



2015/0148(COD)

29.6.2016

AMENDMENTS

537 - 775

Draft opinion

Fredrick Federley

(PE582.103v01-00)

on the proposal for a directive of the European Parliament and of the Council
amending Directive 2003/87/EC to enhance cost-effective emission reductions
and low-carbon investments

Proposal for a directive

(COM(2015)0337 – C8-0190/2015 – 2015/0148(COD))

Amendment 537
Jakop Dalunde

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph 1

Text proposed by the Commission

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector. *deleted*

2. The Member State concerned shall organise a competitive bidding process for projects with a total amount of investment exceeding €10 million to select the investments to be financed with free allocation. This competitive bidding process shall: *deleted*

(a) comply with the principles of transparency, non-discrimination, equal treatment and sound financial management;

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

(c) define clear, objective, transparent and non-discriminatory selection criteria for the ranking of projects, so as to ensure that projects are selected which:

(i) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-

determined significant level of CO2 reductions;

(ii) are additional, clearly respond to replacement and modernisation needs and do not supply a market-driven increase in energy demand;

(iii)

offer best value for money;

By 30 June 2019, any Member State intending to make use of optional free allocation shall publish a detailed national framework setting out the competitive bidding process and selection criteria for public comment.

Where investments with a value of less than €10 million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019.

3. *The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year.* *deleted*

4. *Transitional free allocations shall be deducted from the quantity of allowances that the Member State would otherwise auction. The total free allocation shall be no more than 40% of the allowances which the Member State concerned receives in the period 2021-30 pursuant to Article 10(2)(a) spread out in equal annual volumes over the period from 2021-30.* *deleted*

5. *Allocations to operators shall be made upon demonstration that an investment selected according to the rules* *deleted*

of the competitive bidding process has been carried out.

6. Member States shall require benefiting electricity generators and network operators to report by 28 February of each year on the implementation of their selected investments. Member States shall report on this to the Commission, and the Commission shall make such reports public.

deleted

Or. en

Justification

Deletion of the whole Article 10C after 2020. Current Article 10c is creating windfall profits for a handful of power companies, hence distorting the European electricity market without societal benefits by simply extending the lifetime of inefficient and polluting coal-fired power plants.

Amendment 538

Hans-Olaf Henkel, Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to **installations for electricity production** for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to electricity **generators** for the modernisation of the energy sector.

Member States concerned shall select investments to be financed with free allocation:

(a) through a competitive bidding process referred to in paragraph 2, or

(b) based on the National Investment Plans as well as criteria and rules referred

to in paragraph 2(3), or

(c) a combination of both methods mentioned above.

The Commission shall be informed about the chosen method by 1 January 2018.

Or. en

Amendment 539

Kathleen Van Brempt

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2008/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity production for the ***modernisation*** of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity ***and district heat*** production for the ***modernization, diversification and sustainable transformation*** of the energy sector. ***This derogation shall end after 2030.***

Or. en

Amendment 540

Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below

60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

60% of the Union average may give a transitional free allocation to installations for electricity production, ***district heating and high efficiency cogeneration***, for the modernisation of the energy sector.

Or. en

Amendment 541

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Constanze Krehl, Martina Werner, Patrizia Toia, Olle Ludvigsson, Jens Geier, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Carlos Zorrinho, Jude Kirton-Darling, Inmaculada Rodríguez-Piñero Fernández

Proposal for a directive

Article 1 – paragraph 1 – point 6

Article 10 c

Paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to ***installations for electricity production*** for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to electricity ***generators*** for the modernisation ***and diversification*** of the energy sector. ***This derogation shall end after 2030.***

Or. en

Amendment 542

Dario Tamburrano, Eleonora Evi

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below

60% of the Union average may give a transitional free allocation to installations for electricity production *for* the modernisation of the energy sector.

60% of the Union average may give a transitional free allocation to ***boost large scale renewables*** installations for ***clean*** electricity production ***through*** the modernisation of the energy sector.

Or. en

Amendment 543

Esther de Lange, Maria Spyraiki, Francesc Gambús, Henna Virkkunen, Françoise Grossetête

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to ***installations for electricity production*** for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 ***or 2014*** a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to ***electricity and heat generators, including district heating***, for the modernisation of the energy sector.

Or. en

Amendment 544

Dan Nica

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations

for electricity production for the
modernisation of the energy sector.

for electricity **and heat** production
(**including CHP**) for the modernisation of
the energy sector.

Or. en

Amendment 545

Eva Kaili

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87 EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013, **or in 2014, or in 2015**, a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

Or. en

Amendment 546

Neoklis Sylikiotis, Sofia Sakorafa

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c– paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013, **or in 2014, or in 2015** a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

Justification

By including the possibility to use also the year 2014 or 2015 as a reference year, we will achieve to present the relevant developments in the economic environment, rendering the System more fair and closer to the current economic reality.

Amendment 547
Adina-Ioana Vălean

Proposal for a directive
Article 1 – paragraph 1 – point 6
 Directive 2003/87/EC
 Article 10 c

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € **at market prices** below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € **in purchasing power parities** below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

Justification

Transitional free allocation should be better targeted. Countries have different price levels, also for energy depending on, for instance their energy mix and fiscal imposition. Therefore, when executing a cross-country comparison it is necessary to adjust for the different price levels. The so-called PPS (purchasing power standards) or PPP (purchasing power parities) are commonly used for such cross-country comparison. The reduced scope of Art. 10c free allowances would be more than balanced by an increase of the total allocation for the Modernisation Fund going from 2% to 4% of the total quantity of allowances between 2021 and 2030. When converting GDP to PPP, or PPS, you look at GDP in terms of an artificial currency that has the same purchasing power in all countries. As a result, it is more appropriate to use GDP per capita in PPS or PPP to evaluate living standards across countries, in other words GDP adjusted for the size of an economy in terms of population.

Amendment 548
Notis Marias

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 1– paragraph 1– Article 10 c

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 **or in 2014** a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to installations for electricity production for the modernisation of the energy sector.

Or. en

Amendment 549

Hans-Olaf Henkel

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give **a** transitional free allocation to installations for electricity **production** for the modernisation of the energy sector.

Amendment

1. By **way of** derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in **EUR** at market prices below 60% of the Union average may give transitional free allocation to installations for electricity **generation** for the modernisation of the energy sector.

Or. en

Amendment 550

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a ***transitional*** free allocation to ***installations*** ***for*** electricity ***production*** for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a free allocation to electricity ***generators*** for the modernisation of the energy sector.

Or. en

Justification

This change helps to ensure that cogeneration plants, which produce heat and electricity, are also eligible to free allocation of allowances.

Amendment 551

Miroslav Poche

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 1

Text proposed by the Commission

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to ***installations*** ***for*** electricity ***production*** for the modernisation of the energy sector.

Amendment

1. By derogation from Article 10a(1) to (5), Member States which had in 2013 a GDP per capita in € at market prices below 60% of the Union average may give a transitional free allocation to electricity ***generators*** for the modernisation of the energy sector.

Or. en

Amendment 552

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

1a. Member States shall be allowed to choose the most preferable free allowances allocation method in line with the following options:

(a) investments shall be selected through a competitive bidding process, or

(b) through the National Investment Plans allocation which should be based on criteria and rules referred to in paragraph 2a (new), or

(c) a combination of both methods mentioned above.

Any Member State that is allowed to allocate allowances on the basis of this Article shall, by 31 December 2017, submit to the Commission an application containing the proposed allocation methodology.

Or. en

Amendment 553

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2

Text proposed by the Commission

Amendment

2. The Member State concerned shall organise a competitive bidding process for projects with a total amount of investment exceeding €10 million to select the investments to be financed with free allocation. This competitive bidding process shall:

2. This competitive bidding process referred to 1a(a) shall:

Or. en

Amendment 554
Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 1 – introductory sentence

Text proposed by the Commission

2. The Member State concerned ***shall*** organise a competitive bidding process for projects with a total amount of investment exceeding ***€10*** million to select the investments to be financed with free allocation. This competitive bidding process shall:

Amendment

2. The Member State concerned ***may*** organise a competitive bidding process ***or prepare National Investment Plan or mix these two instruments*** for projects with a total amount of investment exceeding ***€20*** million to select the investments to be financed with free allocation. This competitive bidding process shall:

Or. en

Amendment 555
Neoklis Sylikiotis

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. The Member State concerned shall organise a competitive bidding process for projects ***with a total amount of investment exceeding €10 million*** to select the investments to be financed with free allocation. This competitive bidding process shall:

Amendment

2. The Member State concerned shall organise a competitive bidding process for projects to select the investments to be financed with free allocation. This competitive bidding process shall:

Or. en

Amendment 556
Hans-Olaf Henkel

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. The Member State concerned shall organise a competitive bidding process for projects with a total amount of investment exceeding **€10** million to select the investments to be financed with free allocation. This competitive bidding process shall:

Amendment

2. The Member State concerned shall organise a competitive bidding process for projects with a total amount of investment exceeding **€20** million to select the investments to be financed with free allocation. This competitive bidding process shall:

Or. en

Amendment 557

Miroslav Poche

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2

Text proposed by the Commission

2. The Member State concerned shall organise a competitive bidding process for projects with a total amount of investment exceeding **€10** million to select the investments to be financed with free allocation. This competitive bidding process shall:

Amendment

2. The Member State concerned shall organise a competitive bidding process for projects with a total amount of investment exceeding **€15** million to select the investments to be financed with free allocation. This competitive bidding process shall:

Or. en

Amendment 558

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87

Article 10 c – paragraph 2 – point a

Text proposed by the Commission

- (a) comply with the principles of transparency, non-discrimination, equal treatment and sound financial management;

Amendment

- (a) comply with the principles of transparency, non-discrimination, equal treatment, ***technological neutrality*** and sound financial management;

Or. en

Amendment 559

Hans-Olaf Henkel, Zdzisław Krasnodębski, Edward Czesak, Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 (a)

Text proposed by the Commission

- (a) comply with the principles of transparency, non-discrimination, equal treatment and sound financial management;

Amendment

- (a) comply with the principles of transparency, non-discrimination, ***technological neutrality***, equal treatment and sound financial management;

Or. en

Amendment 560

Gerben-Jan Gerbrandy, Morten Helveg Petersen, Carolina Punset

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

- (b) ensure that only ***projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors*** are

Amendment

- (b) ensure that only ***renewable energy, energy storage, upgrading heat distribution networks and upgrading electricity transmission and distribution infrastructure*** are eligible to bid;

eligible to bid;

Or. en

Justification

Investments in the context of transitional free allocation should support a leapfrog in the development of modern and low-emissions energy systems. Investment categories should be specified more clearly so to exclude a lock-in in high-emission technologies. For the 2013-2020 phase, a large share of the Article 10c investments is related to coal and high-emissions infrastructure.

