



International Coalition for
Sustainable Aviation

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ICSA VIEWS ON CAEP RULES AND WORKING PRACTICES

(This paper represents the views of the International Coalition for Sustainable Aviation (ICSA) on specific issues in aviation environmental protection. ICSA has submitted a version of this paper to an upcoming meeting of the Steering Group of ICAO's Committee on Aviation Environment Protection (CAEP) Steering Group. In accordance with the non-disclosure requirements of the CAEP, no portion of this paper discloses, reproduces, communicates, or disseminates information or content of the CAEP secure site.)

SUMMARY

This paper presents the views of the International Coalition for Sustainable Aviation (ICSA) on the rules and working practices of ICAO's Committee on Aviation Environment Protection (CAEP). Having been tasked with developing a wide range of measure to address aviation's climate impact, now is the appropriate time to revise CAEP's rules and working practices. Recommended changes to CAEP rules and working practices are detailed below and could be brought into operation at the commencement of the next CAEP cycle. Action by the CAEP-SG is in paragraph 3.

1. INTRODUCTION

1.1 ICAO's Committee on Aviation Environment Protection (CAEP) rules and working practices remain fundamentally unchanged from the period where CAEP's work focused almost exclusively on the establishment of aircraft environmental certification standards (NO_x, noise). Such standard setting required the provision by manufacturers of data, some of which could potentially be deemed commercially sensitive.

1.2 Importantly, though the issues of noise and air pollution affected communities across the globe, the establishment of environmental certification standards were first and foremost seen as a concern for major aircraft manufacturing states, which were limited in number. This may have justified rules and working practices which were closed to public involvement or greater state scrutiny.

1.3 However, in recent years CAEP has been tasked with greater responsibilities as it develops measures to address international aviation's climate impact. For example, CAEP has been tasked with developing the technical aspects of a global market-based measure, now known as CORSIA. It continues to play an important role providing research and recommendations, for example in the establishment of a long-term goal (LTG) for the international aviation sector.

1.4 This evolution in CAEP's role and responsibility has implications for how it conducts its work. The development of a market-based mechanism requires a wider and more diverse range of expertise than, for example, the development of environmental certification standards for aircraft. It requires expertise on registries, reporting, emissions unit criteria and alternative fuels, the name just a few. There is also a greater depth of expertise in these matters across the globe.

1.5 However, for reasons detailed in 2.1.3, many outside experts find it impossible to contribute to CAEP's work under its current rules and working procedures.

1.6 Climate policies such as CORSIA have an impact on all contracting parties, as well as the wider public which includes current and future generations. CAEP's rules and working procedures should reflect this reality and seek to widen the range of expertise and comment which is brought into the process, in order to improve the effectiveness of measures adopted, and ensure that they can command broad support.

1.7 This would avoid situations such as occurred with the sustainability criteria for alternative fuels, where most criteria that were developed over a two-year period in CAEP were not accepted by Council at its 212th Session.

1.8 The below proposals would allow from a more inclusive CAEP process, permitting greater engagement by experts and the wider public, while at the same time ensuring an appropriate level of confidentiality exists when that is specifically required.

2. PROPOSED CHANGES TO CAEP RULES AND WORKING PRACTICES

2.1 Access rules to the CAEP secure portal

2.1.1 In late 2016 the terms and conditions for accessing the CAEP secure portal were changed, imposing unlimited liability for confidentiality breaches in order to access the portal. This has provided difficult for many states and observers, and has restricted their ability to contribute to CAEP's work.

2.1.2 For example, many observers have legal restrictions on providing unlimited liability to third parties, and have had to explicitly reject this requirement in order to gain access to the secure portal. This has resulted in a two-tier system where some CAEP members and observers are bound by unlimited liability, and others are not.

2.1.3 This system also provides barriers to how members and observers contribute to CAEP work, as they are prevented from sharing documents with non-CAEP experts either in their organisations or outside who may be able to make important contributions.

2.1.4 Given the recommendations proposed in 2.2, 2.3, 2.4, and 2.5, the CAEP Secure Portal should only be used for those documents which have a high degree of commercial confidentiality.

2.1.5 ICSA therefore recommends reverting to the old terms and conditions for accessing the CAEP portal.

2.2 Make available all submissions to CAEP and CAEP SG

2.2.1 At present, state and observer submissions to CAEP remain unavailable to those outside of CAEP. When such submissions contain commercially sensitive information, such secrecy may be

acceptable. However, this justification oftentimes deserves to be challenged, as information from manufacturers which is submitted to CAEP is, as a matter of course, available to other manufactures, and therefore no harm can be identified from making it available to a broader range of actors.

