

Reservation

It is disappointing that the Council should adopt this decision against the views of all representatives of one region on the Council. The need to address the climate impacts of international aviation is urgent. European States welcomed the adoption by the 37th Assembly of Resolution A37-19 as an important step forward. It established a comprehensive framework for limiting or reducing emissions from international aviation that contribute to global climate change, and defined a programme of further work to be developed within ICAO. This includes the submission of action plans to ICAO by States, and also further work on global goals and measures, notably market-based measures. The Resolution also importantly contains recognition that some States may take more ambitious actions prior to 2020, and that States are implementing existing market-based measures.

European States fully support ICAO continuing to undertake efforts to reduce aviation's contribution to climate change, and agree on the importance of States working collaboratively in support of that process. European States are taking ambitious actions in support of the sustainable development of aviation being pursued by Resolution A37-19, and it is disappointing that other States are seeking to discourage these actions from being implemented effectively.

We firmly believe that this Council decision is based on a fundamentally flawed and erroneous interpretation of the Chicago Convention. We are firmly of the view that the EU's legislation to include aviation in the EU Emissions Trading System is compatible with the provisions and principles of international law, including the Chicago Convention. In particular the legislation does not contain any provision contrary to international law, nor does it infringe any sovereign rights of third countries.

Although this Council decision is not legally binding, the European States make this reservation in order to fully clarify their position and reserve their rights with regard to the matters addressed in the Council decision. I request that this reservation is explicitly referred to in the Council decision, and that it is recorded in full in the summary minutes.