

Is the eu's application of its emissions trading scheme to aviation illegal

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Is the EU's Application of Its Emissions Trading Scheme to Aviation Illegal?

Chapter 1: Introduction

A reasonable amount of background information is presented. The authors are attempting to establish whether the legal issues that have been raised by inclusion of greenhouse gas discharges that are coming from activities of aviation in the European Union's Emission Trading system. A recent ruling by the European Justice Court keeping the validity of adopted measurements by the EU has additionally contributed to the current discussion. The introduction is sufficient as it highlights the legalities of the EU's applications concerning its Emissions trading system towards aviation. It is clearly identifiable that a problem exists. The purpose now is to use a case study to get a better analysis of the EU's application concerning emissions to aviation. This study can be classified as qualitative making its variables not very identifiable as a study of quantitative. The authors are looking at the legal implications of the emissions. With the use of case study methodologies, the legal implications are researchable. The authors state the importance of the study. They hope that by defining the legal consequences, of such emissions, a set guideline shall be established that will help in future use should such issues of emission arise. The main restraint of the study is the limited number of such cases and the duration they take. The authors here have outlined a five-chapter layout.

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Chapter 2: Literature Review

The review to this literature is comprehensive. The authors give outlines of the ETS and further elaborate on each with recent research and literature findings where applicable. There is a perceptual sense of lack of fully detailed accounts regarding the cases involved despite the fact the necessary references carry weight (Bisset & Crowhurst, 2011). The authors try to explain the different outlines regarding ETS of which include the overview of the ETS, aviation in ETS, relevant EU legislation, procedural route, and lastly the case of the claimants. This last overview of the case of the claimants is further subdivided into four sub-categories namely, international customary law, convention of Chicago 1944; 16, the Kyoto protocol; 17 and finally the EU-US agreement on open skies 2007. 18. The writers gave a better understanding of legalities both legally and illegally in a run up to understanding the case studies involved.

Chapter 3: Methodology

This is case study project is qualitative, and the authors use given cases to accomplish their studies. Usage of this method is evident in that the specific mentioned cases are presented in the document to some detailed degree (Bisset & Crowhurst, 2011). The feeling here is that the authors have given a good account of the legalities. Hence making the objectives of the case study appropriate.

The authors begin their case studies by providing cause of a dispute concerning why the EU wants to apply its emissions trading plan to aviation and what the repercussions could be. The authors use documentation gathered from the Internet while presenting these case studies. From these

case studies, it can be said that no pilot study was really conducted, and the instruments seemed valid. In addition, it seems evident that the data was collected from the internet by way of research (Bisset & Crowhurst, 2011). Therefore, it is probable to say that there was little statistical data collected because the case studies were qualitative.

Chapter 4: Findings

The results were comprehensible and straightforward. The document results were well summarized and easy to understand although not very detailed but helpful. Despite the fact that the authors had presented complex issues and made the issues understandable, we also find that the ETS had negative consequences towards airlines that were likely to be costly and painful while its benefits were quite difficult to measure. For example replacing of old aircrafts would entail a substantial amount in consumption of fuel as well as maintenance costs. Furthermore, we also find that the merit principal of the ETS is to internalize the externalities, cost of hidden pollution, which in turn shifts the supply and demand of particular services, and yet for the long term it is anticipated that the ETS is projected to boost development of clean engines and usage of biofuels. Taking into account that findings related to emissions are not a lot, the authors do a great job of providing and explaining, what the possible implications could be with the limited case studies that are available.

Chapter 5: Summary, Conclusions, Discussion, and Recommendations

The summary gave an excellent overview without usage of too many legal terminologies. All the main points were well presented with no omissions. The discussion was appropriate, and the authors addressed key areas. In

addition, more research is needed to fully understand the legalities of emissions. With all the claims that were made, should the claimants prevail with legal action, the implications would be very profound for the future of EU climate change policies about aviation. More importantly if their argument in relation to the Convention of Chicago fails while the agreement on open skies succeeds, the claimants can lose the battle of having the ETS illegal, yet accomplish their tighter objective to stop the ETS being applied to airlines from the US. This in turn could open doors for non-EU airlines to review bilateral arrangements of their countries with member States of the EU and probably initiate comparable legal actions. Therefore, we can say that the conclusions are logically based on the case study layout. The authors recommend that detailed research be of the essence as well as having more court cases.