

**JOINT DECLARATION**  
**OF THE MOSCOW MEETING**  
**ON INCLUSION OF INTERNATIONAL CIVIL AVIATION IN THE EU-ETS**

Representatives of Armenia, Argentina, Republic of Belarus, Brazil, Cameroon, Chile, China, Cuba, Guatemala, India, Japan, Republic of Korea, Mexico, Nigeria, Paraguay, Russian Federation, Saudi Arabia, Seychelles, Singapore, South Africa, Thailand, Uganda and United States of America, gathered in Moscow, on the 21<sup>st</sup> and 22<sup>nd</sup> February 2012,

**Recalling** the Delhi Joint Declaration, adopted by the Council of ICAO on November 2<sup>nd</sup>, 2011 according to C-DEC 194/2;

**Recalling** the relevant provisions of the United Nations Framework Convention on Climate Change (UNFCCC);

**Stressing** the importance of the Kyoto Protocol to its Parties;

**Reiterating** the importance of the Chicago Convention and the need to ensure full compliance with its provisions;

**Keeping** in mind their national laws and regulations;

**Affirming** the importance of the role of the International Civil Aviation Organization (ICAO) in addressing international civil aviation emissions, including pursuant to the request from the Parties to the UNFCCC;

**Stressing** that the unilateral inclusion of international civil aviation in the EU-ETS has constituted an obstacle to the progress of ICAO's work underway to address international civil aviation emissions;

**Underlining** the lack of an adequate response from EU Member States to the ICAO Council's Decision C-DEC 194/2, including the lack of a constructive dialogue to address the concerns of the non-EU States expressed in that decision and elsewhere;

**Considering** that the inclusion of international civil aviation in the EU-ETS leads to serious market distortions and unfair competition;

Decided to:

- a) **Adopt** this Joint Declaration as a clear manifestation of their unanimous position that the EU and its Member States must cease application of the Directive 2008/101/EC to airlines/ aircraft operators registered in third States;
- b) **Strongly urge** the EU Member States to work constructively forthwith in ICAO on a multilateral approach to address international civil aviation emissions;
- c) **Consider** taking actions/ measures set forth in Attachment A to this Joint Declaration including, for example, a proceeding under Article 84 of the Chicago Convention and barring participation by their respective airlines/aircraft operators in the EU ETS;
- d) **Exchange** information on the measures adopted and to be adopted, particularly to ensure better coordination, by each non-EU Member State after this Meeting in future;
- e) **Continue** their intensified common efforts to make progress at ICAO to address international civil aviation emissions;
- f) **Request** the Russian Federation, on their behalf, to communicate this Joint Declaration to the EU and its Member States; and
- g) **Invite** any other State to associate itself with this Joint Declaration and, in this connection, request the Russian Federation to extend this invitation.

**Attachment A**  
**to the Moscow Joint Declaration**

**BASKET OF ACTIONS/ MEASURES**

1. Filing an application under Article 84 of the Chicago Convention for resolution of the dispute according to the ICAO Rules for the Settlement of Differences (Doc 7782/2);
2. Using existing or new State legislation, regulations, or other legal mechanism to prohibit airlines/aircraft operators of that State from participating in the EU ETS;
3. Holding meetings with the EU carriers and/or aviation-related enterprises in their respective States and apprise them about the concerns arising out of the EU-ETS and the possibility of reciprocal measures that could be adopted by the State, which may adversely affect those airlines and/or entities.
4. Mandating EU carriers to submit flight details and other data;
5. Assessing whether the EU ETS is consistent with the WTO Agreements and taking appropriate action;
6. Reviewing Bilateral Air Services Agreements, including Open Skies with individual EU Member States, and reconsidering the implementation or negotiation of the 'Horizontal Agreement' with the EU;
7. Suspending current and future discussions and/or negotiations to enhance operating rights for EU airlines/ aircraft operators;
8. Imposing additional levies/charges on EU carriers/ aircraft operators as a form of countermeasure;
9. Any other actions/ measures.

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