

中华人民共和国常驻
国际民航组织理事会代表处



REPRESENTATIVE OF
THE PEOPLE'S REPUBLIC OF CHINA
ON THE COUNCIL OF ICAO

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8 October 2019

Dr. Olumuyiwa Bernard Aliu
President of the ICAO Council
Suite 12.20

Dear Mr. President,

I have the honor to forward to you the Statement and Reservation made by China during the 40th Assembly for your reference and record.

Please accept, Dear President, the assurance of my highest consideration.

YANG Shengjun
Representative of China
on the Council of ICAO

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Statement of the Chinese Delegation on
the *Consolidated Statement of Continuing ICAO Policies and Practices Related to Environmental Protection - Climate Change*

and

the *Consolidated Statement Of Continuing ICAO Policies And Practices Related To Environmental Protection - Carbon Offsetting And Reduction Scheme For International Aviation*

Mr. President, dear colleagues,

The Chinese delegation appreciates the efforts by the President of the Assembly, the President of the Council and the Secretary General for organizing and conducting this Assembly.

As the largest developing country, China strongly supports the environmental protection in international aviation and responses to climate change. We believe that the basket of measures including infrastructure, technologies, operational improvements, MBMs, sustainable aviation fuels (SAF) can greatly contribute to aviation emissions reduction.

The Chinese civil aviation sector has been active in effectively controlling the growth of aviation emissions, and committed to implementing our national strategy of ecological conservation. Since the 39th session of the ICAO Assembly, we have made a direct investment of over 8 billion RMB in new technologies, sustainable aviation fuel, operational improvements, infrastructure and market-based mechanism so as to support green development in a comprehensive approach that addresses both symptoms and root causes. Meanwhile, in view of our own development reality and in reference of relevant ICAO standards, we have formulated policies to promote the establishment of a MRV mechanism. As of August 2019, China had a fleet of 3742 aircrafts with an average age of less than 7 years. In 2018, our civil aviation fuel consumption was 0.287 kg per ton kilometer, representing a 20 million tons of CO₂ emissions reduction compared to the fuel efficiency in 2005 and 220 million tons of CO₂ reduction compared with the 1978 fuel efficiency.

China always opines that emission reduction in international aviation is an integral part of the global climate governance and we therefore should follow its basic principles, in particular, CBDR, equity and respective capabilities as well as the international community's consensus on the models of global climate governance which allows States to choose their own mid-term and long-term goals and implementation paths that are the most suitable to their own circumstances. Therefore, China advocates building an international aviation emission reduction scheme that allows each country to make contributions to the best of its ability, and that is fair and just and conducive to mutual learning.

China opposes any scheme that strays from realities faced by States and goes at the expense of the legitimate rights to development of developing countries and emerging market countries. We maintain that the goal of 2020 carbon neutral growth only focuses on emission growth control while neglecting developed countries' historical responsibilities for emissions and the legitimate rights to development of developing countries and emerging market countries. This goes against the notion of justness and fairness advocated by the international community and undermines mutual trust and cooperation among Member

States. This is not conducive to mobilizing Member States to participate in the scheme of international aviation emissions reduction.

Mr. President and colleagues,

At this session of Assembly, during the deliberation of environmental issues, particularly on item 16 and 17 where substantial divergence exists, Article 49 c) of the Chicago Convention was not adhered to strictly and we were not able to fully discuss and examine relevant documents submitted by the Council. The comments and positions of States are not reflected in the resolutions in a balanced manner. This situation has never been seen in previous sessions of the Assembly. The Chinese delegation is deeply perplexed and disappointed by it.

In view of the above, the Chinese delegation makes the following statement for the record:

1. This delegation opposes the adoption by this session of the Assembly, without discussions and negotiations, of the two resolutions: *Consolidated Statement of Continuing ICAO Policies and Practices Related to Environmental Protection - Climate Change* and the *Consolidated Statement Of Continuing ICAO Policies And Practices Related To Environmental Protection - Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)*.
2. This delegation makes reservations on the two resolutions just adopted by the Assembly, particularly on those paragraphs that are not fair, feasible and reasonable.

