



International Civil Aviation Organization
ICAO South American Regional Office
Eleventh Meeting of the Civil Aviation Authorities of the SAM Region (RAAC/11)
(Santiago, Chile, 6 – 8 May 2009)

Agenda Item 2: Review of the implementation of the Regional Air Navigation Plan

d) Environmental development

ENVIRONMENT: EUROPEAN BOARD OF DIRECTORS NO. 2008/101 ON AVIATION INCLUSION IN COMMON REGIME OF GREENHOUSE GAS EMISSIONS TRADING: ITS IMPLICATION ON AIR TRANSPORT AND AIRLINES OF LATIN AMERICA AND THE CARIBBEAN

(Presented by the International Air Transport Association - IATA)

1. Background

1.1 European Directive N° 2003/87, dated October 13th, 2003, established a regime of greenhouse gas emissions trading within the EU, in order to encourage reductions of these emissions in an efficient and inexpensive way. Initially, this Directive did not include air transport.

1.2 In their September 27th, 2005 communiqué to European Parliament and Europe Council, The European Commission outlined a common strategy to reduce aviation impact on the environment. This strategy contemplated air transport inclusion in a greenhouse gas emissions trading scheme. In December 2005, the Council expressed their position in favour of including air transport in said scheme and requested a legislature proposal from the Commission. Afterwards, on November 13th, 2007, the European Parliament also expressed its position in favour of this inclusion. On April 18th, 2008, both Council and Parliament came down to a common position.

1.3 Recently, and after long debate and opposition, the EU has published European Parliament and Council Directive 2008/101, dated November 19th, 2008, “by which Directive 2003/87/CE is modified in order to include Aviation activities in the greenhouse gas emissions trading scheme (Directive)”.

2. Directive 2008/101

2.1 The goal of this Directive is to reduce climate change impact that could be attributed to aviation. Thus, as of January 1st, 2012, all flights heading towards or coming from any member country of the EU will be included in the greenhouse gas emissions trading scheme. In order to avoid distortions, this measure will include domestic, international, regional and long haul flights.

2.2 However, the Directive will not be applicable to:

- i) Flights performed by an operator with less than 243 flights per period, during three successive quarter periods, or flights with an emission total below 10.000 tons per year;
- ii) Official flights;
- iii) Military flights performed with military aircraft;
- iv) Flights related to hunt and rescuing activities, fire fighting flights, humanitarian flights and medical services flights.
- v) Flights performed under visual flight regulations as defined in Annex 2 of the Chicago Convention;
- vi) Flights that end in the same airfield where it took off from;
- vii) Training flights;
- viii) Flights performed for scientific research or test purposes;
- ix) Flights performed exclusively by aircraft with a maximum authorized take off mass below 5.700 Kgs.; and
- x) Flights performed within the framework of public services.

2.3 The directive names air operators as “responsible organizations”, since it considers they have bigger control over the kind of aircraft that is being used on operations, and the way that it is used. Therefore, air operators will have the obligation of submitting a report, which monitors their emissions.

2.4 The Directive also establishes an initial limit of 97% of historical emissions starting January 1st 2012, until December 31st 2012. 15% of these emissions must be traded. Member States reserve their prerogative of establishing usage of incomes generated from these trades. Historical emissions are considered as emission annual average from years 2004, 2005 and 2006. After the initial period (2012), permits will decrease to 95% of historical emissions, multiplied by the amount of years of the period in question. By August 2nd 2009, the Commission will publish the amounts for each historical emission.

2.5 Member States are responsible for administrating the scheme applicable to each operator:

- i) In the case community operators, it will be task of the member State to issue the certification of air services exploiter; and
- ii) In the case of extra community operators, it will be task of the member State with the highest connection with the estimated value attributed to the emissions developed by said operator.

2.6 For most Latin-American States said State will be Spain.

2.7 State members have the obligation of amending their internal legislation according to what has been stipulated in the Directive before February 2nd 2010. This way the Commission will develop the alignments in connection with this Directive for August 2nd 2009.

3. IATA's Position

3.1 IATA is fully committed in mitigating the environmental impact of air transport. Thus, it continues to defend a universal - not regional- commercialization right of gas emissions trading scheme.

4. Action Required

4.1 IATA invites into taking note of the contents of this working paper and requests a fast action from the State members, in the intensification of their tasks in defense of environmental protection, with the objective to adopt a position that allows minimizing operational and economical effects of a measure as the one here describes.

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