



EMISSIONS TRADING NIAL O'KEEFE AMSTERDAM

US and Europe square up over ETS

Two sides clash at conference after American airline body repeats claim that scheme contravenes Chicago Convention

Representatives of US airlines and the European Commission again crossed swords on the legality of the emissions trading scheme at an environmental conference in Amsterdam last week.

At the conference organised by non-governmental organisation Sustainable Aviation Network Europe (SANE), Nancy Young, the Air Transport Association of America's vice-president environmental affairs, reiterated the view that the ETS violates the Chicago Convention.

That is disputed by David Batchelor, a policy officer at the European Union's Directorate General for Energy and Transport, who insists that the scheme is not inconsistent with any international obligations.

The USA has the option of pursuing opposition to the ETS through the dispute resolution procedures set out in the US-EU open-skies agreement. However, Young stresses that opposition to the ETS would not be confined to the USA and that other countries could open dispute proceedings bilaterally.

Another option is to bring an Article 84 dispute to the International Civil Aviation Organisation, which has powers to act as a judiciary body. This mechanism was previously deployed by the USA in a dispute with the EU over hushkit regulations.

Young is confident that a Chicago Convention-based challenge to the ETS could be successful, despite a Dutch court's rejection of a similar challenge to the Dutch air passenger tax in July. The Dutch court's decision was "wrong", she says.

In defence of the ETS, Batchelor also refers to the Chicago Convention, explaining that mutual consent had not been sought by the EU on the grounds that any agreements reached with particular non-EU nations could fall foul of the convention's non-discrimination provisions.

There is disagreement not just on the legality of the ETS, but also on its efficacy. Young argues that the ETS is "inappropriate" for aviation, as cross-sector trading would mean that aviation, which has a good record in lowering its

emissions, would end up subsidising innovations in less efficient sectors, such as the concrete industry.

At the Amsterdam conference she and other speakers noted that dramatic rises in airlines' fuel bills had created a market incentive to seek environmentally beneficial reductions in fuel burn.

Batchelor dismisses any assumption that increasing fuel prices obviated the need for an ETS. Regardless of movements in fuel price, there remains a need to internalise the external costs that aviation imposes on society with its damaging CO₂ emissions.

Advances in standards, technology and air traffic management would not be sufficient to achieve a targeted 20% reduction in greenhouse gas emissions (from 1990 levels) by 2020. Market-based measures are also required, he says.

It is expected that the ETS will be formally endorsed by the Council of the EU in December, and that international negotiations will follow in the run-up to its implementation. ■

Non-EU carrier inclusion makes waves

The bone of contention is the European Union's decision to include non-EU airlines in the emissions trading scheme, which is due to come into force in 2012. In the view of Nancy Young, the Air Transport Association of America's vice-president environmental affairs, this contravenes article 1 of the Chicago Convention, which en-

shrines nations' sovereignty over airspace, and article 12, which obligates contracting states to adhere to the Convention's "rules of the air". It could also, she argues, be construed to contravene articles 15 and 24, which prohibit states from imposing higher airport charges or customs duties on other states' airlines.

FLIGHT TRIALS

CRJ1000 testing begins after 3.5h maiden sortie

The prototype CRJ1000 NextGen took to the air on 3 September from the airframer's plant at Mirabel, near Montreal, signalling the start of the flight-test programme for the latest member of Bombardier's regional jet family.

During the 3h 25min maiden sortie the 100-seater reached an altitude of 30,000ft (9,150m) and a maximum speed of 260kt (480km/h). "We put the gear up, operated the flaps and slats and exercised our new 'fly-by-wire' rudder," says test pilot Jacques Thibaudeau. "All the systems worked as they were designed to do. The aircraft handled similarly to the smaller CRJ900 so flight-



The 100-seater reached an altitude of 30,000ft and a maximum speed of 260kt

crews will have no problem in transitioning to the CRJ1000," he adds.

After initial test flights from Mirabel, the CRJ1000 – which was created through the modification of the CRJ900 prototype

(serial number 19991) – is moving to Bombardier's flight-test centre in Wichita, Kansas.

From next year it will be joined by the first production CRJ1000 to prepare for entry into service and review by the airworthiness regu-

lators' flight operations evaluation board. The 100-seater is due to enter commercial service in the fourth quarter of 2009. ■



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