



**Brussels, 10 September 2019  
(OR. en)**

**11886/19**

**AVIATION 178  
RELEX 801  
CLIMA 230  
ENER 419**

**'I/A' ITEM NOTE**

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

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**Subject:** Union position for the reply to ICAO State letter on CORSIA Sustainable Aviation Fuels (SL19/55)  
– Endorsement

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1. The ICAO Council, at its 217th Session on 7 June 2019 approved that three ICAO documents related to CORSIA eligible fuels be submitted for consultation with ICAO Member States.
2. In response to the State letter ENV 6/1 – 19/55, ICAO Member States are invited to provide comments, if any, on these three documents. Information provided by ICAO Member States on these matters will be brought to the ICAO Council for its consideration during its 218th Session (from 18 to 29 November 2019).
3. Therefore, on 30 August 2019, the Commission submitted to the Council an Information Note proposing the Union position on the reply to ICAO State letter ENV 6/1 - 19/55 on CORSIA Sustainable Aviation Fuels.

4. The above-mentioned Information Note was examined by the Aviation Working Party on 5 and 10 September 2019. Delegations expressed their overall support for the information note and the recommended EU position, and the Commission representative provided answers and clarifications to the questions raised by delegations. Following the delegations' comments and suggestions, the Presidency is proposing a compromise text (in annex to this note). Changes with respect to the Commission's Information Note are marked with **bold** **underlined** and ~~striketrough~~.
5. In light of the above, COREPER is invited:
- to approve the text of the Information Note as set out in annex to this note and to endorse the recommended EU position contained in it;
  - to forward it to the COUNCIL for approval in one of its upcoming sessions, so that the above-mentioned Information Note can be used as the basis for the replies of the EU Member States to the ICAO State letter ENV 6/1 – 19/55 within the deadline set by ICAO (20 September 2019).

**Information note****Union Position on the reply to ICAO State letter ENV 6/1 – 19/55: ICAO documents referenced in Annex 16, Volume IV related to CORSIA eligible fuels****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 Reduction Scheme for International Aviation 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.

Annex 16, Volume IV includes references to ICAO documents which are material approved by the Council for publication to support Annex 16, Volume IV and are essential to the implementation of the CORSIA. These documents will be made available on the ICAO CORSIA website and may only be amended by the Council. The Council, at its 214th Session in June 2018, decided that the documents referenced in Annex 16, Volume IV related to CORSIA eligible fuels would be subject to consultation with Member States prior to their approval by the Council.

The ICAO Council, at the ninth meeting of its 217th Session on 7 June 2019, considered the recommendations from the eleventh meeting from the Committee on Aviation Environmental Protection (CAEP) and approved that three ICAO documents related to CORSIA eligible fuels be submitted for consultation with ICAO Member States.

In response to the State letter ENV 6/1 – ~~19/55~~18/110, ICAO Member States are invited to provide comments, if any, on the three documents above-mentioned. Information provided by ICAO Member States on these matters will be brought to the Council for its consideration during its 218th Session (from 18 to 29 November 2019).

## 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, with input from representatives at ICAO HQ. Coordination between the Commission services and the European Civil Aviation Conference (ECAC) Secretariat, and representatives from ECAC/EU States (European Aviation Environmental Group) is ongoing.

The document consists of key messages.

The overarching approach is to support the approval by the ICAO Council of the three ICAO documents related to CORSIA eligible fuels and circulated with State letter ENV 6/1 – 19/55, whilst insisting, that CAEP must pursue its work towards the inclusion of additional sustainability criteria before the end of the pilot phase, and also insisting that Lower Carbon Aviation Fuels should 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 taken in the previous Information Note, which served to prepare the position of European States at the ICAO Council 217<sup>th</sup> session in June 2019, where those three ICAO documents 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 6/1 – 19/55, in their capacity as ICAO Member States.

I. ATTACHMENT A to State letter ENV 6/1 – 19/55

Agreement

II. ATTACHMENT B to State letter ENV 6/1 – 19/55

Agreement

III. ATTACHMENT C to State letter ENV 6/1 – 19/55

Agreement

IV. POSITION TO BE STATED BY THE STATE IN THE LETTER REPLYING TO STATE LETTER ENV 6/1 – 19/55

*Key messages: State xxx ...*

- Acknowledges and welcomes the extensive efforts made by the ICAO Council with the contribution of CAEP in developing the three ICAO documents related to CORSIA eligible fuels;
- Agrees to the three ICAO documents related to CORSIA eligible fuels being brought without change to the ICAO Council for its consideration and adoption during its 218<sup>th</sup> Session;
- These Implementation Elements (IEs) are the product of extensive technical discussion and careful compromise in CAEP and Council and function as a whole. Should any part of the package of CEF IEs be altered or removed, it may prejudice the effective functioning and environmental integrity of the whole. [State] would therefore have to look again at whether it could support the **altered** package.
- Further, insists that CAEP pursues its work towards the inclusion of additional sustainability criteria in view of their adoption by ICAO Council before the end of the pilot phase of CORSIA, with due consideration to the necessary gathering of information and a review of mechanisms for compliance;
- [State's] strongly held view is that the sustainability of fuels certified as SAF under CORSIA can only be ensured if they are certified against a full set of sustainability criteria. These criteria must address environmental, social and economic sustainability themes pursuant to Assembly resolution.

- Reminds that Lower Carbon Aviation Fuels ~~will~~**should** not be eligible under CORSIA before and until CAEP has carried out its task to develop a specific and robust framework for such fuels approved by the ICAO Council.
- LCAF is a new category of fuel for which no work was done by CAEP in the CAEP/11 cycle. A framework of equivalent environmental integrity to that presented here for SAF is therefore required, to be developed by CAEP and recommended to the Council. Until this has been done there is no mechanism for LCAFs to claim credit under CORSIA.

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