



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 16th day of December, 2011

Served: December 16, 2011

In the matter of

**The European Union Emissions Trading
Scheme (ETS)**

**Reporting requirement pursuant to
49 USC 41708(b)(1)(A) – US Air
Carriers**

Docket OST-2011-0229

ORDER

Under its Emissions Trading Scheme (ETS), the European Union (EU) plans to begin capping carbon dioxide (CO₂) emissions for aviation activities, starting January 1, 2012, at levels below a 2004-2006 baseline.¹ Under the scheme, each covered airline and other civil aircraft operator must surrender ETS allowances for the total CO₂ emissions associated with all flights operated to and from points in EU Member States, Norway, Iceland, and Liechtenstein.

The U.S. Government continues to strongly object to the inclusion of U.S. aircraft operators under the EU legislation on legal and policy grounds, including under provisions of the U.S.-EU Air Transport Agreement. Nevertheless, as of now, the EU maintains that U.S. operators remain subject to the scheme.

The Department will now seek certain information related to ETS.

We, therefore, direct the U.S. air carriers named in this order to report the information detailed in the Appendix.

If a carrier believes that any of the required data are commercially sensitive and should be withheld from public disclosure, it may file a motion under 14 CFR §302.12.

¹ Directive 2008/101/EC.

The U.S. air carriers subject to this order are:

American Airlines, Inc.
Continental Airlines, Inc.
Delta Air Lines, Inc.
Federal Express Corporation
United Air Lines, Inc.
United Parcel Service Co.
US Airways, Inc.

Each U.S. air carrier subject to this order shall submit the required information electronically, via email, to Paul Gretch, Director, Office of International Aviation, at the following email address: Paul.Gretch@dot.gov. Each carrier shall submit the required information by the dates specified in the Appendix.

ACCORDINGLY,

1. Under the provisions of 49 USC 41708(b)(1)(A), we direct American Airlines, Inc.; Continental Airlines, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; United Air Lines, Inc.; United Parcel Service Co.; and US Airways, Inc. to submit reports in the form and manner described in this order;
2. Each carrier shall submit the required information by the dates specified in the Appendix; and
3. We will serve this order on American Airlines, Inc.; Continental Airlines, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; United Air Lines, Inc.; United Parcel Service Co.; and US Airways, Inc.; the U.S. Department of State (Office of Transportation Affairs); and the Federal Aviation Administration.

By:

SUSAN L. KURLAND
Assistant Secretary for
Aviation and International Affairs

(SEAL)

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<http://www.regulations.gov>

APPENDIX

DATA	REPORTING DATE
1) Free 2012 allowances allocated	January 31, 2012
2) Free 2012 allowances received, if different from 1) (If not different, so advise)	March 31, 2012
3) Estimate of allowances needed for 2012 operations covered by ETS	April 15, 2012
4) 2012 CO ₂ emissions reported to administering state	March 31, 2013
5) Monetary amount paid to administering state in ETS allowance auctions	15 days after the close of each auction
6) Monetary amounts spent and/or received in ETS allowance markets	Within 15 days after each such event.