

## 【欧洲】【Common, 航空】

Common - Follow-up action on Post Paris agreement relevant to aviation/Aviation - Gas emissions: The Council of the European Union confirms its participation in the CORSIA voluntary phase from 2021 and the ICAO's change of baseline year to calculate the offset requirements

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### 【概要 : Summary】

Prior to the COVID-19 pandemic, the European Commission published the European Green Deal in December 2019 with the target to achieving net-zero GHG emissions by 2050. This also included the commitment to achieve a 90% reduction in transport emissions in the same time frame. Accordingly, the EU-ETS for aviation needs to be extended beyond December 2023, despite the introduction of the International Civil Aviation Organisation (ICAO)'s Carbon Offsetting Scheme for International Aviation (CORSIA).

On 11 May 2020, the European Parliament's ENVI Committee and the European Commissioner responsible for transport Adina Vălean discussed the conditions for the implementation of the CORSIA scheme in the EU, while continuing the EU-ETS beyond 2023. Vălean underlined that the EU-ETS for aviation would be maintained in order to achieve the EU's environmental ambitions under the European Green Deal.

Before the ICAO's deadline of 30 June 2020, the Council of the European Union had to decide on approving the ICAO's changes to the CORSIA's

baseline year by its Member States to acknowledge the COVID-19 pandemic's impact on international aviation, and to approve the EU Member States voluntary participation in CORSIA's pilot phase from 1 January 2021.

While the EU can be expected to continue the internal EU-ETS for aviation in parallel to introducing the CORSIA scheme, the EU and its Member States will continue their support of the ICAO's efforts to introduce and to continue with the CORSIA scheme, as it is the only existing international GHG emission reduction measure for the international aviation sector.

### 【記事 : Article】

1. The EU-ETS and the ICAO's CORSIA scheme Due to the inaction of the ICAO to introduce GHG emission reduction measures, the EU decided to extend the EU's emission trading scheme (EU-ETS) to the aviation sector in 2012. Based on the Directive 2003/87/EC for introducing the EU-ETS and the Directive 2008/101/EC on reducing GHG emissions from aviation, the EU-ETS for aviation covers the CO<sub>2</sub> emissions of about 1400 aircraft operators'

flights within the European Economic Area (EEA). In 2016, the ICAO's 39th general assembly agreed to introduce the CORSIA scheme. It will start in 2021 with a first voluntary pilot phase, followed by the voluntary first phase from 2024 to 2027. From 2027 to 2035, the CORSIA scheme's mandatory second phase will follow for most ICAO member states. In 2032, the ICAO will review the CORSIA scheme and decide on the way forward after 2035.

The CORSIA scheme's reporting stage started in 2019 and is mandatory for all airlines and business aircraft operators in those ICAO member states that have decided to join CORSIA at whatever stage. The baseline for the pilot phase starting in January 2021 was planned to be calculated as the average of 2019 and 2020 emissions. However, this baseline year approach was changed at the ICAO council decision in June 2020, due to the impact of the Corona crisis.

Furthermore, in the EU, prior to the COVID-19 pandemic, the European Commission published the European Green Deal in December 2019 with the target to achieving net-zero GHG emissions by 2050, including a commitment to achieve a 90% reduction in transport emissions in the same time frame. Since the CO<sub>2</sub> emissions from the aviation sector rose by 26% since 2012, a revision of the EU-ETS for aviation is considered necessary. In particular the reduction or elimination of free allowances for the aviation sector would be considered. It would increase the revenues from the auctioning of emission allowances, which could be fully used to finance emission mitigation actions and to develop innovative solutions for the air transport sector. Since the EU intends to introduce the CORSIA scheme while expanding the EU-ETS for aviation beyond December 2023, it was necessary to approve the changes in the Council of the European Union.

