



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.05.1998

COM(1998) 265 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

concerning the establishment of a Community position for the discussions and negotiations on aviation environmental issues to be addressed by the 32nd session of the General Assembly of the International Civil Aviation Organisation (ICAO), Montreal, from 22 September to 2 October 1998

SUMMARY

The Secretary General of ICAO has invited the Commission to attend as observer on behalf of the European Community the 32nd session of the ICAO General Assembly, which will take place in Montreal from 22 September to 2 October 1998.

The General Assembly will, amongst others, address aviation environmental protection on the basis of reports made by the ICAO Council. Topics covered by this agenda item include:

- aircraft noise;
- aircraft engine emissions;
- environmental taxes and charges;
- the relationship between ICAO and other United Nations organisations in charge of defining environmental guidelines.

Since 1991 the Commission has participated with observer status in the Committee on Aviation Environmental Protection (CAEP). This committee is responsible for making recommendations to the ICAO-Council on issues such as aircraft noise and aircraft engine emissions.

Given the slow progress on these issues within ICAO during recent years, the Commission is concerned that decisions taken within ICAO might fail to give due consideration to the specific needs for environmental protection and preconditions for future development of aviation infrastructures in the Community.

Against this background and in the light of existing Community competence in the areas of aircraft noise and taxation of mineral oils as well as the Community interest in the area of aircraft engine emissions and of Member States' competencies in certain areas to be considered at the 32nd session as well, the Commission proposes that the Council approves the attached conclusions concerning the position to be taken by the Community and by the Member States at the 32nd session.

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

concerning the establishment of a Community position for the discussions and negotiations on aviation environmental issues to be addressed by the 32nd session of the General Assembly of the International Civil Aviation Organisation (ICAO), Montreal, from 22 September to 2 October 1998.

Introduction

1. Recommendations to the ICAO-Council on Aviation environmental issues are the responsibility of the Committee on Aviation Environmental Protection (CAEP), in which the Commission has had observer status since 1991.
2. According to the provisional agenda of the 32nd session of the ICAO General Assembly, the ICAO Council will present a progress report on the activities in the areas of aircraft noise and the impact of emissions from aircraft engines. As urged by the 31st ICAO General Assembly, the Council will also report on environmental taxes and charges as well as on the relations between ICAO and other United Nations organisations, which are in charge of defining environmental guidelines.
3. Given that the matters, which are to be discussed and negotiated at the General Assembly and which may result in decisions being taken, are either within Community competence (aircraft noise and taxation of mineral oils) or are of Community interest (aircraft engine emissions), it is essential to establish in advance the position to be taken by the Community.

Community competence and/or interest

4. For aircraft noise and gaseous emissions from aircraft there is a Community competence or at least a particular interest for the Community. In the area of international standards on aircraft noise the competence is exclusive since the Community has already introduced several Directives on this specific issue. The most recent one is Directive 92/14/EEC of 2 March 1992 on the limitation of the operations of Chapter 2 aircraft, which is currently under revision.

In addition, on 9 March 1998 the Commission adopted a Proposal for a Council Directive on the use and registration within the Community of Chapter 2 aircraft fitted with hushkits (COM(1998)98 final).