2.2.2 Such a level of secrecy stands in contrast to other UN agencies, such as the UNFCCC, where state and observer submissions are made publicly available from the moment that they are submitted. In IMO such submissions are made publicly available at the conclusion of the relevant meeting. No discernible harm has occurred to either agency as a result of this openness.

2.2.3 We believe that all CAEP Working Group papers should be made publicly available save those containing agreed commercially sensitive information. Beginning with CAEP and CAEP SG papers would be an important first step, and any extension of this publication principle could take place subject to a review after period of time.

2.2.4 ICSA recommends that state and observer submissions to CAEP and CAEP SG are made publicly available.

2.3 **Open up meetings of CAEP and CAEP SG to the public**

2.3.1 CAEP meetings are currently closed to those who are not registered as experts. This excludes a wide range of actors from outside the CAEP process such as those who might have expertise on very particular aspects of CAEP's work, and as a result may not wish to apply for the status of a full observer. It also excludes those states who do not have the resources to become full members of CAEP, but who may wish to follow a particular aspect such as the development of policies relating to alternative fuels.

2.3.2 Closed meetings can also contribute to misunderstandings as to how CAEP recommendations are developed, as these recommendations 'emerge' over a three year period without any understanding of why certain options were chosen or discarded. The development of the sustainability criteria for alternative fuels is an example of such a result. Opening up CAEP and CAEP SG meetings would allow for greater involvement from outside experts, who could follow proceedings and provide feedback or advice to CAEP.

2.3.3 ICSA recommends that non-experts may attend CAEP and CAEP SG meetings

2.4 **Allow for public consultation on draft CAEP recommendations**

2.4.1 At certain periods in the development of CAEP recommendations, the process may benefit from wider public consultation. This may be the case for areas where there is broader public interest in the recommendations, such as those related to alternative fuels or emissions unit criteria. Both these policy measures can have significant impact on industries and sections of society not currently connected to the development of aviation policy. As a result, the CAEP process may benefit from the support of experts who are not formally involved in CAEP.

2.4.2 Public consultations can be relatively administratively easy to manage, with draft recommendations made publicly available and with a specified time period and format for the public to comment. Public comments could be made available to all CAEP experts, along with a summary of the comments compiled by the CAEP Secretariat under the direction of the CAEP Chair or Chairs (2.6).

2.4.3 The period during which these consultations take place could vary depending on circumstances. For example it may be beneficial to conduct a public consultation at the start of a cycle as

CAEP begins working on an item for the first time, alternatively at the end of the cycle before recommendations go to CAEP for approval.

2.4.4 ICSA recommends that CAEP adopt a procedure to establish public consultations where appropriate in the development of CAEP recommendations

2.5 **Make publicly available free summaries of CAEP and CAEP SG meetings**

2.5.1 Contracting parties who are not members of or observers to CAEP, the general public and experts who are not observers to CAEP would benefit from a greater understanding as to how CAEP recommendations are developed, including the reasoning behind the adoption or non-adoption of recommendations. This would minimise misunderstandings and instil greater confidence in CAEP's decision-making process.

2.5.2 Commercially confidential information is rarely, if ever, contained in CAEP reports. In circumstances where data to be included in the report is considered confidential, the provider of that data can request that such data is removed from the report, subject to the approval of CAEP. Such reports on the workings and decisions of CAEP which lead to regulatory decisions affecting the whole of society should be freely accessible. Decisions on public policy by their very nature are not for sale.

2.5.3 At the conclusion of each meeting of the IMO's Marine Environment Protection Committee reports are made publicly available and free of charge. This could be a model for CAEP.

2.5.4 ICSA recommends that ICAO make publicly available, for free, summaries of CAEP and CAEP SG meetings.

2.6 **Elect a permanent CAEP Chair or Co-Chair for each three year cycle**

2.6.1 A permanent CAEP Chair or Co-Chair would bring ICAO into line with other UN agencies where Chairs of committees are elected for a longer period than single meetings. This would provide greater expertise and authority for the Chair or Co-Chair, and ensure consistency in how CAEP's work is conducted throughout a cycle.

2.6.2 The Chair or Co-Chairs would be chosen by CAEP experts at the beginning of each CAEP cycle. They shall be experts nominated by CAEP members, and shall serve for a maximum of two cycles. Their responsibilities would include overseeing the CAEP work programme, communicating with other committees within ICAO and representing CAEP's work outside of ICAO.

2.6.3 ICSA recommends that CAEP choose among its experts, nominated by members, a Chair or Co-Chairs for each CAEP cycle.