Amendment 561

Zdzisław Krasnodębski, Edward Czesak, Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 (b)

Text proposed by the Commission

(b) ensure that only projects which contribute to ***the*** diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Amendment

(b) ensure that only projects which contribute to ***at least one of the following:*** diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies, ***use of cogeneration*** and modernisation of the energy production, transmission and distribution sectors, ***including district heating systems,*** are eligible to bid;

Or. en

Amendment 562

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Dan Nica, Constanze Krehl, Martina Werner, Patrizia Toia, Kathleen Van Brempt, Miroslav Poche, Olle Ludvigsson, Jens Geier, Jeppe Kofod, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Eugen Freund, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling, Inmaculada Rodríguez-Piñero Fernández

Proposal for a directive
Article 1 – paragraph 1 – point 6
Article 10 c
Paragraph 2 (b)

Text proposed by the Commission

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Amendment

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors, ***as well as energy efficiency and energy storage*** are eligible to bid;

Or. en

Amendment 563
Krišjānis Kariņš

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph 2

Text proposed by the Commission

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Amendment

(b) ensure that only projects which contribute to ***improvement of their energy security***, the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Or. en

Amendment 564
Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – point b

Text proposed by the Commission

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Amendment

(b) ensure that only projects which contribute to ***at least one of the requirements:*** the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Or. en

Amendment 565

András Gyürk, György Hölvényi, Jerzy Buzek

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – point b

Text proposed by the Commission

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Amendment

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, ***including district heating,*** transmission and distribution sectors are eligible to bid;

Or. en

Amendment 566

Esther de Lange, Francesc Gambús, Henna Virkkunen, Maria Spyraiki, Krišjānis Kariņš

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – point (b)

Text proposed by the Commission

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Amendment

(b) ensure that only projects which contribute to the diversification of their energy mix and sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production **(electricity and heat)**, transmission and distribution sectors are eligible to bid;

Or. en

Amendment 567

Dario Tamburrano, Eleonora Evi

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – letter b

Text proposed by the Commission

(b) ensure that only projects which contribute to the diversification of **their energy mix and** sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the energy production, transmission and distribution sectors are eligible to bid;

Amendment

(b) ensure that only projects which contribute to the diversification of **the renewable** sources of supply, the necessary restructuring, environmental upgrading and retrofitting of the infrastructure, clean technologies and modernisation of the **renewable** energy production, transmission and distribution sectors are eligible to bid;

Or. en

Amendment 568

Adina-Ioana Vălean

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c 2

Text proposed by the Commission

Amendment

(ba) ensure that modernisation projects benefiting electricity generation facilities :
(i) are economically justified based on a cost benefit analysis – including a carbon price which reflects the marginal damage of each unit harmful emission (e.g. CO₂, NO_x, Sox and particulate);
(ii) have CO₂ emissions of less than 550gCO₂/kWh.

Or. en

Justification

Projects for power generation should at least be in line with the EIB's investment selection criteria and ensure the investments comply with the broader EU objectives on energy and climate. Furthermore, compliance with the EIB's investment selection standard is a prerequisite to receive EIB loans, and reduces the investment risk for private investors interested in co-financing modernization projects in beneficiary countries.

Amendment 569
Bendt Bendtsen, Seán Kelly, Luděk Niedermayer

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph. 2 (ba) new

Text proposed by the Commission

Amendment

(ba) ensure that the modernisation of utilities is reserved to projects leading to an emission performance below the threshold level of the European Investment Bank's carbon footprint benchmark for power generation;

Or. en

Amendment 570

Bendt Bendtsen, Seán Kelly, Luděk Niedermayer

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2(c)

Text proposed by the Commission

(c) define clear, objective, transparent and non-discriminatory selection criteria for the ranking of projects, so as to ensure that projects are selected which:

Amendment

(c) define clear, objective, transparent and non-discriminatory selection criteria ***in line with the Energy Union principles and the EU 2050 climate and energy objectives*** for the ranking of projects, so as to ensure that projects are selected which:

Or. en

Amendment 571

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – point c

Text proposed by the Commission

(c) define clear, objective, transparent and non-discriminatory selection criteria ***for the ranking of projects, so as to ensure that projects are selected which:***

Amendment

(c) define clear, objective, transparent and non-discriminatory selection criteria.

Or. en

Amendment 572

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2

Text proposed by the Commission

Amendment

- (i) *on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO2 reductions;*
- deleted*

Or. en

Amendment 573

Gerben-Jan Gerbrandy, Carolina Punset, Morten Helveg Petersen

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – Paragraph 2 – subparagraph 1 – point c – point i

Text proposed by the Commission

Amendment

- (i) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO2 reductions;

- (i) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO2 reductions; *where projects relate to electricity production, total CO2 emissions per kilowatt hour of electricity produced in the installation shall not exceed 350 grams.*

Or. en

Justification

Investments in the context of transitional free allocation should help to leapfrog the development of low-emission technologies in Central and Eastern Europe. Investment categories should be specified more clearly so to exclude investments in unabated coal-fired power plants and other high-emission projects. For the 2013-2020 phase, a large share of the Article 10c investments is related to coal.

Amendment 574

Kathleen Van Brempt

Proposal for a directive

Article 1 – paragraph 1 – point 6

2008/87/EC

Article 10 c – paragraph 2 c – point i

Text proposed by the Commission

(i) on the basis of a cost-benefit analysis, ***ensure a net positive gain in terms of emission reduction*** and realise a pre-determined significant level of CO2 reductions;

Amendment

(i) on the basis of a ***societal*** cost-benefit analysis, ***incorporating the external costs of CO2 emissions as set out by the EIB in Annex II of its Climate Strategy adopted on 22nd September 2015, ensure a net positive result*** and realise a pre-determined significant level of CO2 reductions;

Or. en

Amendment 575

Bendt Bendtsen, Luděk Niedermayer, Seán Kelly

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 c (i)

Text proposed by the Commission

(i) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO2 reductions;

Amendment

(i) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO2 reductions ***in accordance with Annex I of the Climate Strategy of the European Investment Bank; and***

Or. en

Amendment 576

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Constanze Krehl, Martina Werner, Kathleen Van Brempt, Olle Ludvigsson, Jens Geier, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling, Inmaculada Rodríguez-Piñero Fernández

Proposal for a directive

Article 1 – paragraph 1 – point 6

Article 10 c

Paragraph 2 (c) (i)

Text proposed by the Commission

(i) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO₂ reductions;

Amendment

(i) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO₂ reductions, ***in line with Annexes I and II of the European Investment Bank Climate Strategy***;

Or. en

Amendment 577

Neoklis Sylikiotis, Sofia Sakorafa

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 1 – point c – point (i)

Text proposed by the Commission

(i) on the basis of ***a cost-benefit analysis***, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO₂ reductions;

Amendment

(i) on the basis of ***best available technology (BAT)***, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO₂ reductions;

Or. en

Amendment 578

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2

Text proposed by the Commission

Amendment

(ii) *are additional, clearly respond to replacement and modernisation needs and do not supply a market-driven increase in energy demand;* *deleted*

Or. en

Amendment 579

Gerben-Jan Gerbrandy, Carolina Punset, Morten Helveg Petersen

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) *are additional, clearly respond to replacement and modernisation needs **and** do not supply a market-driven increase in energy demand;*

(ii) *are additional, clearly respond to replacement and modernisation needs, do not supply a market-driven increase in energy demand, **and are supplementary to the investments required to comply with the Best Available Techniques Reference Document and BAT conclusions for Large Combustion Plants and other requirements in accordance with Directive 2010/75/EU;***

Or. en

(Directive 2010/75/EU)

Justification

The European Bank for Reconstruction and Development (EBRD) already provides financial assistance to power plant retrofitting in order to assist meeting the requirements under the Industrial Emissions Directive. The ETS should not provide double support for these investments.

Amendment 580

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Constanze Krehl, Martina Werner, Kathleen Van Brempt, Olle Ludvigsson, Jens Geier, Theresa Griffin, José

**Blanco López, Soledad Cabezón Ruiz, Carlos Zorrinho, Jude Kirton-Darling,
Inmaculada Rodríguez-Piñero Fernández**

Proposal for a directive

Article 1 – paragraph 1 – point 6

Article 10 c

Paragraph 2 (c) (ii)

Text proposed by the Commission

(ii) are additional, clearly respond to replacement and modernisation needs and do not supply a market-driven increase in energy demand;

Amendment

(ii) are additional, clearly respond to replacement and modernisation needs and do not supply a market-driven increase in energy demand ***and were not included in the national investment plan for phase 3;***

Or. en

Amendment 581

Bendt Bendtsen, Seán Kelly, Luděk Niedermayer

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 c (ii)

Text proposed by the Commission

(ii) are additional, clearly respond to replacement and modernisation needs and do not supply a market-driven increase in energy demand;

Amendment

(ii) are additional, clearly respond to replacement and modernisation needs and do not supply a market-driven increase in energy demand; ***and***

Or. en

Amendment 582

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2

Text proposed by the Commission

Amendment

offer best value for money;

deleted

Or. en

Amendment 583

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – Paragraph 2

Text proposed by the Commission

Amendment

By 30 June 2019, any Member State intending to make use of optional free allocation shall publish a detailed national framework setting out the competitive bidding process and selection criteria for public comment.

By 30 June 2019, any Member State intending to make use of optional free allocation ***in line with the method mentioned in the paragraph 1a (a)*** shall publish a detailed national framework setting out the competitive bidding process and selection criteria for public comment.

Or. en

Amendment 584

Hans-Olaf Henkel, Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c

Text proposed by the Commission

Amendment

By 30 June 2019, any Member State intending to make use of optional free allocation shall publish a detailed national framework setting out the competitive bidding process and selection criteria for public comment.

By 30 June 2019, any Member State intending to make use of optional free allocation ***through competitive bidding*** shall publish a detailed national framework setting out the competitive bidding process and selection criteria for public comment.