5. The issue of emissions from aircraft engines represents a particular interest for the Community in terms of environmental protection as well as industrial competitiveness. In addition, on 3 December 1997 the Commission adopted a Proposal for a Council Directive on the limitation of nitrogen oxides emissions from aircraft engines.
6. Environmental taxes, and in particular taxation of kerosene, are within Community competence since Directives 92/81/EEC and 92/82/EEC establish a binding Community system for respectively the harmonisation of the structures of excise duties on mineral oils and the approximation of the rates of excise duties on mineral oils. These harmonisation Directives oblige Member States to exempt from excise duties commercial aviation fuel, thus, bringing about totally harmonised rules which Member States may not affect. The Commission has also adopted a proposal for a Council Directive restructuring the Community framework for the taxation of energy products (COM(97) 30 final) which includes optional provision for the taxation of commercial aviation fuel on certain flights
7. In addition, Article 2 Paragraph 2 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change states that "the parties included in Annex I shall pursue limitation on reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviationthrough the International Civil Aviation Organisation"..... The forthcoming ratification by the Community and its Member States of the Kyoto Protocol implies that, the Community and the Member States shall act together to negotiate such a reduction with ICAO .
8. The aforementioned Council Directives and proposals for Council Directives reflect the general competence of the Community for matters related to the proper functioning of the internal market, the common transport and environment policy. This implies not only that the Member States whether acting individually or collectively, may not enter into obligations with non member countries which affect such common rules but also, especially in the light of Member States' duties to facilitate the achievement of the Community's tasks, that decisions taken or guidelines adopted in these areas cannot be so taken or adopted by individual Member States as this would pre-empt the legislative process at Community level. Therefore, it is essential firstly that decisions to be taken or guidelines to be adopted at the ICAO General Assembly commit the Community process through an agreed Community position. This is, in particular, the case for NOx emissions from aircraft engines. Decisions taken on this issue by the 32nd session will be fed into the ICAO decision making process and may well result in amendments to the standards laid down in Annex 16 (Environmental protection) to the Convention on International Civil Aviation.
9. However, the Community is not a signatory to the Convention on International Civil Aviation (Chicago Convention). Although ICAO decided in 1988 to give the Community observer status, this status does not include the right to take initiatives in the ICAO institutions, such as the Council or the General Assembly. It will, therefore, be essential to foresee that, where it is not possible for the Commission to present entirely the Community position, the Presidency of the Council shall present the same on behalf of the Community.

10. Since the matters to be discussed fall mainly within Community competence but also partly within the competence of Member States, it is essential secondly to define the substance of the position to be taken by the Member States as well as procedures for an appropriate coordination between that position and that of the Community.

Council Conclusions concerning the position to be taken by the Community and by the Member States at the 32nd session of the ICAO General Assembly

In the light of the above, the Commission proposes that the Council concludes as follows :

The Community position for the discussions and negotiations at the 32nd session of the ICAO General Assembly as well as at the Committee meetings preceding the General Assembly (namely the legal, economic and administrative committee) shall be as follows :

- to ensure consistency between the Resolutions taken by the ICAO-General Assembly and the relevant existing and evolving Community legislation.

- to carry out the negotiations with a view to :
 - obtaining a commitment of the ICAO-Assembly to launch a work programme to investigate the technical and economic feasibility of establishing more stringent aircraft noise standards, taking into account ongoing research activities, as well as capacity and operating constraints at airports imposed on environmental protection grounds ;
 - taking a decision of the ICAO assembly on technical standards on the limitation of nitrogen oxides emissions from aircraft engines taking into account technological knowledge and cost-effectiveness criteria as well as the Commission's proposal of 3 December 1997 on this matter ;
 - obtaining a commitment of the ICAO-Assembly to continue the preparatory work on the progressive introduction of economic measures aimed at improving the environmental impact of aviation taking into account their cost-effectiveness;
 - obtaining a commitment of the ICAO-Assembly to launch a work programme aimed at ensuring that air transport contributes to the achievement of internationally agreed reduction targets for the emission of greenhouse gases.

The Community position shall be put forward by the Commission and, where this is necessary, by the presidency speaking on behalf of the Community.

Since the matters to be discussed fall also in part within the competence of the Member States, the position to be put forward by them shall correspond with that set out hereabove. Furthermore, coordination will take place (either on the spot or where appropriate within the Council bodies in Brussels) in order to ensure close cooperation between the Community and its Member States and thus unity in the international representation of the Community.

If the results of the negotiations and discussions in the 32nd ICAO General Assembly conform essentially to the position set out above, such results shall be endorsed by the Community and its Member States.

ISSN 0254-1475

COM(98) 265 final

DOCUMENTS

EN

06 14 15

Catalogue number : CB-CO-98-281-EN-C

ISBN 92-78-35440-6

Office for Official Publications of the European Communities

L-2985 Luxembourg

