

Minimising the impact of aviation emissions: what way forward?
An expert meeting aiming to lift off sustainable academic travelling
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The EU ETS and aviation emissions – Prof Dr Marjan Peeters, Maastricht University.

Biography:

Marjan Peeters is Professor of Environmental Policy and Law at Maastricht University. Her research focuses on how a high level of environmental protection can be effectively and efficiently reached based on the rule of law and in the context of sustainable development. Core research attention goes to legal aspects of climate change, regulatory instruments for emission reduction, and the way how law deals with uncertain risks. She co-edited the book *Climate Change Law* (2016) together with Daniel A Farber and is currently editing the *Research Handbook on EU environmental law* (together with Mariolina Eliantonio). Marjan leads the courses “European Environmental Law” (master) and “International Environmental Law” (bachelor) at Maastricht University. Since February 2012 Marjan is connected for one day a week to the International Centre for Integrated Assessment and Sustainable Development (ICIS) at Maastricht University where she provides a law course in the master Sustainability Science and Policy. Marjan is a member of METRO (Institute for Transnational Legal Research) and of the Maastricht Centre of European Law, and holds a part-time chair in environmental law at the Research Institute for Environmental Law, Wuhan University, China.

Abstract:

The understanding of the regulatory approach towards the reduction of aviation emissions is important for universities who want to consider (more ambitious) policies for controlling the aviation emissions caused by staff and students. Aviation emissions caused by travelling across the EU are predominantly regulated by the EU Emissions Trading System (EU ETS). Moreover, also Norway, Iceland, and Liechtenstein have joined this regulatory approach, and soon Switzerland will follow. Some Member States consider, or have introduced, additional regulatory approaches, such as taxes.

Initially, the EU ETS was set up with a directive from 2003 to cap and reduce emissions from large industrial installations in a cost-effective way. The emissions from aviation were included with a directive from 2008 covering aviation emissions from 2012 onwards. However, this regulation of aviation emissions shows some remarkable differences compared to the regulation of emissions from industries, with, generally, a more favourable regulation of the aviation sector. Practice until now shows that industrial emissions have decreased, while aviation emissions have increased. This effect will be discussed in view of the specific characteristic of the emissions trading instrument, with an outlook on possible effects of the EU ETS regulation on aviation emissions until 2030 (and beyond).

Furthermore, the international context and its related regulatory developments challenge the EU to consider its current internal regulation of aviation emissions. The inclusion of international flights (flights from / to third countries) was suspended by the EU legislator after fierce international protests – even while this measure was ‘approved’ by the Court of Justice of the European Union. Meanwhile, in view of the Paris Agreement and spurred by more recent climate science reports, a political debate has started whether to strengthen the ambition of EU climate legislation, which may have an impact on the aviation emissions too. Developments within ICAO cause the EU to consider how to fine-tune its own unique approach (having the EU ETS covering the aviation sector) to the CORSIA regime from ICAO. Hence, ‘the regulatory landscape for the air’ is not yet crystallized, which makes it even more challenging for universities to choose how to develop a stable corporate approach on this matter.