Or. en

Amendment 585

Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c

Text proposed by the Commission

Amendment

The competitive bidding process shall ensure that low-carbon investments in the eligible Member States are cost-effective and efficient.

Or. ro

Amendment 586

Neoklis Sylikiotis

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Where investments with a value of less than €10 million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019.

deleted

Or. en

Amendment 587

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph 2

Text proposed by the Commission

Amendment

Where investments with a value of less than €10 million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019.

deleted

Or. en

Amendment 588
Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph 2

Text proposed by the Commission

Amendment

Where investments with a value of less than €10 million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019.

Member State intending to make use of optional free allocation through a National Investment Plan shall select projects investments based on objective and transparent criteria taking into account:

- (a) technological neutrality;***
- (b) retrofitting and upgrading of energy infrastructure including electricity storage;***
- (c) clean technologies;***

(d) diversification of energy mix and sources of supply;

(e) modernisation of the energy production, transmission and distribution sectors;

(f) GHG reductions.

Investments undertaken from 24 October 2014 may be counted for this purpose. The selection criteria for investments and the results they bring shall be made available to the public and open for public discussion. On this basis, the Member State concerned choosing a National Investment Plan to distribute their free allocations shall establish and submit a list of investments to the Commission by 30 September 2019.

The Commission shall assess the list of investments by 31 January 2020. Within 6 months from the receipt of the list of investments from the Member State, the Commission may request additional clarifications with regard to the submitted information. The Commission may reject individual investments. A negative decision shall be duly justified by providing clear reasons for rejection based on proof of the lack of eligibility of the investment. Lack of decision by the Commission by the above date means approval of the list of investments as submitted.

The National Investment Plan may be updated twice - in 2023 and in 2027 - and submitted to the Commission along with the report referred to in paragraph 6, in 2024 and in 2028. On the basis of these evaluations Member States may opt to assign allocated in the application for derogation but not used allowances to projects selected via competitive bidding, Modernisation Fund as well as for auctioning.

Or. en

Justification

Member States shall freely decide about methods and procedures of selecting investments financed with free allocation, by organising either a competitive bidding process or by preparing a National Investment Plan (NIP). Such approach enables concerned Member States to optimise investments according to directive aims and domestic energy and environmental policies, thereby reducing administrative burden and avoiding significant increase of energy prices. The possibility of updating NIP and redistribution of unused allowances will not only ensure more efficient use of derogation resources but also will respect subsidiarity principle.

Amendment 589

Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where investments with a value of less than **€10** million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019.

Amendment

Where investments with a value of less than **€20** million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria.

Member State intending to make use of optional free allocation via National Investment Plan shall select projects investments based on objective and transparent criteria taking into account:

- (a) technological neutrality;***
- (b) retrofitting and upgrading of energy infrastructure including electricity storage***
- (c) clean technologies;***
- (d) diversification of energy mix and sources of supply;***
- (e) modernisation of the energy production, transmission and distribution***

sectors;

(f) GHG reductions.

The results of this selection process shall be published for public comment. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019.

Or. en

Amendment 590

Dan Nica

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – third subparagraph

Text proposed by the Commission

Where investments with a value of less than **€10** million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment. ***On this basis, the Member State concerned shall establish and submit*** a list of investments ***to the Commission by 30 June 2019.***

Amendment

Where investments with a value of less than **EUR 20** million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment ***and*** a list of investments ***shall be submitted to the Commission.***

Or. en

Amendment 591

Miroslav Poche

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where investments with a value of less

Amendment

Where investments with a value of less

than **€10** million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019.

than **€15** million are supported with free allocation, the Member State shall select projects based on objective and transparent criteria. The results of this selection process shall be published for public comment. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019.

Or. en

Amendment 592

Constanze Krehl, Martina Werner, Jens Geier, Bernd Lange

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 – subparagraph 1 – point c – point iv

Text proposed by the Commission

Amendment

(iv) do not serve to expand nuclear generation capacity or prevent or delay its phasing out.

Or. de

Amendment 593

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Constanze Krehl, Martina Werner, Patrizia Toia, Kathleen Van Brempt, Olle Ludvigsson, Jens Geier, Jeppe Kofod, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling, Inmaculada Rodríguez-Piñero Fernández

Proposal for a directive

Article 1 – paragraph 1 – point 6

Article 10 c

Paragraph 2 (c) (iv) (new)

Text proposed by the Commission

Amendment

(iv) promote community-driven integrated approaches;

Amendment 594

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Martina Werner, Patrizia Toia, Kathleen Van Brempt, Olle Ludvigsson, Jeppe Kofod, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling, Inmaculada Rodríguez-Piñero Fernández

Proposal for a directive

Article 1 – paragraph 1 – point 6

Article 10 c

Paragraph 2 (c) (v) (new)

Text proposed by the Commission

Amendment

(v) do not contribute to new coal-fired energy generation capacity nor increase coal-dependency;

Or. en

Amendment 595

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The eligible Member States intending to make use of optional free allocation via the National Investment Plans referred to 1a(b) shall select investments based on criteria and rules referred to in 2(b).

Investments undertaken since 24 October 2014 meaning that have obtained all relevant corporate decisions may be counted for this purpose. The method of this selection process and the final results shall be published for public comment. On this basis, the Member State concerned choosing a method referred to

in this paragraph shall establish and submit a list of investments, to the Commission by 30 September 2019.

The Commission shall assess the list of investments by 31 March 2020. Within 9 months from the receipt of the list of investments, the Commission may request additional information concerning individual projects. The lack of decision by the Commission within the abovementioned period date means approval of the list of investments as submitted.

The list of investments selected under the method referred to in this paragraph may be updated in 2023 and 2027, and submitted to the Commission. This paragraph should be applied respectively.

Or. en

Amendment 596
Hans-Olaf Henkel

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

2a. *Where investments with a value of less than EUR 20 million are supported with free allocation, the Member State concerned shall select projects based on objective and transparent criteria. The selection process shall be subject to public consultation and the results of the selection process shall be made publically available. On this basis, the Member State concerned shall establish and submit a list of investments to the Commission by 30 June 2019. The list may be subject to review by the Member State every five years thereafter.*

Amendment 597

Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 3

Text proposed by the Commission

(3) The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year.

Amendment

(3) The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year. ***At least 75% of the relevant costs of the intended investments may be supported from the Modernisation Fund.***

Or. ro

Amendment 598

Laurențiu Rebega

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 1 – paragraph 1 – point 6

Text proposed by the Commission

(3) The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year.

Amendment

(3) The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year. ***At least 75% of the relevant costs of the***

intended investments may be supported.
(This amendment applies through the text)

Or. ro

(Article 10c - paragraph 3 of Directive 2003/87/EC)

Justification

Necessary for a clear understanding of the whole amendment

Amendment 599
Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph 3

Text proposed by the Commission

3. The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year.

Amendment

3. The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year.
Minimum 75% of the relevant costs of the intended investments may be supported.

Or. en

Amendment 600
Dan Nica

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph 3

Text proposed by the Commission

3. The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year.

Amendment

3. The value of the intended investments shall at least equal the market value of the free allocation, while taking into account the need to limit directly linked price increases. The market value shall be the average of the price of allowances on the common auction platform in the preceding calendar year. ***As a minimum, 75% of the relevant costs of investments may be covered.***

Or. en

Amendment 601

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 4

Text proposed by the Commission

4. ***Transitional*** free allocations shall be deducted from the quantity of allowances that the Member State would otherwise auction. The total free allocation shall be no more than 40% of the allowances which the Member State concerned receives in the period 2021-30 pursuant to Article 10(2)(a) spread out in equal annual volumes over the period from 2021-30.

Amendment

4. Free allocations shall be deducted from the quantity of allowances that the Member State would otherwise auction. The total free allocation shall be no more than 40% of the allowances which the Member State concerned receives in the period 2021-30 pursuant to Article 10(2)(a) spread out in equal annual volumes over the period from 2021-30. ***Subject to the principle that free allocation that is not covered by the necessary expenditure in any given year shall be carried over and claimed during following years of the 2021-30 period when appropriate expenditure is incurred. Other ways of distributing the total number of allowances dedicated for the free allocation over the period 2021-30 are allowed provided that they are duly justified.***

Amendment 602

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 4

Text proposed by the Commission

4. Transitional free allocations shall be deducted from the quantity of allowances that the Member State would otherwise auction. The total free allocation shall be no more than 40% of the allowances which the Member State concerned receives in the period 2021-30 pursuant to Article 10(2)(a) spread out in equal annual volumes over the period from 2021-30.

Amendment

4. Transitional free allocations shall be deducted from the quantity of allowances that the Member State would otherwise auction. The total free allocation shall be no more than 40% of the allowances which the Member State concerned receives in the period 2021-30 pursuant to Article 10(2)(a) spread out in equal annual volumes over the period from 2021-30. ***The quantity of free allowances for all eligible Member States shall not be decreased by other mechanisms.***

Or. en

Amendment 603

Gerben-Jan Gerbrandy, Carolina Punset, Morten Helveg Petersen

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 4

Text proposed by the Commission

4. Transitional free allocations shall be deducted from the quantity of allowances that the Member State would otherwise auction. The total free allocation shall be ***no more than*** 40% of the allowances which the Member State concerned receives ***in the period 2021-30*** pursuant to Article 10(2)(a) ***spread out in***

Amendment

4. Transitional free allocations shall be deducted from the quantity of allowances that the Member State would otherwise auction. The total free allocation shall be 40% of the allowances which the Member State concerned receives in ***2021*** pursuant to Article 10(2)(a) ***and shall linearly decrease*** over the period from

equal annual volumes over the period from 2021-30.

2021 to 2030, reaching zero free allocation in 2030.

Or. en

Justification

A gradual decline of Article 10c free allocation is consistent with the current approach (in the 2013-2020 phase of ETS). Moreover, a gradual decrease of free allocation is necessary to ensure the derogation from the general rule of full auctioning for the power sector is of a transitional nature.

Amendment 604

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 5

Text proposed by the Commission

5. Allocations to operators shall be made upon demonstration that an investment selected *according to the rules of the competitive bidding process has been carried out.*

Amendment

5. ***Free*** allocations to operators shall be made ***available*** upon demonstration ***of incurred expenditure, at the level of a capital group, for*** that an investment ***both selected via competitive bidding and included in the list of investments referred to paragraph 2.***

Free allocations to operators shall be based on an ex-ante benchmark. The ex-ante efficiency benchmark shall be based on the weighted average of emission levels of most greenhouse gas efficient electricity production covered by the scheme for installations using different fuels. The weighting shall reflect the shares of the different fuels in electricity production in the Member State concerned.

