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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 7252/19 + COR 1 + COR 2 - C(2019) 1644 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 6.3.2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards measures adopted by the International Civil Aviation Organisation for the monitoring, reporting and verification of aviation emissions for the purpose of implementing a global market-based measure

– Decision to object to the delegated act

1. The Commission notified the above-mentioned delegated Regulation¹ concerning the implementation of CORSIA² on 6 March 2019 to the Council in accordance with the procedure set out in Article 290 TFEU and in particular Article 28c of 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 and amending Council Directive 96/61/EC³. In accordance with Article 23 of Directive 2003/87/EC, the period within which the Council could express an objection ran until 6 May 2019.

¹ Doc. 7252/19 + COR 1 + COR 2.

² Carbon Offsetting and Reduction Scheme for International Aviation.

³ OJ L 275, 25.10.2003, p. 32.

2. Following a consultation launched by the General Secretariat of the Council, a number of delegations provided comments on the delegated Regulation and specifically the part of Article 7, which states that the Commission shall transmit emissions data to the Secretariat of the International Civil Aviation Organisation (ICAO).
3. The Working Party on Environment examined the delegated Regulation at its meeting on 4 April 2019 and agreed that further discussions and clarifications were needed, which would require an extension of the period of objection.
4. On 15 April 2019, the Council decided to extend the period of objection with one month, so that period of objection would run until (and including) the 6 June 2019.
5. On 8 May 2019, the Working Party on Environment held a second discussion on the Commission delegated Regulation. At the meeting, the support to a timely implementation of CORSIA was confirmed by all delegations. However, a very large number of delegations maintained their serious concerns in relation to Article 7.
6. On 15 May 2019, the Permanent Representatives Committee examined the delegated Regulation and in particular Article 7 thereof, and the Chair noted that the necessary qualified majority to object to the delegated regulation had been reached.
7. Accordingly, the Chair concluded that the Committee had agreed that the Council should object to the delegated regulation.
8. In addition, numerous delegations decided to make the statement set out in the Annex to this note.
9. It is therefore suggested that the Permanent Representatives Committee invites the Council to:
 - decide to object to the delegated regulation as set out in document 7252/19 + COR 1 + COR 2 and that the Commission and the European Parliament are to be informed thereof;
 - enter into the minutes of the Council meeting the statement set out in the Annex to this note.

**Statement by Belgium, Bulgaria, Czechia, Estonia, Ireland, Greece, Spain, France, Italy,
Cyprus, Latvia, Luxembourg, Hungary, Malta, Netherlands, Austria,
Poland, Portugal, Romania, Slovenia, Slovakia, Sweden and United Kingdom**

We wish the European Union to be at the avant-garde on the fight against climate change, and recall our full commitment to a successful implementation of the compensation and reduction mechanism of carbon for international aviation, the CORSIA. It represents a unique occasion to act on air sector emission on a global level. We insist that the ambition level carried by the Union and its Member States in ICAO bodies should be achieved in the time limits set.

As a consequence, we call for the rapid adoption of a delegated act that will comply, on one hand, with the international obligations of the Chicago Convention (annex 16 volume 4), and on the other hand with the delegated power conferred by Directive 2003/87/EC of 13 October 2003 (Article 28c).

We stand ready for allowing the entry into force of such act ahead of next ICAO Assembly in order to timely confirm the European support to CORSIA.

We recall that the entry in force of a relevant delegated Regulation is crucial in order to succeed the effective implementation of a monitoring, reporting and verification emissions system (MRV).