After this meeting, this delegation will submit to the Secretariat in writing our reservations. Subject to future consultations on these two resolutions at ICAO, China reserves the right to modify or withdraw our reservations thereon. At the same time, China emphasizes that our reservation on these resolutions does not imply a suspension or abatement in our efforts to pursue green aviation development. This delegation requests the Assembly to record in full the reservation statements by States and make the full texts available on the ICAO website.

Last but not least, this delegation expresses sincere gratitude to all the interpreters who have greatly facilitated the smooth conduct of our proceedings.

Thank you.

**RESERVATIONS OF THE CHINESE DELEGATION TO THE 40TH SESSION
OF THE ASSEMBLY**

ON THE FOLLOWING RESOLUTIONS

I. Consolidated Statement of Continuing ICAO Policies and Practices Related to Environmental Protection - Climate Change

In particular,

1. Preambular Paragraph 10

Reason: ICAO has already set a long-term goal of improving fuel efficiency by 2 per cent per annum in 2009. Before fully proving the feasibility, economic viability and its impact on international aviation, and taking stock of the long-term green development visions of different States, it is neither necessary nor feasible to develop other long-term goals in a top-down manner. Meanwhile, a sentence should be added at the end of this paragraph: *Also recognizing that some States have concerns on the fairness and feasibility of the goal of keeping the net carbon emissions from 2020 at the same level and have filed reservations on the goal.*

2. Preambular Paragraph 12

Reason: These organizations cannot represent the whole aviation community, especially aviation enterprises of developing countries; Slogans have been shouted for over 10 years, but no convincing analysis and justifications have been given, nor have these organizations provided tangible funds to help realize the goals.

3. Preambular paragraph 21

Reason: Who led the analysis? Were there controversies in the process of analysis? Have expert opinions been fully reflected? Before these questions are clarified and common understandings formed by ICAO, China cannot "welcome" the analysis conclusions mentioned in this paragraph.

4. Preambular Paragraph 25

Reason: The 2050 Vision mentioned in CAAF/2 only demonstrates a will of different parties to promote greater use of SAF. It should be up to States themselves to decide whether or not to significantly increase the proportion of sustainable aviation fuels based on their national circumstances and realities. This is the right of States and can be more conducive to the advancement of SAF usage.

5. Preambular Paragraph 28

Reason: Sustainability is closely related to national circumstances and resource endowments, so a unified criteria doesn't fit realities and doesn't help with implementation in real practice. The SAF certification should be determined by sovereign States themselves based on related guidance and specifications, and ICAO can play an important advisory role in this process. The establishment and implementation of market mechanisms is only one of the measures for reducing aviation emission, not representing all measures and not even the goal. Therefore, sustainability criteria, certification and the assessment of life cycle emissions of SAF should be considered as important elements for promoting

sustainable development of civil aviation as a whole rather than for serving the implementation of CORSIA and other market mechanisms.

6. Operational Paragraph 2a)

Reason: ICAO is an inter-governmental agency composed of Member States based on Chicago Convention. In addressing the issue of international aviation emissions, this organization should strengthen its cooperation with other organizations and enhance synergies rather than pursuing the so-called leadership.

Moreover, in light of what occurred in the process of promoting international aviation emission reduction by ICAO in recent years, China requests the addition of a subparagraph; *Reaffirm the principle of sovereignty of States in the international cooperation to address climate change.*

7. Operational Paragraph 6

Reason: Lack of fairness, scientific justification and feasibility.

8. Operational paragraph 8

Reason: This paragraph has appeared repeatedly in corresponding resolutions in previous sessions of the Assembly, but ICAO has never conducted any substantive work thereon till now, and this session of the Assembly has not opened any discussions according to this requirement. China requests the Council to make this work a priority for the next triennium.