The free allocations to individual operators for period 2021-30 shall be determined and published by each of the Member States concerned by 30 September 2019. The allocations along

with the list of electricity generators shall be updated in 2023 and 2027, taking into account new installations and most recent data available. The updated list of electricity generators shall be submitted to the Commission by 30 September 2024 and by 30 September 2028 respectively.

Or. en

Amendment 605

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 5

Text proposed by the Commission

5. Allocations to operators shall be *made* upon demonstration *that an investment selected according to the rules of the competitive bidding process has been carried out.*

Amendment

5. *Free* allocations to operators shall be *allowed* upon demonstration *of incurred expenditure, at the level of a capital group. The free allocations to individual electricity generators for period 2021-30 shall be determined and published by each of the Member States concerned by 30 September 2019. The allocations along with the list of electricity generators should be updated in 2023 and 2027. The updated list of electricity generators shall be submitted to the Commission by 1 January 2024 and 2028 respectively.*

Or. en

Amendment 606

Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *Every year the Commission may, at its own initiative or at the request of a Member State, add a new sector or subsector, if it can be demonstrated that this sector or subsector complies with the criteria in paragraph 1 and 3.*

Or. en

Amendment 607

Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. *The Commission shall keep under assessment the international context and the development of carbon pricing mechanisms outside the EU. Based on this assessment and in the view of the implementation of the Paris Agreement, the Commission shall, if appropriate, adjust and submit a legislative proposal to the European Parliament and to the Council.*

Or. en

Amendment 608

Hans-Olaf Henkel

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 6

Text proposed by the Commission

6. Member States shall require benefiting electricity generators and network operators to report by 28 February of each year on the implementation of their selected investments. Member States shall report on this to the Commission, and the Commission shall make such reports public.

Amendment

6. Member States shall require benefiting electricity generators and network operators to report by 28 February of each year on the implementation of their selected investments, ***including the types of investments supported and the way in which they achieved the goals set out in point (b) of the first subparagraph of paragraph 2.*** Member States shall report on this to the Commission, and the Commission shall make such reports public.

Or. en

Amendment 609

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 6

Text proposed by the Commission

6. Member States shall require benefiting ***electricity generators*** and network operators to report by 28 February of each year on the implementation of their selected investments. Member States shall report on this to the Commission, and the Commission shall make such reports public.

Amendment

6. Member States shall require benefiting ***operators*** and network operators to report by 28 February of each year on the implementation of their selected investments. Member States shall report ***annually by 31 March*** on this to the Commission ***on the balance of free allocation and investment expenditure incurred***, and the Commission shall make such reports public.

Or. en

Amendment 610

Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – paragraph 6

Text proposed by the Commission

6. Member States shall require benefiting electricity generators and network operators to report by 28 February of each year on the implementation of their selected investments. Member States shall report on this to the Commission, and the Commission shall make such reports public.

Amendment

6. Member States shall require benefiting electricity generators and network operators to report by 28 February of each year on the implementation of their selected investments. Member States shall report on this to the Commission ***on the balance of free allocation and investment expenditure incurred***, and the Commission shall make such reports public.

Or. en

Amendment 611
Gerben-Jan Gerbrandy, Carolina Punset, Morten Helveg Petersen

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2003/87/EC
Article 10 c – 6 a (new)

Text proposed by the Commission

Amendment

6a. In case of a reasonable suspicion of irregularities or a failure by a Member State to report according to the provisions set out in paragraphs 2 to 6, the European Commission may undertake an independent investigation, where necessary assisted by a contracted third party. The Member State shall provide all investment information and access necessary for the investigation, including access to installations and building sites. The Commission shall publish a report on the investigation.

Or. en

Justification

Under current provisions the European Commission fully depends on the information provided by the Member State. However, in case reporting is incorrect or other irregularities occur, a violation of the provisions of Article 10c may significantly distort level playing field in the increasingly integrated electricity market. In this context it is justified to give the Commission the possibility to collect information independently.

Amendment 612

Zdzisław Krasnodębski, Edward Czesak, Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Two years before the end of the period during which a Member State may give transitional free allocation to installations for electricity production the Member State concerned may request the extension of that period. The Commission shall assess the request and it may submit to the European Parliament and to the Council appropriate proposals, including the conditions that would have to be met in the case of an extension of that period.

Or. en

Amendment 613

Adina-Ioana Vălean

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c 7

Text proposed by the Commission

Amendment

6a. Any Member States granting transitional free allocation pursuant to Article 10c may transfer these allowances

to its share of the Modernisation Fund set out in Annex IIb and allocate them pursuant to the provisions of Article 10d. The share of transferred allowances will be deducted from the overall share of allowances, increasing the overall volume of the Modernisation Fund.

Or. en

Justification

Member states should have more flexibility. Article 10c was always meant as a transitional mechanism. This idea has been considered by the European Commission in its impact assessment, but dropped without further justification. A possibility to provide additional benefits would be to allow those Member States that choose to do so to use the governance structure of the Modernisation Fund to select efficiently and fund projects aimed at modernisation of their energy sector. This would avoid unnecessary duplication, while also providing a single structure for potential investors.

Amendment 614

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2003/87/EC

Article 10 c – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The eligible Member States shall be allowed to transfer unused allowances allocated under the paragraph 1a to the Modernisation Fund as well as for auctioning.

Or. en

Amendment 615

Zdzisław Krasnodębski, Edward Czesak, Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems and improving energy efficiency (*including thermal energy, district heating, high efficiency cogeneration, renewable energy, geothermal heat*) in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 616
Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems and improving energy efficiency (*including thermal energy, district heating, high efficiency cogeneration, renewable energy, geothermal heat*) in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 617
Bendt Bendtsen, Seán Kelly, Luděk Niedermayer

Proposal for a directive
Article 1 – paragraph 1 – point 7

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems, ***including transmission and distribution systems and interconnectors***, and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 618

Esther de Lange, Maria Spyraiki, Francesc Gambús, Henna Virkkunen

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support ***and leverage*** investments in modernising energy systems, ***including district heating***, and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 ***or 2014*** shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 619

Dario Tamburrano, Eleonora Evi

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems ***by boosting large scale renewables*** and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 620

András Gyürk, György Hölvényi

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems, ***including district heating***, and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 621

Eva Kaili

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 ***or in 2014, or in 2015***, shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 622

Neoklis Sylikiotis, Sofia Sakorafa

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d– paragraph 1– subparagraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 ***or in 2014, or in 2015***, shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Justification

By including the possibility to use also the year 2014 or 2015 as a reference year, we will achieve to present the relevant developments in the economic environment, rendering the System more fair and closer to the current economic reality.

Amendment 623

Krišjānis Kariņš

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems *and* improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems improving *energy security and* energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 624
Notis Marias

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 1 – paragraph 7 – Article 10 d – paragraph 1

Text proposed by the Commission

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 shall be established for the period 2021-30 and financed as set out in Article 10.

Amendment

A fund to support investments in modernising energy systems and improving energy efficiency in Member States with a GDP per capita below 60% of the Union average in 2013 *or in 2014*, shall be established for the period 2021-30 and financed as set out in Article 10.

Or. en

Amendment 625
Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Martina Werner, Kathleen Van Brempt, Miroslav Poche, Jens Geier, Jeppe Kofod, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive
Article 1 – paragraph 1 – point 7

Article 10 d
Paragraph 1 – subparagraph 2

Text proposed by the Commission

The investments supported shall be consistent with the aims of this Directive and the European Fund for Strategic Investments.

Amendment

The investments supported shall be ***proposed by beneficiary Member States and be*** consistent with the aims ***and criteria*** of this Directive and ***of*** the European Fund for Strategic Investments, ***as well as with the global EU energy and climate goals for 2030 and 2050.***

Or. en

Amendment 626
Jeppe Kofod

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 1 – paragraph 1 – point 7

Text proposed by the Commission

The investments supported shall be consistent with the aims of this Directive ***and*** the European Fund for Strategic Investments.

Amendment

The investments supported shall be consistent with the aims of this Directive, the European Fund for Strategic Investments ***and the Energy Union.***

Or. en

Amendment 627
Krišjānis Kariņš

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 1

Text proposed by the Commission

The investments supported shall be consistent with the aims of this Directive ***and the European Fund for Strategic***

Amendment

The investments supported shall be consistent with the aims of this Directive

Investments.

Or. en

Amendment 628

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – point 1

Text proposed by the Commission

The investments supported shall be consistent with the aims of this Directive *and the European Fund for Strategic Investments.*

Amendment

The investments supported shall be consistent with the aims of this Directive.

Or. en

Amendment 629

Neoklis Sylikiotis, Sofia Sakorafa

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d– paragraph 1– subparagraph 2

Text proposed by the Commission

The investments supported shall be consistent with the aims of this Directive *and the European Fund for Strategic Investments.*

Amendment

The investments supported shall be consistent with the aims of this Directive.

Or. en

Amendment 630

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Kathleen Van Brempt, Olle Ludvigsson, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive
Article 1 – paragraph 1 – point 7
Article 10 d
Paragraph 1 – subparagraph 3 (new)

Text proposed by the Commission

Amendment

They should follow the same criteria as in Article 10c, in particular:

(i) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO₂ reductions, in line with Annexes I and II of the European Investment Bank Climate Strategy;

(ii) are additional, clearly respond to replacement and modernisation needs and do not supply a market-driven increase in energy demand and were not included in the national investment plan for phase 3;

(iii) offer best value for money;

(iv) promote community-driven integrated approaches;

(v) do not contribute to new coal-fired energy generation capacity nor increase coal-dependency;

Or. en

Amendment 631
Jakop Dalunde
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The fund shall support projects that:

(a) comply with the principles of

transparency, non-discrimination, equal treatment and sound financial management;

(b) contribute to energy savings, renewable energy systems, energy storage and electricity interconnection, transmission and distribution sectors;

(c) on the basis of a cost-benefit analysis, ensure a net positive gain in terms of emission reduction and realise a pre-determined significant level of CO₂ reductions;

(d) are additional, clearly respond to replacement and modernisation needs and do not supply a market-driven increase in energy demand;

(e) offer the best value for money;

(f) promote community-driven integrated approaches.

