

April 6, 2007

Ambassador Peter Witt
Deputy Permanent Representative of Germany
to the European Union
Rue Jacques de Lalaing, 19-21
1040 Brussels

Dear Ambassador Witt:

Our governments share with the Member States of the European Union an interest in finding approaches to limit the impact of aviation greenhouse gas emissions on global climate. As you know, the member states of the International Civil Aviation Organization (ICAO), including the EU Member States, agreed to broad goals in this area at the triennial ICAO Assembly in 2004. We believe that success in addressing this matter lies in constructive consultation with international partners, a foundation of the international aviation system.

From this point of view, we want to convey our deep concern and strong dissatisfaction with the December 20, 2006, European Commission proposal to include international civil aviation in the European Union (EU) Emission Trading Scheme (ETS). Inclusion of our airlines in the EU scheme without the consent of our governments would potentially violate EU Member State international obligations under the Convention on International Civil Aviation, as well as bilateral aviation agreements.

Moreover, the proposal runs counter to the international consensus that ICAO should address international aviation emissions. ICAO is in fact doing so now. The ICAO Assembly in 2004 urged "States to refrain from unilateral environmental measures" and the ICAO Council echoed this in November 2006, urging Contracting States to "refrain from unilateral action to implement an emissions trading system". We are disappointed that the Commission has ignored the strong objections from the international community and is bypassing ICAO by issuing this proposal.

We support ICAO's current work to develop guidance on emissions trading for use by countries that wish to pursue this market-based approach based on mutual consent. We also believe real opportunities for addressing emissions exist in broader cooperative approaches to aviation operations, including energy efficiency and traffic management. In addition, some developing countries believe that the EU's unilateral inclusion of developing country airlines is also of concern in relation to the Framework Convention's principle of common, but differentiated, responsibilities and respective capabilities. Obviously, Europe is free to include emissions from European aircraft in its trading system. However, the Commission proposal to include third-country carriers unilaterally would significantly undercut rather than support international efforts to carry out improvements to better manage the impact of aviation emissions.

We urge you to consider fully the concerns of the international community and to exclude operations of non-European aircraft from the scope of the EU Emission Trading Scheme, unless they are included on the basis of mutual consent. If the EU insists on moving forward unilaterally, we reserve our rights to take appropriate measures under international law.

We ask EU Member States and EU representatives to participate continuously and constructively toward finalizing ICAO guidelines on aviation emissions, and to reconsider the Commission's unilateral proposal. It is our hope that by these efforts we can move forward in a manner that will lead to a successful global solution to address aviation emissions.

Sincerely,



Alan Thomas
Ambassador of Australia to the European Communities, Belgium and Luxembourg



Ross Hornby
Ambassador of Canada to the European Union




Yu Xuzhong
Deputy Head of the Mission of the People's Republic of China to the European Union



Takekazu Kawamura
Ambassador of Japan to the European Union



Woo-seong Chong
Ambassador of the Republic of Korea to the European Union and Belgium



P. Michael McKinley
Chargé d'Affaires
Mission of the United States of America to the European Union

cc: Klauss Gretschmann, Directorate-General C, Council Secretariat
 Kerstin Niblaeus, Directorate-General I, Council Secretariat
 Walter Grahammer, Deputy Permanent Representative of Austria
 Louis Mouraux, Deputy Permanent Representative of Belgium
 Roussi Ivanov, Deputy Permanent Representative of Bulgaria
 George Chacali, Deputy Permanent Representative of Cyprus
 Jana Reinišová, Deputy Permanent Representative of the Czech Republic
 Jeppe Tranholm-Mikkelsen, Deputy Permanent Representative of Denmark
 Tiit Naber, Deputy Permanent Representative of Estonia
 Nina Vaskunlahti, Deputy Permanent Representative of Finland
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 Dimitris N. Iliopoulos, Deputy Permanent Representative of Greece
 Egon Dienes-Oehm, Deputy Permanent Representative of Hungary
 Kenneth Thompson, Deputy Permanent Representative of Ireland
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 Romas Švedas, Deputy Permanent Representative of Lithuania
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 Theresa Cutajar, Deputy Permanent Representative of Malta
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Eneko Landaburu, Director-General for External Relations