9. Operational Paragraph 9

Reason: ICAO has already set a long-term goal of improving fuel efficiency by 2 per cent per annum as early as 2009. This goal is ambitious enough and there is no adequate need to develop other long-term goals. Even if another long-term goal is to be developed, it should be based on a stocktaking of long-term low-carbon development scenarios in various countries and subject to the studies and analysis made by the Council on the feasibility, fairness and availability of assistance resources to developing countries and emerging market countries before recommendations are submitted by the Council to the Assembly for discussion.

10. Operational Paragraph 15

Reason: Member States are not obliged to support ICAO on enhancing the reliability of measuring/estimating emissions from international aviation. The Council can only "invite" rather than "request" States to give support based on respect of State sovereignty.

11. Operational Paragraph 22 b) and c)

Reason: Legal, security, economic and other institutional arrangements related to the use of airspace are domestic affairs of States. ICAO can "suggest" but has no right to "request" States to adopt certain measures; It is not an obligation for States to exchange information on Green Airports through ICAO.

12. Operational Paragraph 23c) and d)

Reason: ICAO is an inter-governmental organization composed of Member States. The Council should provide the forum of information exchange for Member States rather than for airports; What is to

be exchanged should be decided by sovereign States themselves and there is no need to prejudge or specify subjects. To realize environmental sustainability, airports should take customized measures only suitable to their locations and features, and the role of ICAO Council is to take stock of and compile good practices of various States for references rather than developing guidance materials divorced from reality.

13. Operational Paragraph 25 f)

Reason: The purpose of convening CAAF/3 is to strengthen exchanges and enhance confidence on sustainable aviation fuel through promotion of cooperation. Without adequate research and studies on scenarios of different countries, especially on national circumstances and special needs of developing countries, and without developing specific means and roadmap of assistance to developing countries and emerging market countries, ICAO is not equipped enough to set a quantified goal of SAF to be used by 2050.

14. Operational Paragraph 26

Reason: It is the Member States rather than the Council which would adapt to climate change. Therefore, the Council should invite Member States to identify impacts and risks, and provide them with opportunities of increasing exchanges.

II. *Consolidated Statement Of Continuing ICAO Policies And Practices Related To Environmental Protection - Carbon Offsetting And Reduction Scheme For International Aviation (CORSIA)*

In particular:

1. Title

Reason: Assembly resolutions should be inclusive. Therefore, the title of this Resolution should stick to the general term "market-based mechanisms" rather than the specific term "CORSIA".

2. Preambular Paragraph 5, 6, and 7

Reason: From the very beginning, China has been expressing concerns and doubts on the legitimacy and justification of the development procedure and contents of this Standard. After the Standard was voted and adopted, China has notified differences according to Article 38 of Chicago Convention. China noted but cannot welcome the documents referred to in the above-mentioned three paragraphs.

3. Preambular Paragraph 8

Reason: China "noted" or "realized" the establishment of TAB.

4. Preambular Paragraph 18

Reason: Whether or not the development and implementation of CORSIA will contribute to the achievement of the goals set out in the Paris Agreement would depend on the assessment results and shouldn't be prejudged.

5. Operational Paragraph 2

Reason: China requests addition of a sentence at the beginning of this paragraph: *Reaffirm the principle of sovereignty of States in the international cooperation to address climate change.*

China opposes to deletion of "and any other measures" referred to in the corresponding Resolution of the previous session of the Assembly.

6. Operational paragraph 3

Reason: China opposes to using the goal of carbon neutral growth from 2020 as the baseline of CORSIA. We affirm that States should determine the CORSIA baseline by themselves and reinforce their actions gradually based on national circumstances.

7. Operational Paragraph 4

Reason: "The global aspirational goal" is used in this paragraph to describe the purpose of implementing a package of measures. As ICAO has developed multiple aspirational goals since 2009, it is not clear which one this paragraph refers to. If it refers to the goal of carbon neutral growth from 2020, China firmly opposes it.