## 2. The Council of the European Union's decision on the ICAO's proposed change of baseline year

Under the CORSIA scheme's original rules, the

baseline for the airlines' GHG emissions was set as the average of 2019 and 2020 emissions. However, the ICAO Assembly Resolution A40-19 includes also modalities to adjust the CORSIA, both in case of an unforeseen circumstance that affects the sustainability of the scheme or an inappropriate economic burden. Both were given due to the COVID-19 pandemic and gave room for adjustments.

In fact, due to the discontinuation of flights during the COVID-19 pandemic related lockdown, the results of 2020 would in theory have reduced the offset ceiling of the airlines' CO<sub>2</sub> emissions. This could have obligated the airlines to earmark more money to neutralise their emissions. The ICAO Council planned to discuss changes to the baseline year during its meeting from 8 to 26 June 2020. Meanwhile, on 9 June 2020, the Council of the European Union adopted the EU position on the ICAO's intention to change the reference period of the baseline year for the CORSIA scheme. The Council agreed on the Decision (EU) 2020/768 of 9 June 2020 amending Decision (EU) 2016/915 as regards the reference period intended to be used for measuring the growth of CO<sub>2</sub> emissions, to take account of the consequences of the COVID-19 pandemic in the context of CORSIA. They agreed that the baseline year should refer to the 2019 emission levels only. The Council agreed to the change "with a view to taking account of the impact of the COVID-19 pandemic on 2020 emissions...". Thereby, the Council of the European Union, on behalf of the EU and the EU Member States being members of the ICAO, agreed to the ICAO planned changes.

At the end of the ICAO Council's 220th session on 30 June 2020, based on paragraph 16 of Resolution A40-19, the ICAO Council determined that the value of 2019 emissions should be used for 2020 emissions to avoid inappropriate economic burden on the aviation industry, for the CORSIA implementation during the pilot phase from 2021 to 2023. Additional points were raised by Council States on the impacts of lower 2020 traffic and CO<sub>2</sub> emissions to other CORSIA design elements, such as an emission

threshold for CORSIA new entrants, and the selection of an operators' emission basis for offset calculation during the pilot phase, and it was confirmed to use the value of 2019 emissions for these design elements.

In addition, there could be implications also to the subsequent phases of CORSIA in light of how the sector's recovery will take place, and more data and analysis of the situation and impacts on CORSIA will be needed. In light of paragraph 17 of Resolution A40-19 on the CORSIA periodic review beginning in 2022, coinciding with the next session of the ICAO Assembly, the ICAO member states are expected to undertake a further review of CORSIA.

### 3. The Council of the European Union confirms the EU Member States' participation in CORSIA's voluntary pilot phase

The EU Member States had to notify the ICAO by the end of June 2020 about their participation in the voluntary first phase of CORSIA starting in 2021. Since the EU is not a member in the ICAO, the EU Member States being members in the ICAO will need to present a common position on behalf of the EU and submit the necessary notifications. Accordingly, the Commission presented a proposal on a Council decision on the position to be taken on behalf of the EU regarding the notification of voluntary participation in the CORSIA from 1 January 2021 (COM (2020) 194 final) on 13 May 2020. Before, on 11 May 2020, during the meeting with the European Parliament's ENVI Committee, the European Commissioner for transport, Adina Vălean, had again underlined that it is of outmost importance that the EU Member States participate on behalf of the EU in the CORSIA scheme because. Since CORSIA is the only existing international scheme to monitor, verify and offset the GHG emissions of flights at international level, the EU Member States' participation allows the EU to have an influence on the CORSIA scheme's standards. The Commission proposal COM (2020) 194 final was adopted by the Council of the European Union on 25 June 2020, ahead

of the ICAO's deadline on 30 June 2020. Thereby, before the ICAO Council took its decision on the baseline year changes on 30 June 2020, the Council of the European Union adopted its decision Council Decision (EU) 2020/954 on behalf of the Member States by written procedure. The "Council Decision (EU) 2020/954 of 25 June 2020 on the position to be taken on behalf of the European Union within the International Civil Aviation Organization as regards the notification of voluntary participation in the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) from 1 January 2021 and the option selected for calculating aeroplane operators' offsetting requirements during the 2021–2023 period", also lays down the EU's position on the method to be used for calculating aeroplane operators' offsetting requirements during the CORSIA pilot phase 2021–2023.