Or. en

Justification

This new paragraph includes a number of elements of Article 10C-type projects. The insertion of this paragraph is in line with the proposal to merge Article 10C mechanisms with the Modernisation Fund: in such a scenario, the application of Article 10C would be discontinued, but the modernization support to lower income MS through the Modernisation Fund would be doubled.

Amendment 632

Gerben-Jan Gerbrandy, Carolina Punset, Morten Helveg Petersen

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Support to investments for energy efficiency shall be directed towards improving the energy performance of buildings.

Justification

Energy efficiency in buildings provides a large low-cost potential for energy efficiency, energy security and job creation. Moreover, the Kyoto Protocol-related Green Investment Schemes, which are often used for building renovations in Central and Eastern Europe, are coming to an end by 2020. The Modernisation Fund must therefore give priority to renovations of buildings.

Amendment 633

Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 – d – (1)

Text proposed by the Commission

Amendment

1a. The beneficiary Member States shall be primarily responsible for control of the Modernisation Fund.

Or. ro

Amendment 634

Gerben-Jan Gerbrandy, Carolina Punset, Morten Helveg Petersen

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Where energy system modernisation investments relate to electricity production, total CO2 emissions per kilowatt hour of electricity produced in the installation shall not exceed 350 grams.

Or. en

Justification

Energy system modernisation investments should contribute to significant reductions in greenhouse gas emissions; investments in high-emissions electricity production must be excluded.

Amendment 635

Jakop Dalunde

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The fund shall not support energy generation from coal.

Or. en

Amendment 636

Hans-Olaf Henkel

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 2

Text proposed by the Commission

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the ***investment board*** shall develop ***guidelines*** and investment selection criteria specific to such projects.

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the ***beneficiary Member States*** shall develop ***national rules*** and investment selection criteria specific to such projects ***based on the guidance from the Commission. The national rules shall be communicated to the Commission and be subject to public consultation before their adoption and publication.***

For the purpose of this paragraph a

small-scale investment project means a project funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives that are in line with those of the Modernisation Fund, of a total amount not exceeding EUR 20 million and provided that not more than 20% of the Member States' share set out in Annex IIb is used.

Or. en

Amendment 637
Krišjānis Kariņš

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the *investment board* shall develop *guidelines* and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency, *and projects in non-ETS sector, with an aim to reduce GHG emissions*. To this end, the *beneficiary Member States* shall develop *rules* and investment selection criteria specific to such projects, *in line with the objectives of the fund and the guidance elaborated by the EIB referred to in paragraph 4*.

Or. en

Amendment 638
Flavio Zanonato, Patrizia Toia

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **investment board** shall develop **guidelines** and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **beneficiary Member States** shall develop **rules** and investment selection criteria specific to such projects, **in line with the objectives of the fund and the guidance elaborated by an advisory board referred to in paragraph 4.**

Or. en

Amendment 639

András Gyürk, György Hölvényi

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **investment board** shall develop **guidelines** and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **beneficiary Member States** shall develop **national rules** and investment selection criteria specific to such projects.

Or. en

Amendment 640

Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 7

Article 10 d

Paragraph 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **investment board** shall develop guidelines and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **beneficiary Member States** shall develop **national rules**, guidelines and investment selection criteria specific to such projects **in line with the objectives of the Fund and with the criteria set in paragraph 1 of this Article, while taking due account of the opinion of the advisory board referred to in paragraph 4.**

Or. en

Amendment 641
Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **investment board** shall develop guidelines and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency (**including thermal energy, district heating, high efficiency cogeneration, renewable energy, geothermal heat**). To this end, the **beneficiary Member States** shall develop **national rules and** guidelines and investment selection criteria specific to such projects, **in line with the objectives of the fund and the guidelines and investment selection criteria elaborated by the Advisory Board referred to in paragraph 4. The national rules shall be made public.**

Or. en

Amendment 642

Zdzisław Krasnodebski, Edward Czesak, Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **investment board** shall develop guidelines and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency (***including thermal energy, district heating, high efficiency cogeneration, renewable energy, geothermal heat***). To this end, the **beneficiary Member States** shall develop **national** guidelines and investment selection criteria specific to such projects ***in line with the objectives of the fund and the guidance elaborated by an advisory board referred to in paragraph 4. The rules shall be made public.***

Or. en

Amendment 643

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu, András Gyürk

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – point 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **investment board** shall develop guidelines and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the **eligible Member States** shall develop **national** guidelines and investment selection criteria specific to such projects ***in line with the guidance elaborated by an advisory board***

referred to in paragraph 4.

Or. en

Amendment 644

Jeppe Kofod

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 1 – paragraph 1 – point 7

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the investment board shall develop guidelines and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the investment board shall develop guidelines and investment selection criteria specific to such projects, ***ensuring that projects are funded on the basis of comparative cost-effectiveness.***

Or. en

Amendment 645

Neoklis Sylikiotis, Sofia Sakorafa

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the investment board shall develop guidelines and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency ***including energy cooperatives.*** To this end, the investment board shall develop guidelines and investment selection criteria specific to such projects.

Amendment 646

Ivan Jakovčić

Proposal for a directive

Article 1 – paragraph 1 – point 7

Article 10 d (2)

Article 10 d (2)

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the investment board shall develop guidelines and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency, ***as well as the elimination of the consequences of energy poverty***. To this end, the investment board shall develop guidelines and investment selection criteria specific to such projects.

Or. hr

Amendment 647

Dario Tamburrano, Eleonora Evi

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 2

Text proposed by the Commission

2. The fund shall also finance small-scale investment projects in the modernisation of energy systems and energy efficiency. To this end, the investment board shall develop guidelines and investment selection criteria specific to such projects.

Amendment

2. The fund shall also finance small-scale investment projects in the modernisation of ***renewable*** energy systems and energy efficiency. To this end, the investment board shall develop guidelines and investment selection criteria specific to such projects.

Or. en

Amendment 648
Neoklis Sylikiotis, Sofia Sakorafa

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Modernisation Fund shall support investments in energy efficiency and renewable energy, focusing on improving energy savings in building sector, heating, sector and decentralised energy production, grid connections (smart grids) and storage infrastructure.

Or. en

Amendment 649
Krišjānis Kariņš

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 3

Text proposed by the Commission

Amendment

3. The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

3. The **EIB is responsible for the monetization of the 2% allowances referred to in Article 10 in equal volumes each year of the period 2021-30. Defining monetisation calendar should be carried out in consultation with the beneficiary Member States.** The funds shall be distributed **among the beneficiary Member states** based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Or. en

Amendment 650

Flavio Zanonato, Patrizia Toia

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 3

Text proposed by the Commission

3. The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Amendment

3. ***The EIB is responsible for the monetization of the 2% allowances referred to in Article 10 in equal volumes each year of the period 2021-2030. The monetization calendar should be defined in consultation with the beneficiary Member States.*** The funds shall be distributed ***among the beneficiary Member States*** based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Or. en

Amendment 651

Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Constanze Krehl, Martina Werner, Jens Geier, Theresa Griffin, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 7

Article 10 d

Paragraph 3

Text proposed by the Commission

3. The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Amendment

3. ***The EIB is responsible for the monetisation in equal volume each year of the 2% allowances referred to in Article 10. The EIB should define the monetisation calendar in consultation with the beneficiary Member States.*** The funds shall be distributed ***among the beneficiary Member States*** based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria,

leading to the distribution set out in Annex IIb.

Or. en

Amendment 652

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 3

Text proposed by the Commission

3. The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Amendment

3. ***The EIB is responsible for monetisation of the 2% allowances referred to in Article 10. Defining of monetisation calendar should be carried out in consultation with beneficiary Member State.*** The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Or. en

Amendment 653

Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 1 (7)

Text proposed by the Commission

3. The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Amendment

3. The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

The beneficiary Member States and the Commission shall ensure that the

*allowances referred to in Article 10(1)
shall be transferred to the EIB for
monetisation.*

Or. en

Amendment 654

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 3

Text proposed by the Commission

3. The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Amendment

3. *In consultation with beneficiary Member State, the EIB is responsible for monetisation of all allowances referred to this article.* The funds shall be distributed based on a combination of a 50% share of verified emissions and a 50% share of GDP criteria, leading to the distribution set out in Annex IIb.

Or. en

Amendment 655

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Constanze Krehl, Martina Werner, Kathleen Van Brempt, Olle Ludvigsson, Jens Geier, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 7

Article 10 d

Paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *A new paragraph 3a is added:*
Any beneficiary Member State which have chosen to grant transitional free allocation pursuant to Article 10c may transfer these allowances to its share of the Modernisation Fund set out in Annex

I Ib and allocate them pursuant to the provisions of Article 10d.

Or. en

Amendment 656

András Gyürk, György Hölvényi

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 1

Text proposed by the Commission

The fund shall be governed by *an investment board and a management committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.*

Amendment

The fund shall be governed by *the beneficiary Member States, with involvement of the Commission. The EIB should be involved as an advisory body and provide guidelines on the principles for the project selection. Adequate monitoring and reporting provisions should be established to guarantee the transparency and efficient use of the fund by the beneficiary Member States.*

The beneficiary Member State selects the projects it finds appropriate based on the principles and purpose of the Fund and notifies the European Commission about the list of the selected projects.

The fund should fully cooperate with established national implementing entities and programs.

Or. en

Justification

In line with the European Council conclusions, the fund shall be managed by the beneficiary Member States, based on clear, simple and transparent rules. The original proposal does not reflect these objectives. The two proposed governing bodies would unnecessarily slow-down

and make less efficient the decision-making and implementation.

Amendment 657

Krišjānis Kariņš

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4

Text proposed by the Commission

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.

Amendment

*The fund shall be governed **primarily by the beneficiary Member States and the EIB** should act as an advisory body providing appropriate assistance. Adequate monitoring and reporting provisions shall be established to guarantee transparent and efficient use of the proceeds of the Fund by beneficiary Member States. **The investment and projects financed from the Fund** shall be put forward by the beneficiary Member State. This will reduce excessive and costly administrative burden and will ensure the most effective implementation possible.*

Or. en

Amendment 658

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu, András Gyürk

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – point 4

Text proposed by the Commission

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB

Amendment

***Beneficiary Member States** shall be responsible for the governance of its own allocation share of the fund. Each of the beneficiary Member States shall be assisted by an advisory board which shall*

and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.

be composed of representatives from the beneficiary Member States and the EIB. The advisory board shall be responsible to determine framework guidance which shall include an Union-level investment policy, appropriate financing instruments and investment selection criteria.

