until this has been done, [State XX] notes that there is no mechanism for lower carbon aviation fuels to be eligible under CORSIA.