The position to be taken on the EU's behalf within the ICAO as regards the notification to the ICAO in respect of the voluntarily participation of the Member States in the CORSIA from January 2021 is laid down in Article 1 of Council Decision (EU) 2020/954. It expresses the position for each Member State of the Union that is a member of the ICAO. Each Member State that is a member of the ICAO shall notify ICAO the following text, by 30 June 2020: The Member State "...notifies the ICAO of its voluntary participation in CORSIA from 1 January 2021. The position to be taken on the Union's behalf within the ICAO as regards the notification to the ICAO in respect of the option selected for calculating aeroplane operators' offsetting requirements during the 2021–2023 period shall be the following:" Each Member State that is a member of the ICAO shall also notify ICAO by 30 June 2020 about the selected option for the offsetting requirements during the 2021–2023 period. According to the EU position, the calculations should be based on the emissions during each of those years (2021, 2022 and 2023), since this option is likely to lead to higher offsetting requirements and better results for the

environment. Both Council decisions confirm the EU's support for CORSIA to curb aviation emissions.

In the past, the Council had already decided to notify the ICAO about the differences between the EU-ETS and CORSIA and that the EU implementation of CORSIA would take place through a revision of the EU-ETS in its last revision from 2017 (Regulation (EU) 2017/2392). Therefore, the notification should include a reference not only to the differences notified on the basis of Council Decision (EU) 2018/2027, but also to reserve the possibility to notify additional differences in future. Furthermore, according to Transport Commissioner Välean, the implementation of CORSIA would not put the EU-ETS at stake and CORSIA would not replace the EU-ETS. The CORSIA scheme and the EU-ETS revision should be complementary to the EU's action under the European Green Deal.

#### 4. The Commission's roadmap to prepare a revision of the EU-ETS concerning aviation

While it is nearly certain that the EU-ETS for aviation will be continued after the CORSIA scheme is introduced for EU airlines, there exists a broad support to change the rules on the free allocation of emission permits to the airlines in the EEA. Since currently, the airlines receive a large number of pollution permits for free, it still remains uncertain in how far the EU-ETS for aviation should change. Some EU Member States favour a complete abolition of the free allocation, while some other Member States support a gradual phase-out of free allowances, or support the reduction of the number of free permits.

Meanwhile, the European Commission has opened a roadmap procedure to prepare the amendments to the EU-ETS for aviation. Roadmaps describe the problem to be tackled and objectives to be met, explain why EU action is needed, outline policy options and describe the main features of the consultation strategy. This initiative is part of the broader package of legislation under the European Green

Deal. The roadmap is used by the European Commission to define the scope of this existing law and for evaluating the necessary amendments. It will propose to amend the EU's emissions trading system to implement the CORSIA scheme in a way that is consistent with the EU's 2030 climate objectives. Anyone who might be affected by an existing or proposed law or policy can participate in the roadmap. This includes public authorities, businesses, civil society organisations and the public. The feedback period runs from 03 July 2020 to 28 August 2020. The feedback will be taken into account for further development and fine-tuning of the initiative. The Commission will summarise the input received and will be analysed. A public consultation will follow in the third quarter of 2020 and thereafter, the Commission plans to adopt the proposal for the revision of the EU-ETS concerning aviation in the second quarter 2021.

#### 5. Conclusion and outlook

At the moment, the aviation sector still suffers of the COVID-19 pandemic impacts. However, it is expected that by 2023, the aviation sector will have returned to its pre-pandemic traffic volumes, including new increases of GHG emissions.

Considering the ICAO Council's decision to change the baseline year to 2019, concerns remain over how effective the CORSIA scheme could possibly be for reducing the aviation sectors GHG emissions. The aviation industry has used the COVID-19 pandemic situation very effectively to push governments to weaken climate policies and they receive government subsidies and bailout packages, with little requests for environmental improvements.