Day-to-day management shall be provided by the beneficiary Member States.

The chairmanship of the advisory board shall be annually held by the beneficiary Member State. The individual decision on financing particular projects is taken by Member State.

Or. en

Amendment 659

Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Jens Geier, Flavio Zanonato, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 7

Article 10 d

Paragraph 4 – subparagraph 1

Text proposed by the Commission

The *fund* shall be *governed by an investment board and a management committee*, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB *and three representatives elected* by the other Member States for a period of 5 years. *The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee* shall be responsible for the day-to-day management of the fund.

Amendment

The *beneficiary Member States* shall be *responsible for the governance of the Fund. They shall be assisted by an advisory board*, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB, three *experts selected* by the other Member States for a period of 5 years *and three individuals from interested parties (industrial federations, trade unions and NGOs) without voting rights. The advisory board shall take into account Member States circumstances and specificities and shall guarantee procedural transparency and accountability of the selection process.*

The beneficiary Member States shall be responsible for the day-to-day management of the fund.

Or. en

Amendment 660
Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 1 (7)

Text proposed by the Commission

The fund shall be governed by *an investment board and a management committee*, which shall be composed of representatives from the beneficiary Member States, *the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an* Union-level investment policy, *appropriate financing instruments* and investment selection criteria. *The management committee shall be responsible for the day-to-day management of the fund.*

Amendment

The fund shall be governed by *the beneficiary Member States assisted by an Advisory board*, which shall be composed of representatives from the beneficiary Member States *and BEI. The Advisory board shall be responsible to elaborate guidelines in relation to objectives of the Union-level investment policy related to this fund* and investment selection criteria *which should take into account national circumstances.*

Or. en

Amendment 661
Flavio Zanonato, Patrizia Toia

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4

Text proposed by the Commission

The fund shall be governed by an *investment* board *and a management*

Amendment

The fund shall be governed by an *advisory* board *chaired by the beneficiary Member*

*committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The **investment** board shall be responsible to **determine** an Union-level investment policy, appropriate financing instruments and investment selection criteria. **The management committee shall be responsible for the day-to-day management of the fund.***

States and the EIB. The advisory board is composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The advisory board shall be responsible to elaborate guidance in relation to objectives of an Union-level investment policy with regard to this fund, appropriate financing instruments and role of national financing institutions as well as investment selection criteria, based on criteria established in article 10c paragraph 2, the technological neutrality of projects, coherence with the 2030 policy objectives, respecting specific circumstances of the beneficiary Member States as well as transparency and accuracy in the selection process. Separate guidance, covering the selection criteria, role of national institutions and available financing instruments, shall be developed for small-scale investment projects.

Or. en

Amendment 662

Zdzisław Krasnodębski, Edward Czesak, Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4

Text proposed by the Commission

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an Union-level

Amendment

Each of the beneficiary Member States shall be responsible for the governance of its own allocation share of the fund. Each of the beneficiary Member States shall be assisted by an advisory board, which shall be composed of representatives from the beneficiary Member States and the EIB. The advisory board shall be responsible to determine guidance in relation to

investment policy, appropriate financing instruments and investment selection criteria. ***The management committee*** shall be responsible for the day-to-day management of the fund.

objectives of an Union-level investment policy with regard to this fund, appropriate financing instruments and role of national financing institutions as well as investment selection criteria, taking into account technological neutrality of projects and specific needs of the beneficiary Member States as well as transparency and effectiveness of the selection process.

The beneficiary Member States shall be responsible for the day-to-day management of the fund. ***The rules elaborated by Member States shall be made public. Upon a request by a beneficiary Member State, the EBI shall take over the day-to-day management as mentioned above in the Member State concerned.***

The chairmanship of the advisory board shall be held by the beneficiary Member States and be based on a one-year-term rotation model. Decisions on financing particular projects in beneficiary Member States is taken by Member State concerned on the basis of the agreed guidance.

Member States may decide to use all or part of the proceeds from the Fund in order to finance the projects contributing to the implementation of a national programmes serving specific objectives in line with the objectives of the Modernisation Fund.

Simplified arrangements for both small-scale projects and projects contributing to implementation of national programs shall be ensured.

Or. en

Justification

Enlarged governing entities by three non-beneficiary Member States is inconsistent with European Council conclusions on 2030 climate and energy framework. Advisory board shall be composed only of representatives from the beneficiary Member States just as it is stated in October 2014 European Council conclusions: “reserve will serve to establish a fund which

will be managed by the beneficiary Member States, with the involvement of the EIB in the selection of projects”. Governance of the Modernisation Fund should be in line with subsidiarity principle and follow best practices of EU investment support instruments, in particular European Structural and Investment Fund, where each beneficiary country is responsible for investment selection process while respecting broader EU guidelines. Furthermore, beneficiary Member States should not be excluded from discussion and decision-making process on large-scale projects as there is no reference to such a proposal in October 2014 European Council conclusions.

Amendment 663

Jakop Dalunde

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 1

Text proposed by the Commission

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from *the beneficiary* Member States, the Commission, *the EIB and three representatives elected by the other Member States* for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.

Amendment

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from *all the* Member States, the Commission *and the EIB* for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.

Or. en

Justification

Representatives from all the Member States should be present in the investment board, in order to better represent the climate objectives of the all EU as a whole, and to attract more investment to national energy sectors.

Amendment 664

Neoklis Sylikiotis, Sofia Sakorafa

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 1

Text proposed by the Commission

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from *the beneficiary* Member States, the Commission, *the EIB and three representatives elected by the other Member States* for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.

Amendment

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from *all the* Member States, the Commission, *and the EIB* for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.

Or. en

Amendment 665

Lorenzo Fontana

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 1

Text proposed by the Commission

The fund shall be governed by an investment board and a management committee, which shall be composed of *representatives from* the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall

Amendment

The fund shall be governed by an investment board and a management committee, which shall be composed of *one representative from each of* the beneficiary Member States, the Commission *and* the EIB, and three representatives elected by the other Member States, for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The

be responsible for the day-to-day management of the fund.

management committee shall be responsible for the day-to-day management of the fund.

Or. en

Amendment 666

Bendt Bendtsen, Seán Kelly, Luděk Niedermayer

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4

Text proposed by the Commission

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.

Amendment

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The ***composition of the investment board shall be published. The*** investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria, ***in accordance with the EIB investment criteria and the EU's energy and climate objectives as well as the Energy Union policies***. The management committee shall be responsible for the day-to-day management of the fund. ***Information regarding the projects benefitting from the Modernisation fund shall be made publicly available.***

Or. en

Amendment 667

Adina-Ioana Vălean

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4

Text proposed by the Commission

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. The management committee shall be responsible for the day-to-day management of the fund.

Amendment

The fund shall be governed by an investment board and a management committee, which shall be composed of representatives from the beneficiary Member States, the Commission, the EIB and three representatives elected by the other Member States for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria ***which should take into account national circumstances***. The management committee shall be responsible for the day-to-day management of the fund.

Or. en

Amendment 668

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Dan Nica, Patrizia Toia, Jens Geier, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive
Article 1 – paragraph 1 – point 7
Article 10 d
Paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

A new subparagraph is inserted:
The selection of the eligible projects shall be made by the beneficiary Member States. This selection process and the list of ranked projects both selected and not, shall be public. The whole process shall abide by the criteria set in this Directive and take due account of the advisory board's opinion.

Amendment 669

Krišjānis Kariņš

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4

Text proposed by the Commission

Amendment

The investment board shall elect a representative from the Commission as chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

deleted

Or. en

Amendment 670

András Gyürk, György Hölvényi

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The investment board shall elect a representative from the Commission as chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

deleted

Or. en

Amendment 671
Evžen Tošenovský

Proposal for a directive
Article 1 – paragraph 1 – point 7
2003/87/EC
Article 10 d

Text proposed by the Commission

Amendment

The investment board shall elect a representative from the Commission as chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

deleted

Or. en

Amendment 672
Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu, András Gyürk

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4

Text proposed by the Commission

Amendment

The investment board shall elect a representative from the Commission as chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

deleted

Or. en

Amendment 673
Adina-Ioana Vălean

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d 4

Text proposed by the Commission

The investment board shall elect a representative from the **Commission** as chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

Amendment

The investment board shall elect a representative from the **European Bank of Investment** as chairman **for a period of 5 years**. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

The European Investment Bank shall propose the investment selection criteria and submit them to the approval of the investment board. These criteria shall be consistent with the European Investment Bank's criteria for investments in the energy sector

The Commission should administer any calls for proposals, for which the European Investment Bank should perform due diligence. The investment board should approve the final list of projects to receive investments.

Or. en

Justification

Good governance needs to be upheld: the establishment of a sound investment board and a management committee to govern the Fund, the close involvement of the EIB in the selection process of the eligible projects, and the close alignment with the European Fund for Strategic Investments is paramount to ensure its effectiveness. Greater consistency with the EIB/EFSI and transparency are needed: The investment policy and the investment selection criteria should be consistent with the criteria currently in place for EFSI projects, the EIB investment selection criteria in the area of energy and Europe's Energy Union policies.

Amendment 674

Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Miroslav Poche, Jens Geier, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 7

Article 10 d

Paragraph 4 – subparagraph 2

Text proposed by the Commission

The *investment* board shall *elect a representative from the Commission as chairman. The investment* board shall strive to take decisions by consensus. If the *investment* board is not able to decide by consensus within a deadline set by the chairman, the *investment* board shall take a decision by simple majority.

Amendment

The *chairmanship of the advisory* board shall *be elected from its members based on a one-year-term rotation model. The advisory* board shall strive to take decisions by consensus. If the *advisory* board is not able to decide by consensus within a deadline set by the chairman, the *advisory* board shall take a decision by simple majority.

