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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	COUNCIL DECISION on the position to be taken on behalf of the European Union within the International Civil Aviation Organization in respect of the First Edition of the International Standards and Recommended Practices on Environmental Protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)

Addendum to the above-mentioned Council Decision.

As regards ATTACHMENT C to ICAO State letter AN 1/17.14 – 18/78 (NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX 16, VOLUME IV), differences shall be notified and the following explanations be given in this respect:

General points

The Union and its Member States are a strong supporter of ICAO's efforts to put a global market-based measure for international aviation globally into effect to contribute to tackling climate change.

(insert your State) fully supports the efforts undertaken within ICAO in order to make CORSIA operational as soon as possible. In accordance with Directive 2003/87/EC, Europe is in the process of translating CORSIA Monitoring, Reporting and Verification (MRV) requirements into Union legal acts with expected entry into force by January 2019. The time limit within which possible differences have to be notified according to ICAO State Letter AN 1/17.14 – 18/78 is too short for any adaptations of the Union law to be adopted by the Union within that limit.

At this stage, certain differences exist between Directive 2003/87/EC and detailed rules adopted by the Commission, on the one hand, and CORSIA on the other hand. This applies both to MRV requirements and to offsetting requirements.

In respect of both, the scope of application of Directive 2003/87/EC as it currently stands shall be recalled. The Directive applies irrespective of the nationality of the aeroplane operator and in principle covers flights which depart from or arrive in an aerodrome situated in the territory of a Member State to which the Treaty applies. Directive 2003/87/EC applies without distinction to flights within and between Member States and/or EEA countries.

MRV requirements

MRV requirements set out in the CORSIA are to become applicable as from 1 January 2019.

The rules of the European Union applicable in this field on 1 December 2018 are mainly contained in Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union. That Directive is the legal basis for the detailed provisions in the matter, contained in Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC and in Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC.

It should be noted that the European Commission is currently in the process of adopting regulations that are expected to remove, subject to the General points set out above, differences with the CORSIA Monitoring Reporting Verification requirements of the First Edition of Annex 16, Volume IV, with an expected entry into force before 1 January 2019.

Offsetting requirements

As regards offsetting, it is noted that the corresponding requirements contained in CORSIA will apply only at a later stage and that Union law may meanwhile be amended in light of CORSIA.

As a result, it is not necessary to address the current offsetting requirements under Union law beyond the General points set out above.