



Report from Breakout Session IV Inspection & Enforcement for AOs

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Topics covered

- *Ismael (CION):* ICAO GMBM and its implications for EU
 - **Adoption of CORSIA: ongoing assessment;**
 - **Proposal early 2017 for co-decision – adoption early 2018.**
- *Hubert (UBA AT):* Overview of revisions to GD2 – General Guidance for AOs
 - **Decision tree for including AOs, determining small emitters;**
 - **Updated guidance on accounting for emissions from biofuels.**
- *Mladen (UK; Avt-TF Chair):* Summary of 2015 reporting survey results
 - **Overview of compliance with reporting obligations;**
 - **High rate of compliance (92%);**
 - **Top issues: debt recovery, Eurocontrol (data mgt), future of EU ETS.**
- *Mohamed (CION):* Special reserve
 - **Majority of allocation figures validated (4 pending);**
 - **Annual amount = (2013-16 intra-EEA + 2017-20 [?-scope]) / 4.**
- *Marc (NL):* Recovering debts arising from enforcement
 - **“Relatively easy” if AO is based within MS;**
 - **“Practically impossible” outside EU.**

ICAO GMBM and its implications

- *Main discussion points*
 - **Issuance of free allowances in 2017: intra-EEA or full scope?**
 - **DE proposal to postpone surrender in respect of 2016 emissions;**
 - **State of play of CION proposal in respect of Aviation-ETS Directive?**
 - **What will happen post-2020?**
- *Conclusions*
 - **Timely conclusion of the EU legislative process is crucial;**
 - **Support for DE proposal.**
- *Recommendations*
 - **To keep ICAO GMBM and its impact on Aviation-EU ETS as a standing item on agenda of the Aviation TF;**
 - **Call for more communication between CION and MSs on future of Aviation-EU ETS.**

Update of GD2

- *Main discussion points*
 - **Accounting for biofuel use was the main topic of interest.**
- *Conclusions*
 - **Need to ensure clarity regarding accounting for biofuel use.**
- *Recommendations*
 - **Member States urged to provide written comments on the 2nd draft of the revised GD2 (distributed 7th November), by 28 November.**

2015 Reporting survey results

- *Main discussion points*
 - **Recognition of difficulties encountered by MSs to get AOs to comply with EU ETS and/or enforce in cases of non-compliance;**
 - **In case of bankruptcy or AOs ceasing activities to/from EU: when does a MS stop enforcement procedures?**
 - **What 'tools' are available to MSs to enforce compliance?**
- *Conclusions*
 - **Enforcement actions are limited by their inherent difficulties (see also discussion on debt recovery).**
- *Recommendations*
 - **Potential 'tools' to explore further:**
 - Use existing blacklist mechanism?
 - Use IATA as a means of contacting AOs?

Special reserve allocations

- *Main discussion points*
 - **What will MSs issue in 2017?**
- *Conclusions*
 - **CIION: for 2017, propose issuance of SR allocation related to intra EEA scope for 2 years.**
- *Recommendations*
 - **Greater clarity required on what to issue in 2017;**
 - **Call for clarity to be provided in some legal form.**

Debt recovery

- *Main discussion points*
 - **Debt recovery is fraught with problems, practical and legal;**
 - **Costs relating to debt recovery can be high;**
 - **Are there mechanisms to assist MSs in debt recovery?**
- *Conclusions*
 - **Naming-and-shaming blacklist?**
 - **But political and legal considerations to keep in mind.**
- *Recommendations*
 - **MSs may wish to consider coordinating a press-based campaign on enforcement.**



Thank you to all participants.