Considering the CORSIA scheme's weaknesses and insufficiencies to significantly reduce GHG emissions in aviation, the EU can be expected to continue the EU-ETS for aviation in parallel to the CORSIA scheme for achieving the ambitious targets of the European Green Deal. At the same time, the EU and its Member States will continue to support the ICAO's efforts to introduce and to continue

with the CORSIA scheme, as it is the only existing GHG emission reduction measure for the international aviation sector. This support of the ICAO's efforts is underlined by the EU Member States' decisions to support the change of the baseline year for the calculation under the CORSIA scheme as well as by their adoption of the decision to participate in the CORSIA scheme's voluntary pilot phase.

#### References:

Council of the European Union: Council Decision (EU) 2020/768 of 9 June 2020 amending Decision (EU) 2016/915 as regards the reference period intended to be used for measuring the growth of CO<sub>2</sub> emissions, to take account of the consequences of the COVID-19 pandemic in the context of CORSIA. ST/8338/2020/INIT. In:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1591946768308&uri=CELEX:32020D0768>, 9 June 2020, retrieved 20 July 2020

Council of the European Union: Aviation emissions: EU adopts its position on adjusted CORSIA baseline to take account of the consequences of COVID-19 pandemic. In:  
<https://www.consilium.europa.eu/en/press/press-releases/2020/06/09/aviation-emissions-eu-adopts-its-position-on-adjusted-corsia-baseline-to-take-account-of-the-consequences-of-covid-19-pandemic/>, 9 June 2020, retrieved 20 July 2020

Council of the European Union: Aviation emissions: EU confirms its participation in the CORSIA voluntary phase from 2021 and chooses more ambitious option to calculate its offsetting requirements. In:

<https://www.consilium.europa.eu/en/press/press-releases/2020/06/25/aviation-emissions-eu-confirms-its-participation-in-the-corsia-voluntary-phase-from-2021-and-chooses-more-ambitious-option-to-calculate-its-offsetting-requirements/>, 25 June 2020, retrieved 20 July 2020

Council of the European Union: Council Decision (EU) 2020/954 of 25 June 2020 on the position to be taken on behalf of the European Union within the International Civil Aviation Organization as regards the notification of voluntary participation in the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) from 1 January 2021 and the option selected for calculating aeroplane operators' offsetting requirements during the 2021–2023 period. In:

<https://eur-lex.europa.eu/eli/dec/2020/954/oj>, 25 June 2020, retrieved 20 July 2020

European Commission: Aviation emissions growing fast. In:

[https://ec.europa.eu/clima/policies/transport/aviation\\_en](https://ec.europa.eu/clima/policies/transport/aviation_en), retrieved 10 July 2019

European Commission: EU emissions trading system – updated rules for aviation. In:

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12494-Revision-of-the-EU-Emissions-Trading-System-Directive-concerning-aviation->, retrieved 20 July 2020

European Commissions: Reducing emissions from aviation. In:

[https://ec.europa.eu/clima/policies/transport/aviation\\_en](https://ec.europa.eu/clima/policies/transport/aviation_en), retrieved 24 July 2019

European Commission: Report from the Commission to the European Parliament and the Council. Report on the functioning of the European carbon market. 17.12.2018 COM (2018) 842 final. In:

[https://ec.europa.eu/clima/sites/clima/files/ets/docs/com\\_2018\\_842\\_final\\_en.pdf](https://ec.europa.eu/clima/sites/clima/files/ets/docs/com_2018_842_final_en.pdf), retrieved 10 March 2020

ICAO: ICAO Council agrees to the safeguard adjustment for CORSIA in light of COVID-19 pandemic. In:

<https://www.icao.int/Newsroom/Pages/ICAO-Council-agrees-to-the-safeguard-adjustment-for-CORSIA-in-light-of-COVID19-pandemic.aspx>, 30 June 2020, retrieved 20 July 2020