



**TRANSPORT &
ENVIRONMENT**



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Prime Minister David Cameron,
10 Downing Street
London SW1A 2AA
Great Britain
18 December 2013

Re: Aviation EU ETS

Dear Prime Minister,

We write to you and to your German and French counterparts to express our deep concerns about your governments' continued efforts to weaken Europe's emissions trading system (ETS) for aviation, to urge you to support the recent proposal from the European Commission, and to ensure enforcement measures are taken against airlines which have failed to comply with their 2012 obligations.

Globally, aviation emits more CO₂ each year than either France or the UK and only slightly less CO₂ than Germany. EU aviation emissions – a third of global totals - have doubled since 1990 and will double or triple again by 2050. Inclusion of aviation in the ETS was a necessary step; over 85% of total European aviation emissions arise from international flights while ICAO has shown a complete inability to act. For 2012, the first year that aircraft operators were included in the ETS, compliance comprised over 98% of emissions, demonstrating that European action is indeed workable.

A year ago your government, acting in concert with France and Germany, prevailed on the European Commission not to enforce the ETS for extra-EU flights in 2012 leading to Stop the Clock. Last July your Government again in concert with France and Germany pressed the EU to advocate in ICAO a reduced scope for the aviation ETS to cover EU airspace only. This was in response to an American proposal at ICAO, which China, India (on a national basis), Japan, Singapore, the UAE, Mexico and others also endorsed because it addressed their concerns about extraterritoriality and reflected the Chicago Convention's clear confirmation of states' absolute sovereignty in their airspace. Last month with the ink on the Commission's 'airspace' proposal barely dry, your Government adopted a joint position with France and Germany pressing for yet a further retreat, so that the system would leave out flights from and to Europe entirely, and cover flights within Europe only.

Suggestions that the airspace proposal is unworkable are incorrect; the Commission's assessment reveals no significant implementation hurdles. Environmentally, retreating from EU airspace to intra-EU flights only is highly damaging since it would further reduce the amount of emissions captured by a third and exempt long-haul flights which account for over half of EU aviation emissions. Politically, it sends the damaging signal that Europe is not even prepared to defend a scope which regulates emissions from all flights operating within Europe itself and whose consistency with member states' sovereign rights under the Chicago Convention was never questioned at ICAO.

We feel that any political advantages of retreat are speculative, whereas the damage is clear. Failing to pursue any credible ambition at home while eschewing a leadership role in ICAO is a self-defeating approach that risks failure on both fronts. The ICAO resolution on mutual agreement was clearly aimed at *any* European move – whether intra EU, airspace or full scope - and is best addressed by noting, as Europe has done before, that such motions are non-binding. The retreat that France, the UK and Germany now propose will in fact not diminish foreign resistance or resolve enforcement issues; the reduced scope only cuts the number of affected airlines by three (all very marginal operators) down to 142, while emissions captured shrink to only 25% of the original scheme.

Moreover, the self-evident linking of your recent actions to further orders of Airbus aircraft clearly sends a strong geopolitical signal about who is in charge of aviation policy in Europe – and it does not seem to be the UK, French or German governments. Commercial orders that depend on European governments complying with foreign demands are severely damaging to democracy, sovereignty, political standing, and with that ultimately the economy too. Concessions today will inevitably lead to further concessions tomorrow. These are not short-term consequences.

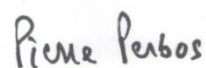
NGOs call on you urgently to withdraw your joint proposal and lend your government's support to base the ETS on regional airspace. Doing so will confirm that Europe has listened to ICAO by modifying the ETS while retaining the sovereign rights and responsibilities conferred through the Chicago Convention. More crucially, by requiring the EU to regulate emissions in regional airspace, you will be publicly upholding the urgent need for early and effective action, confirming Europe's right to do so and reinforcing the ICAO principle of equal treatment of carriers.

We also call on your Government to ensure that appropriate enforcement procedures are taken against those airlines that have failed to comply with the 2012 legislation and to confirm to us that this action has taken place. Without effective enforcement of the 2012 statutory obligations, carriers from both within and outside Europe cannot be expected to comply with future legislation.

Yours sincerely,



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Also addressed to Chancellor Angela Merkel and Président Francois Hollande.