Or. en

Amendment 675

Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 1 (7)

Text proposed by the Commission

The *investment* board shall *elect a representative from the Commission as chairman. The investment* board shall strive to take decisions by consensus. If the *investment* board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

Amendment

The *chairmanship of the Advisory* board shall *be held by the beneficiary Member States and be based on a one-year-term rotation model. The Advisory* board shall strive to take decisions by consensus. If the *Advisory* board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

Or. en

Amendment 676

Hans-Olaf Henkel

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4 – subparagraph 2

Text proposed by the Commission

The investment board shall elect a **representative** from the **Commission** as chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

Amendment

The investment board shall elect a **chairman among its members for one-year term. Representatives** from the **EIB shall not be eligible to be** chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

Or. en

Amendment 677
Lorenzo Fontana

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4 – subparagraph 2

Text proposed by the Commission

The investment board shall elect a representative from the **Commission** as chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

Amendment

The investment board shall elect a representative from the **beneficiary Member States** as chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

Or. en

Amendment 678
Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 1 (7)

Text proposed by the Commission

Amendment

The management committee shall be composed of representatives appointed by the investment board. Decisions of the management committee shall be taken by simple majority. *deleted*

Or. en

Amendment 679
Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu, András Gyürk

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4

Text proposed by the Commission

Amendment

The management committee shall be composed of representatives appointed by the investment board. Decisions of the management committee shall be taken by simple majority. *deleted*

Or. en

Amendment 680
Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Jens Geier, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive
Article 1 – paragraph 1 – point 7
Article 10 d
Paragraph 4

Text proposed by the Commission

Amendment

The management committee shall be *deleted*

composed of representatives appointed by the investment board. Decisions of the management committee shall be taken by simple majority.

Or. en

Amendment 681

András Gyürk, György Hölvényi

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

The management committee shall be composed of representatives appointed by the investment board. Decisions of the management committee shall be taken by simple majority.

deleted

Or. en

Amendment 682

Hans-Olaf Henkel

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

The management committee shall be composed of representatives appointed by the investment board. Decisions of the management committee shall be taken by simple majority.

deleted

Or. en

Amendment 683

Krišjānis Kariņš

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4

Text proposed by the Commission

Amendment

The management committee shall be composed of representatives appointed by the investment board. Decisions of the management committee shall be taken by simple majority.

deleted

Or. en

Amendment 684

Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 7

2003/87/EC

Article 10 d

Text proposed by the Commission

Amendment

The management committee shall be composed of representatives appointed by the investment board. Decisions of the management committee shall be taken by simple majority.

deleted

Or. en

Amendment 685

Lorenzo Fontana

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 3

Text proposed by the Commission

The management committee shall be composed of **representatives** appointed by the investment board. Decisions of the management committee shall be taken by simple majority.

Amendment

The management committee shall be composed of **experts** appointed by the investment board ***following an open and transparent procedure***. Decisions of the management committee shall be taken by simple majority.

Or. en

Amendment 686
Adina-Ioana Vălean

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d 4

Text proposed by the Commission

Amendment

The composition of the investment board and the management committee should be published by (insert date). The investment selection criteria and the investments decisions should be accessible and public.

Or. en

Justification

To ensure a maximum degree of transparency, the composition of the investment board and the management committee should be public and funding decisions be published.

Amendment 687
Evžen Tošenovský

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d

Text proposed by the Commission

Amendment

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case. For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than 10% of the Member States' share set out in Annex IIb is used under the programme, the two preceding sentences shall not apply.

deleted

Or. en

Amendment 688
Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 1 (7)

Text proposed by the Commission

Amendment

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case. For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the

deleted

Modernisation Fund, provided that not more than 10% of the Member States' share set out in Annex IIb is used under the programme, the two preceding sentences shall not apply.

Or. en

Amendment 689

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu, András Gyürk

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4

Text proposed by the Commission

Amendment

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case. For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than 10% of the Member States' share set out in Annex IIb is used under the programme, the two preceding sentences shall not apply.

deleted

Or. en

Amendment 690

András Gyürk, György Hölvényi

Proposal for a directive

Article 1 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case. For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than 10% of the Member States' share set out in Annex IIb is used under the programme, the two preceding sentences shall not apply.

deleted

Or. en

Amendment 691
Hans-Olaf Henkel

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4

Text proposed by the Commission

Amendment

If the EIB recommends not financing an investment and provides reasons ***for this recommendation***, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. ***The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case. For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation***

If the EIB recommends not financing an investment and provides reasons . A decision shall only be adopted if a majority of two-thirds of all members vote in favour. ***This sub-paragraph shall not apply to small-scale investment projects.***

of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than 10% of the Member States' share set out in Annex IIb is used under the programme, the two preceding sentences shall not apply.

Or. en

Amendment 692
Krišjānis Kariņš

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 003/87/EC
Article 10 d – paragraph 4

Text proposed by the Commission

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of ***two-thirds of all members*** vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case. ***For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than 10% of the Member States' share set out in Annex IIb is used under the programme, the two preceding sentences shall not apply.***

Amendment

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of ***the beneficiary Member States*** vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case.

Or. en

Amendment 693
Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Flavio Zanonato, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive
Article 1 – paragraph 1 – point 7
Article 10 d
Paragraph 4

Text proposed by the Commission

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case. ***For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than 10% of the Member States' share set out in Annex IIb is used under the programme, the two preceding sentences shall not apply.***

Amendment

If the EIB recommends not financing an investment and provides reasons for this recommendation ***based on this Directive***, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case.

Or. en

Amendment 694
Hans-Olaf Henkel

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4 – subparagraph 4

Text proposed by the Commission

If the EIB recommends not financing an investment and provides reasons ***for this recommendation, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case. For small projects funded through loans provided by a***

Amendment

If the EIB recommends not financing an investment and provides reasons ***why it is not in line with the investment policy or the selection criteria adopted by the investment board, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. This subparagraph shall not apply to small-scale investment projects as referred to in***

national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than 10% of the Member States' share set out in Annex IIb is used under the programme, the two preceding sentences shall not apply.

paragraph 2.

Or. en

Amendment 695

Miroslav Poche

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 4

Text proposed by the Commission

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. ***The Member State in which the investment will take place and the EIB shall not be entitled to cast a vote in this case.*** For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than ***10%*** of the Member States' share set out in Annex IIb is used under the programme, the ***two*** preceding ***sentences*** shall not apply.

Amendment

If the EIB recommends not financing an investment and provides reasons for this recommendation, a decision shall only be adopted if a majority of two-thirds of all members vote in favour. For small projects funded through loans provided by a national promotional bank or through grants contributing to the implementation of a national programme serving specific objectives in line with the objectives of the Modernisation Fund, provided that not more than ***50%*** of the Member States' share set out in Annex IIb is used under the programme, the preceding ***sentence*** shall not apply.

Or. en

Amendment 696

Hans-Olaf Henkel

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The fund shall be governed by an investment board and a management committee. The Investment board shall be composed of representatives from all the beneficiary Member States, the Commission and the EIB for a period of 5 years. The investment board shall be responsible to determine an Union-level investment policy, appropriate financing instruments and investment selection criteria. Public consultation shall be undertaken regarding the investment selection criteria and the results of the public consultation shall be taken into account by the investment board before the adoption of the selection criteria. The management committee shall be composed of representatives appointed by the investment board and shall be responsible for the day-to-day management of the fund. Decisions of the management committee shall be taken by simple majority.

Or. en

Amendment 697

Adina-Ioana Vălean

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 4 (new)

Text proposed by the Commission

Amendment

Every two years Member States shall communicate to the Commission the closures of electricity generation capacity

due to national measures. The Commission shall calculate the equivalent number of allowances that these closures represent. Member States shall have the choice to withdraw a corresponding volume of allowances or to surrender and place them into the MSR.

Or. en

Justification

Allowing Member States to retire the surplus emissions that result from the success of national policies may resolve the structural lack of flexibility the EU ETS has been suffering from in the previous trading period. Neutralising national measures every two year would reduce the market's oversupply, with only limited administrative burden and complexity added.

Amendment 698
Hans-Olaf Henkel

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The investment board shall elect a chairman among its members for a one-year term. Representatives from the EIB shall not be eligible to be chairman. The investment board shall strive to take decisions by consensus. If the investment board is not able to decide by consensus within a deadline set by the chairman, the investment board shall take a decision by simple majority.

Or. en

Amendment 699
Krišjānis Kariņš

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 5

Text proposed by the Commission

5. The beneficiary Member States shall report annually to the ***management committee*** on investments financed by the fund. The report shall be made public and include:

Amendment

5. The beneficiary Member States shall report annually to the ***European Commission and EIB*** on investments financed by the fund. The report shall be made public and include:

Or. en

Amendment 700
Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Patrizia Toia, Miroslav Poche, Jens Geier, Flavio Zanonato, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive
Article 1 – paragraph 1 – point 7
Article 10 d
Paragraph 5

Text proposed by the Commission

5. The beneficiary Member States shall report annually to the ***management committee*** on investments financed by the fund. The report shall be made public and include:

Amendment

5. The beneficiary Member States shall report annually to the ***advisory board*** on investments financed by the fund. The report shall be made public and include:

Or. en

Amendment 701
Zdzisław Krasnodebski, Edward Czesak, Evžen Tošenovský

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 5

Text proposed by the Commission

5. The beneficiary Member States shall report annually to the ***management committee*** on investments financed by the fund. The report shall be made public and include:

Amendment

5. The beneficiary Member States shall report annually to the ***advisory board*** on investments financed by the fund. The report shall be made public and include:

Or. en

Amendment 702

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 5

Text proposed by the Commission

5. The beneficiary Member States shall report annually to the ***management committee*** on investments financed by the fund. The report shall be made public and include:

Amendment

5. The beneficiary Member States shall report annually to the ***Commission*** on investments financed by the fund. The report shall be made public and include:

Or. en

Amendment 703

András Gyürk, György Hölvényi, Jerzy Buzek

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 5

Text proposed by the Commission

5. The beneficiary Member States shall report annually to the ***management committee*** on investments financed by the fund. The report shall be made public and include:

Amendment

5. The beneficiary Member States shall report annually to the ***Commission*** on investments financed by the fund. The report shall be made public and include:

Amendment 704
Adina-Ioana Vălean

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 – paragraph 5 – new sub paragraph

Text proposed by the Commission

Amendment

(ba) The Commission shall monitor the functioning of the European carbon market. Each year, it shall submit a report to the European Parliament and to the Council on the functioning of the carbon market including the implementation of the auctions, liquidity and the volumes traded.

