

Committee on the Environment, Public Health and Food Safety
The Chair

AC/eh
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Commissioner Violeta BULC
European Commission
200, rue de la Loi,
BE - 1049 Brussels

Subject: Request for taking the necessary steps safeguarding Union legislation, with regard to the upcoming adoption of the ICAO Assembly resolution on CORSIA

Dear Commissioner,

I am writing to you to express the concern of the Committee on the Environment, Public Health and Food Safety (ENVI) about current developments in relation to the implementation of ICAO's Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) which will be addressed at the upcoming ICAO Assembly in September. Given the strong interest of the ENVI Committee on CORSIA, I would like to invite you to hold an exchange of views with the Committee on the latest developments on the scheme before the Assembly takes place.

As you know, the draft text prepared by the ICAO Council is not publicly available. However we understand that the current draft refers to CORSIA as the only market based measure on aviation, excluding therefore any other scheme, indeed even the intra-EU ETS. Such wording, or a wording that could be interpreted in a similar manner appears to threaten the EU competence in regulating EU flights thus fundamentally questioning the EU prerogatives, specifically the rights of the EU co-legislators to decide on the application and any potential need for amendment of existing EU legislation.

In light of the Commission's position pushing for additional transparency within the UN bodies, I fully expect the Commission to transmit to the Parliament all documents prepared in view of the ICAO Assembly.

All EU institutions have so far expressed their support and commitment to the adoption and operationalisation of a global instrument to reduce emissions from international aviation. However, the institutions have also always been clear in their position that the application of CORSIA in the EU also covering intra-EU flights will be considered in light of the overall ambition and environmental integrity of the global measure and, in any event, following an assessment and a specific decision to that end by the co-legislators.

I would like to reiterate the Parliament's position of the resolution adopted ahead of the COP24 in which it "*recalls Regulation (EU) 2017/2392 of the European Parliament and of the Council*

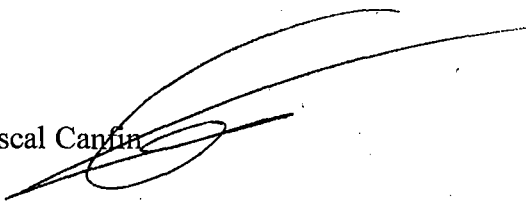
of 13 December 2017 amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021, and in particular its Article 1(7) which clearly states that, as co-legislators, the European Parliament and the Council are the sole institutions to decide on any future amendment to the ETS Directive; calls on the Member States, in the spirit of the Interinstitutional Agreement on Better Law-Making, to submit a formal reservation with respect to the CORSIA SARPs, stating that the implementation of CORSIA and participation in its voluntary phases require the prior agreement of the Council and the European Parliament; Recalls that another extension of the derogation for extra-EEA flights to be exempt from the EU ETS was granted by the Union until 2024 in order to facilitate the ICAO process for a global solution to aviation emissions; stresses, however, that any further amendment of legislation should only be undertaken if it is consistent with the Union's economy-wide greenhouse gas emission reduction commitment, which does not envisage the use of offset credits after 2020."

In view of these concerns, I strongly believe that it is important that our exchange of views take place during our next ENVI Committee meeting scheduled for 4-5 September. I trust that our respective secretariats will identify a mutually convenient time.

I take this opportunity to inform you that I have also requested the Council to make sure that the prerogatives of the EU and its institutions in this important case are duly respected. I firmly believe that the full applicability of the EU legislation as well as the autonomy of the EU decision making process is a common objective for our respective institutions and I count on the Commission's cooperation, in its role as guardian of the Treaties, in order for this goal to be achieved.

Yours sincerely,

Pascal Canfin



cc: Jean-Claude JUNCKER – President of the Commission
Ursula VON DER LEYEN – Commission President-elect
Maroš ŠEFČOVIČ – Vice President for Energy Union
Miguel Arias CAÑETE – Commissioner for Climate Action and Energy