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LEGAL COMMITTEE – 40TH SESSION

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Agenda Item 6 Any other business

NATIONAL AND REGIONAL ENVIRONMENTAL MEASURES AND THE CHICAGO CONVENTION FRAMEWORK

(Presented by the International Air Transport Association (IATA))

1. INTRODUCTION

1.1 IATA wishes to congratulate all ICAO Member States on the occasion of the tenth anniversary this month of Resolution A39-3 establishing the Carbon Offsetting and Reduction Scheme for International Aviation ("CORSIA").

1.2 IATA wishes, however, to draw the attention of the Committee to recent national and regional regulatory proposals that may undermine the Chicago Convention framework and its multilateral processes.

1.3 IATA raises this issue for the attention of the Committee given its implications for the implementation and observance of the Chicago Convention.

2. BACKGROUND

2.1 More than 130 States now participate in CORSIA, and by the end of this year, approximately 200 million tonnes of CO_2 will have been mitigated under CORSIA and the standards adopted under Annex 16 to the Chicago Convention ("Convention"). From 2027, it is estimated that CORSIA will cover approximately 85% of global civil aviation emissions.

2.2 IATA strongly supports CORSIA as the sole global, sector-wide market-based measure to stabilize international aviation carbon emissions and has consistently supported its implementation by States.

2.3 IATA recalls Article 37 of the Convention and its requirement that States "collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation".

2.4 IATA further notes that Resolution A39-3 reflected the collective determination of States to pursue a global approach to market-based measures for international aviation emissions through ICAO and its established multilateral processes.

3. DISCUSSION

3.1 The issues raised by recent national and regional regulatory proposals extend beyond environmental policy. They concern the effectiveness of the Convention framework as a mechanism for achieving international uniformity through agreed standards and for considering alternative proposals through multilateral processes.

3.2 Given the Committee's role in the progressive development and codification of international air law, IATA considers it important to draw attention to developments that may affect the uniform application of internationally agreed aviation standards and the operation of the Convention framework.

3.3 IATA is particularly concerned by proposals for regulation that would be applied outside the territory of the implementing State(s) and would apply by reference to parts of a flight occurring over the high seas or over the territory of another State.

3.4 IATA is further concerned by proposals that may have effects beyond the territory of the implementing States(s) and that may raise questions regarding consistency with established principles governing international civil aviation.

3.5 IATA recognizes the sovereign right of States to pursue environmental objectives and to develop policies addressing aviation emissions. Where such policies may affect international air services, however, IATA believes that proposals are most effectively considered through ICAO's multilateral processes and established mechanisms for the development of internationally harmonized standards.

3.6 IATA believes that certain current proposals, if implemented outside ICAO’s frameworks, risk creating divergent regulatory requirements for international air services and may undermine broader multilateral cooperation. Similar considerations may arise in relation to the principles of non-discrimination and equality of opportunity reflected in the Convention, including Articles 15 and 44(g), as well as in numerous bilateral Air Services Agreements concluded by Member States.

3.7 Accordingly, IATA respectfully urges all States with alternative proposals affecting international air services to bring these to ICAO and recommit their energies to ICAO and the multilateral pathway of cooperation.

4. CONCLUSION

4.1 IATA respectfully invites the Committee to take note of its views as expressed above.

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