



UNITED STATES MISSION
TO THE
INTERNATIONAL CIVIL AVIATION ORGANIZATION

10 OCT 2013
OSG

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October 9, 2013

Mr. Raymond Benjamin
Secretary General
International Civil Aviation Organization
Suite 12.15

Dear Mr. Benjamin,

The United States Permanent Mission to ICAO as been instructed to convey the following written reservations of the United States of America to the 38th ICAO Assembly Resolution: Consolidated Statement of Continuing ICAO Policies and Practices Related to Environmental Protection – Climate Change.

These reservations are aligned with the statement made by U.S. Special Envoy for Climate Change Todd Stern during the Assembly plenary session last Friday, October 4th.

I would like to avail myself of this opportunity to extend to you the renewed assurances of my highest consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph L. Novak".

Joseph L. Novak
Alternate Representative

**Statement of Reservation
of the United States of America
regarding the 38th ICAO Assembly Resolution: Consolidated Statement
of Continuing ICAO Policies and Practices Related to
Environmental Protection – Climate Change**

In the United States, we have made addressing environmental challenges, including climate change, one of the critical goals in the modernization of our national airspace system, and we have pioneered progress - in concert with industry - in the development and deployment of sustainable alternative fuels.

We are also committed to developing a global approach to address climate change.

During the last three years, the United States and others have taken important steps consistent with the 37th ICAO Assembly Resolution on Climate Change. In large part, the 38th ICAO Assembly Resolution on Climate Change reflects the progress that we have made and moves us forward on a comprehensive approach to addressing the impacts of aviation on climate change. The United States is supportive of the resolution provisions on technology standards, operational improvements, and sustainable alternative jet fuels.

We also support moving forward on work to develop a global market-based measure for international aviation. A global market-based measure would serve to complement the many other efforts that ICAO and its member States are undertaking to reduce aviation emissions. We look forward to working diligently on this task over the next three years.

Despite support for the global approach and work on the global market-based measure, we do have concerns related to some provisions of this resolution. We are reserving on paragraph 16(b) and guiding principle (p) in the annex.

Reservation on Paragraph 16(b)

With respect to paragraph 16(b), while the United States supports the concept of "de minimis" thresholds in principle, we do not believe that 1% is an appropriate threshold, that the threshold should be based on the aviation activities of states as opposed to operators, or that accommodations should depend upon whether routes are to or from developing states. These criteria amount to an inappropriate means of addressing the de minimis concept, particularly in light of ICAO's principle of

non-discrimination and commitment to the avoidance of market distortion. If applied, this de minimis threshold would have the effect of excluding the vast majority of the world's countries from participation in an MBM. Further, and consistent with the language of the provision, the United States sees such a threshold as having no bearing on the development of a global MBM. The United States reserves to Paragraph 16(b).

Reservation on Guiding Principle (p)

The United States objects to the inclusion of guiding principle (p) in the annex. For reasons that are well known, the United States does not consider that the principles of the United Nations Framework Convention on Climate Change, including the principle of “common but differentiated responsibilities and respective capabilities,” apply to ICAO, which is governed by its own legal regime. Accordingly, the United States reserves to guiding principle (p) in the Annex to this resolution.