

## Information

06 October 2011

### AEA statement on the US legal case against aviation's inclusion in EU ETS

This morning the Advocate General of the European Court of Justice (ECJ) gave her opinion on a legal challenge<sup>1</sup> against aviation's inclusion in the European Union Emissions Trading Scheme (EU ETS).

Commenting on this development, Association of European Airlines Secretary General Ulrich Schulte-Strathaus said: *"The legal validity of aviation's inclusion in ETS is a matter for the courts to decide, but as our Member Airlines will be affected by the final ruling we will of course continue to watch developments with interest."*

The ECJ will now consider the Advocate General's opinion before giving its final clarification to the UK High Court. A final ruling from the UK is not expected until 2012.

*"AEA supports the European Union's commitment to reduce the impact of all sectors, including air transport, on climate change. However, instead of taking the lead and paving the way towards a global solution, the European Union's environmental strategy is alienating key partners,"* said Mr Schulte-Strathaus.

*"With just 87 days to go, the ETS clock is ticking very loudly and the chorus of third-country indignation is deafening. We have deep concerns that the European air transport industry will be caught in the crossfire as key trade partners retaliate<sup>2</sup> against the inclusion of international aviation in the EU ETS. This is extremely worrying for European airlines."*

#### **Background**

<sup>1</sup>On 16 December 2009 the Air Transport Association of America (ATA), along with US carriers American Airlines, Continental and United, lodged a legal case with the UK High Court, opposing aviation's inclusion in the European Union Emissions Trading Scheme (EU ETS). The case was then referred on to the European Court of Justice (ECJ). For further details of the case, please see [this link](#).

<sup>2</sup>On 30 September, twenty-six non-European States, including China, India, Russia and the United States issued a [joint statement denouncing the unilateralism and questioning the legality of the EU ETS](#).

A bill seeking to prohibit carriers from the United States to participate in the EU ETS is also under consideration before the American Congress.

- Adria Airways
- Aegean Airlines
- AeroSvit
- airBaltic
- airberlin
- Air France
- Air Malta
- Alitalia
- Austrian
- British Airways
- British Midland International
- brussels airlines
- Cargolux
- Croatia Airlines
- Cyprus Airways
- Czech Airlines
- DHL
- Finnair
- Iberia
- Icelandair
- Jat Airways
- KLM
- LOT
- Lufthansa
- Luxair
- Malev
- Olympic Air
- SAS Scandinavian Airlines
- SWISS
- TAP Portugal
- TAROM
- TNT Airways
- Turkish Airlines
- Ukraine International Airlines
- Virgin Atlantic Airways

Finally, earlier this week, India's Ministry of Civil Aviation Joint Secretary affirmed that *"traffic rights will come into play"* if the European Union continue with its plans.

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Note to the Editor: The Association of European Airlines (AEA) brings together 35 European established scheduled network carriers. These collectively carry 380 million passengers and 6.2 million tonnes of cargo each year, operating 2,670 aircraft serving 650 destinations in 167 countries with 11,100 flights a day. They provide around 405,000 jobs directly, and generate a total turnover of €86 billion.