



ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 17: Environmental Protection

PROPOSED AMENDMENTS FOR THE DRAFT CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES AND PRACTICES RELATED TO ENVIRONMENTAL PROTECTION – CLIMATE CHANGE

(Presented by Argentina, Brazil, China, Cuba, Guatemala, India, Islamic Republic of Iran, Pakistan, Peru, Russian Federation, Saudi Arabia, South Africa)

EXECUTIVE SUMMARY

The Council of ICAO has reached considerable progress in bridging of views on climate change issues. However, the proposed draft of “Consolidated Statement of continuing ICAO policies and practices related to environmental protection – Climate Change” was not approved unanimously due to serious controversy on MBMs issues at the last meeting of the Council before 38th session of the Assembly. Delegations of the abovementioned States for the sake of possible compromise would like to invite Assembly to consider amendments in the proposed Draft of the Consolidated Statement in order to align its provisions with ICAO Strategic Objectives.

Action: The Assembly is invited to consider proposed amendments to A38-WP/34 of 30 September 2013 in order to change the text of the Draft of the “Consolidated Statement” for the sake of its conformity with ICAO’s strategic objectives and its broader support by ICAO member States.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C – <i>Environmental Protection and Sustainable Development of Air Transport.</i>
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> Doc 9958 <i>Assembly Resolutions in Force (as of 8 October 2010)</i> A38-WP/34, <i>Consolidated Statement of continuing ICAO policies and practices related to environmental protection – Climate Change</i> A38-WP/29 <i>Market-based Measures (MBMs)</i>

1. INTRODUCTION

1.1 In the period from September 28 to October 1, 2013 Delegations of the Argentina, Brazil, China, Cuba, Guatemala, India, Iran, Pakistan, Peru, Russian Federation, Saudi Arabia, South Africa had a series of multilateral consultation, as well as consultations with the President of the 38th session of Assembly on the proposed draft of “Consolidated Statement of continuing ICAO policies and practices related to

environmental protection – Climate Change”. As the result of these consultation and accordance with Rule 38 of the “*Standing Rules of Procedures of the Assembly of the International Civil Aviation Organization*” (Doc 7600) above-mentioned Delegations came to conclusion to present for consideration of Executive Committee of the Assembly the following amendments presented in the paragraph 2 of this Working Paper.

2. **PROPOSED CHANGES**

2.1 Recognizing the right of States to decide on the participation in any MBM undertaken by other States, and in order to avoid undue tension in relations between countries due to unilateral action being undertaken which impacts on other States, it is important that such decisions are taken after mutual agreement between the implementing State and participating State. Further, there is a need to reflect the issue of de minimis to ensure comfort level to those under a certain threshold. Keeping the above in mind, we have alternate proposals/ amendments for paragraphs 16, 17, 18, and 19 as follows:

“16. *Resolves* that States, when designing new and implementing existing MBMs for international aviation should:

- 1) engage in constructive bilateral and/or multilateral consultations and negotiations with other States to reach an agreement, and
- 2) grant exemptions for application of MBMs on routes to and from developing States whose share of international civil aviation activities is below the threshold of 1% of total revenue ton kilometers of international civil aviation activities, until the global scheme is implemented;”

“16 bis: Requests the Council to review the de minimis, including the de minimis threshold of MBMs mentioned in para 16 (2) above, taking into account the specific circumstances of States and potential impacts on the international aviation industry and markets, and with regard to the guiding principles listed in the Annex, to be presented for consideration by the 39th Session of the Assembly in 2016”;

Para 17. Delete

Para 18. Delete

Para 19. Delete

3. **THE ACTIONS OF THE ASSEMBLY**

3.1 The Assembly is invited to consider proposed amendments in order to change the text of the Draft of the “Consolidated Statement of continuing ICAO policies and practices related to environmental protection – Climate Change” presented in this paper for the sake of conformity with ICAO strategic objectives and broader consensuses.

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