



Brüssel, den 10. September 2019
(OR. en)

11886/19

AVIATION 178
RELEX 801
CLIMA 230
ENER 419

I/A-PUNKT-VERMERK

Absender: Generalsekretariat des Rates
Empfänger: Ausschuss der Ständigen Vertreter/Rat

Betr.: Standpunkt der Union zur Antwort auf den ICAO State Letter betreffend nachhaltige Flugzeugtreibstoffe im Rahmen von CORSIA (SL 19/55)
– Billigung

1. Der ICAO-Rat hat auf seiner 217. Tagung vom 7. Juni 2019 gebilligt, dass drei ICAO-Dokumente in Zusammenhang mit den im Rahmen von CORSIA infrage kommenden Treibstoffen den ICAO-Mitgliedstaaten zur Stellungnahme vorgelegt werden.
2. Die ICAO-Mitgliedstaaten werden ersucht, sich als Antwort auf den State Letter ENV 6/1 – 19/55 gegebenenfalls zu diesen drei Dokumenten zu äußern. Die von den ICAO-Mitgliedstaaten zu diesen Fragen gelieferten Informationen werden dem ICAO-Rat auf seiner 218. Tagung (vom 18. bis 29. November 2019) zur Prüfung vorgelegt werden.
3. Daher hat die Kommission dem Rat am 30. August 2019 einen informatorischen Vermerk mit einem Vorschlag für den Standpunkt der Union zur Antwort auf den ICAO State Letter ENV 6/1 – 19/55 betreffend nachhaltige Flugzeugtreibstoffe im Rahmen von CORSIA unterbreitet.

4. Der vorgenannte informatorische Vermerk ist von der Gruppe "Luftverkehr" am 5. und 10. September 2019 geprüft worden. Dabei haben die Delegationen erklärt, dass sie den Vermerk und den empfohlenen EU-Standpunkt im Großen und Ganzen unterstützen; zudem hat der Vertreter der Kommission Fragen der Delegationen beantwortet und Erläuterungen gegeben. Auf Grundlage der Bemerkungen und Anregungen der Delegationen schlägt der Vorsitz einen Kompromisstext vor (siehe Anlage, liegt nur auf Englisch vor). Änderungen gegenüber dem informatorischen Vermerk der Kommission sind durch **Fettdruck und Unterstreichung** bzw. [...] kenntlich gemacht.
5. Der AStV wird daher ersucht,
- dem Text des informatorischen Vermerks in der Fassung der Anlage zuzustimmen und den darin empfohlenen Standpunkt der EU zu billigen;
 - den Text dem Rat zu übermitteln, damit dieser ihn auf einer seiner nächsten Tagungen billigt und somit auf Grundlage des oben genannten informatorischen Vermerks die Antworten der EU-Mitgliedstaaten auf den ICAO State Letter ENV 6/1 – 19/55 innerhalb der von der ICAO festgelegten Frist (20. September 2019) versandt werden können.

Information note**Union Position on the reply to ICAO State letter ENV 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** [...], 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 217th 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 218th 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 [...] **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.