8. Operational Paragraph 5

Reason: China opposes to using the goal of carbon neutral growth from 2020 as the baseline of CORSIA. We affirm that States should determine the CORSIA baseline by themselves and reinforce their actions gradually based on national circumstances.

9. Operational paragraph 6

Reason: As the submission and contents of States' action plans are of a voluntary nature, the Assembly shouldn't "request" the Council to "ensure" as to what should be done with the action plans. Moreover, China maintains that the definition of *CORSIA eligible fuels* has no scientific basis.

10. Operational Paragraph 7

Reason: The Council has no mandate and competence to monitor and oversee actions of States. It is requested to change "monitor" to "report to the Assembly".

11. Operational Paragraph 11 b) and c)

Reason: China opposes to using the goal of carbon neutral growth from 2020 as the baseline of CORSIA. We affirm that States should determine the CORSIA baseline by themselves and reinforce their actions gradually based on national circumstances.

12. Operational Paragraph 16

Reason: The basis and criteria for this work should be determined by Member States through consultations rather than by the Council.

13. Operational Paragraph 17

Reason: The three-year periodic review should be implemented according to *The guiding principles for the design and implementation of market-based measures (MBMs) for international aviation* (listed in the Annex of the Resolution on Climate Change) as well as relevant information provided by States rather than being implemented in a way where "CAEP reports and council approves". The final assessment results should be determined by Member States.

In 17 a), "The global aspirational goal" is used to describe the purpose of implementing a package of measures. As ICAO has developed multiple aspirational goals since 2009, it is not clear which one this paragraph refers to. If it refers to the goal of carbon neutral growth from 2020, China firmly opposes it.

14. Operational Paragraph 18

Reason: ICAO has no right to prohibit Member States from using other market measures for addressing aviation emission. If a State adopts market mechanisms other than the offsetting measures, it should avoid duplicative taxation on international aviation emissions so that the market mechanisms of this State will not be applied to aircrafts of other States without mutual agreements.

15. Operational Paragraph 19

Reason: The Council should revise and improve the standard based on relevant information provided by States and assistance from Member States, CAEP and TAB. The Council has no mandate or competence to oversee the implementation of CORSIA in Member States, therefore, the word "oversee" in subparagraph c) should be changed to "take stock of".

An effective implementation of CORSIA cannot be done without scientific and rational evaluations as well as a mechanism of dialogue and consultation between States and the Council, the following subparagraphs should therefore be added :

- g) The Council, based on relevant info from States, and, as appropriate, from CAEP, to develop and update specific index/criteria for the review in accordance with guiding principles listed in the Annex to this resolution, for decision by the Assembly;
- h) The Council, upon the request of States, to identify possible means to address issues arising in the implementation of the CORSIA to ensure the sustainable development of international aviation and against inappropriate economic burden on international aviation;
- i) The Council should establish a mechanism of technical dialogue and consultation between States and ICAO on States' approaches to implement the CORSIA, including nationally determined baselines and standards to certify emissions units/SAF in light of their national circumstances and scientific research, in a facilitative, non-intrusive manner and respectful of their national sovereignty.

16. Operational Paragraph 20

Reason: As the UNFCCC is the main arena for global actions against climate change, States should be encouraged to give priority to the use of emission units endorsed by UNFCCC and the Paris Agreement. There is no need for ICAO Council to make different decisions in this regard.

17. Operational Paragraph 21

Reason: The timeline in Annex 16. Volume IV mainly sets MRV-related requirements. Therefore, the phrase "for implementation of the CORSIA" should be changed to "for implementation of the MRV".

The assistance should include not only trainings but also financial assistance to developing countries (This requirement had exited in the Resolution of the previous session of Assembly. Unfortunately, it was deleted by this session.), as well as exchanges and understanding of experiences and lessons of various countries during the implementation of CORSIA.

18. Operational Paragraph 22

Reason: China affirms that certification of eligible emission units and eligible SAF should be determined by sovereign States according to related criteria. ICAO can recommend offsetting products for preferred consideration, but should not make decisions for sovereign States.

— END —