The report shall also address the interaction of the EU ETS with other Union climate and energy policies, including how those policies impact upon the supply-demand balance of the EU ETS. The report shall propose concrete measures to neutralise the impact of EU policies on the EU ETS. Member States shall ensure that any relevant information is submitted to the Commission at least two months before the Commission adopts the report.

Or. en

Justification

The European Commission should evaluate the impact of EU policies on the ETS market and propose measures to “neutralize” any potentially market distortive elements.

Amendment 705
Hans-Olaf Henkel

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 6

Text proposed by the Commission

6. Each year, the management committee shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the management committee.

Amendment

6. Each year, the management committee shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the ***investment board and the*** management committee.

Or. en

Amendment 706
Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 6

Text proposed by the Commission

6. Each year, the ***management committee*** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the ***management committee***.

Amendment

6. Each year, the ***beneficiary Member State*** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the ***beneficiary Member State***.

Or. en

Amendment 707
András Gyürk, György Hölvényi

Proposal for a directive
Article 1 – paragraph 1 – point 7

Text proposed by the Commission

6. Each year, the **management committee** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the **management committee**.

Amendment

6. Each year, the **beneficiary Member State** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the **beneficiary Member State**.

Or. en

Amendment 708
Krišjānis Kariņš

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 6

Text proposed by the Commission

6. Each year, the **management committee** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the **management committee**.

Amendment

6. Each year, the **beneficiary Member States** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the **Member States**.

Or. en

Amendment 709
Edouard Martin, Dan Nica, Pervenche Berès, Zigmantas Balčytis, Patrizia Toia, Miroslav Poche, Jens Geier, Theresa Griffin, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive
Article 1 – paragraph 1 – point 7
Article 10 d
Paragraph 6

Text proposed by the Commission

Amendment

6. Each year, the ***management committee*** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the ***management committee***.

6. Each year, the ***advisory board*** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the ***advisory board***.

Or. en

Amendment 710

Zdzisław Krasnodębski, Edward Czesak, Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 6

Text proposed by the Commission

Amendment

6. Each year, the ***management committee*** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the ***management committee***.

6. Each year, the ***advisory board*** shall report to the Commission on experience with the evaluation and selection of investments. The Commission shall review the basis on which projects are selected by 31 December 2024 and, where appropriate, make proposals to the ***advisory board***.

Or. en

Amendment 711

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Olle Ludvigsson, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 7

Article 10 d

Paragraph 7

Text proposed by the Commission

Amendment

7. *The Commission shall be empowered to adopt a delegated act in accordance with Article 23 to implement this Article.* **deleted**

Or. en

Justification

No need for comitology here

Amendment 712
Hans-Olaf Henkel

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 7

Text proposed by the Commission

Amendment

7. The Commission *shall be empowered to* adopt *a* delegated *act* in accordance with Article 23 *to implement this Article.*

7. The Commission *may* adopt delegated *acts* in accordance with Article 30b *to supplement this directive and concerning the detailed arrangements for the effective functioning of the Modernisation Fund. This subparagraph shall not apply to paragraph 2.*

Or. en

Amendment 713
Francesc Gambús

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
Article 10 d – paragraph 7

Text proposed by the Commission

Amendment

7. The Commission shall be

7. The Commission shall be

empowered to adopt *a delegated* act in accordance with Article 23 to implement this Article.

empowered to adopt *an implementing* act in accordance with Article 23 to implement this Article.

(This amendment modifies the article 1 - paragraph 1 - point 7 of the Commission proposal)

Or. en

(See wording of article 10d - paragraph 7)

Amendment 714

Janusz Lewandowski, Jerzy Buzek, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 d – paragraph 7

Text proposed by the Commission

7. The Commission shall be empowered to adopt a *delegated* act in accordance *with Article 23* to implement this Article.

Amendment

7. The Commission shall be empowered to adopt a *implementing* act in accordance *with Article 22a* to implement this Article."

Or. en

Amendment 715

Dario Tamburrano, Eleonora Evì

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 10 e (new)

Text proposed by the Commission

Amendment

7a. The following Article 10e is inserted:

A fund to support local communities and workers in regions impacted most strongly by the ongoing transition to a decarbonised economy shall be

established for the period 2021-30 and be financed with at least 100 million allowances;

The fund's resources shall be used for investments aiming at creating jobs in alternative economic activities in regions where traditional carbon intensive sectors will lose a large number of jobs as a result of decarbonisation. Such a fund should finance job training and other employment and health services for workers and communities impacted by the closure of specific plants

A specific plan shall be developed by each Member State applying to utilise resources from this fund, in close partnership with the municipal and local authorities of the transformation regions as well as the social partners and civil society organisations.

Or. en

Amendment 716
Dario Tamburrano, Eleonora Evi

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2003/87/EC
New article

Text proposed by the Commission

Amendment

7b. *The following Article 10f is inserted:*

An International Climate Fund to support climate action in Least Developed Countries, in particular for adaptation to the impacts of climate change, through the United Nations Green Climate Fund shall be established for the period 2021-30 and be financed with at least 300 million allowances;

Or. en

Amendment 717

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Dan Nica, Constanze Krehl, Martina Werner, Patrizia Toia, Kathleen Van Brempt, Olle Ludvigsson, Eugen Freund, Eva Kaili, Jens Geier, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) The following Article 10e is inserted:

Article 10e

Just Transition Fund

A Just Transition Fund is created as of 2021 as a complement to the European Regional Development Fund and the European Social Fund; it is funded through the pooling of 2% of the auctioning revenues.

The revenues of these auctions would remain at the EU level, with the goal to use them for cushioning the social impact of climate policies in regions which combine a high share of workers in carbon-dependent sectors and a GDP per capita well below the EU-average.

These auctioning revenues aimed at just transition can be put to use in different ways:

- Creating redeployments and/or mobility cells**
- Education/Training initiatives to re-skill or upskill workers**
- Support in job search, including paid time-off to search for jobs**
- Social protection measures**
- Subsistence allowances**
- Business creation**
- Monitoring and pre-emptive measures to avoid or minimise the negative impact of**

restructuring process on physical and mental health.

The core activities to be financed by a Just Transition Fund being strongly related to the labour market, social partners should be actively involved into the fund management – on the model of the ESF committee – and the participation of local social partners should be a key requirement for projects to get funding.

Or. en

Amendment 718

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Patrizia Toia, Kathleen Van Brempt, Olle Ludvigsson, Eva Kaili, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 8

Article 11

Paragraph 1 – subparagraph 2

Text proposed by the Commission

A list of installations covered by this Directive for the five years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent five years shall be submitted every five years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the five calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the five years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent five years shall be submitted every five years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the five calendar years preceding its submission. ***Production activity shall be updated yearly in order to allow for a more dynamic allocation.*** Free allocations shall only be given to installations where such information is provided.

Or. en

Amendment 719

Esther de Lange, Angelika Niebler, Francesc Gambús, Henna Virkkunen, Maria Spyraiki, Herbert Reul

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 11 – paragraph 1 – second subparagraph

Text proposed by the Commission

A list of installations covered by this Directive for the **five** years beginning on 1 January 2021 shall be submitted by 30 September 2018, **and lists** for the subsequent **five** years shall be submitted **every five** years **thereafter**. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **five** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the **three** years beginning on 1 January 2021 shall be submitted by 30 September 2018. **The list** for the subsequent **three** years shall be submitted **by 30 September 2021 and the list for the four last years by 30 September 2024**. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Amendment 720

Nadine Morano

Proposal for a directive

Article 1 – paragraph 1 – point 8

2003/87/EC

Article 11 – paragraph 1

Text proposed by the Commission

A list of installations covered by this Directive for the **five** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **five** years shall be submitted every **five** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity

Amendment

A list of installations covered by this Directive for the **two** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **two** years shall be submitted every **two** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity

production and emissions at sub-installation level over the *five* calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

production and emissions at sub-installation level over the *two* calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. fr

Amendment 721

Eva Kaili

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 11 – paragraph 1

Text proposed by the Commission

A list of installations covered by this Directive for the *five* years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent *five* years shall be submitted every *five* years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the five calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the *two* years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent *two* years shall be submitted every *two* years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the five calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Amendment 722

Neoklis Sylikiotis, Sofia Sakorafa

Proposal for a directive

Article 1 – paragraph 1 – point 8

A list of installations

Article 11– paragraph 1– subparagraph 2

Text proposed by the Commission

A list of installations covered by this Directive for the **five** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **five** years shall be submitted every **five** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the five calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the **two** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **two** years shall be submitted every **two** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the five calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Amendment 723

Zdzisław Krasnodebski, Edward Czesak

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 11 – paragraph 1

Text proposed by the Commission

A list of installations covered by this Directive for the **five** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **five** years shall be submitted every **five** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **five** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the **two** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **two** years shall be submitted every **two** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **two** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Justification

The Commission proposes an alignment with changing production levels would only happen once every five years with a long time lag. The time lag between relevant production and allocation is significant and will not reflect the real dynamics of economic development. The incentive to invest and improve efficiency by gradually increasing production is lost. Therefore, the review shall be carried out every two years, to update the list and ensure that allocation is more closely related to real industrial activity levels in order to support economic growth and to prevent under or over allocation.

Amendment 724

Seán Kelly, Bendt Bendtsen

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 11(1)

Text proposed by the Commission

A list of installations covered by this Directive for the *five* years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent *five* years shall be submitted every *five* years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the *five* calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the *two* years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent *two* years shall be submitted every *two* years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the *two* calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Amendment 725

Antonio Tajani, Massimiliano Salini, Elisabetta Gardini

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 11 – paragraph 1

Text proposed by the Commission

A list of installations covered by this Directive for the **five** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **five** years shall be submitted every **five** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **five** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the **two** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **two** years shall be submitted every **two** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **two** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Amendment 726
Lorenzo Fontana

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

A list of installations covered by this Directive for the **five** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **five** years shall be submitted every **five** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **five** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the **two** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **two** years shall be submitted every **two** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **two** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Amendment 727

Françoise Grossetête, Anne Sander, Antonio Tajani

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 11 – paragraph 1

Text proposed by the Commission

A list of installations covered by this Directive for the **five** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **five** years shall be submitted every **five** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **five** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Amendment

A list of installations covered by this Directive for the **two** years beginning on 1 January 2021 shall be submitted by 30 September 2018, and lists for the subsequent **two** years shall be submitted every **two** years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the **two** calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Justification

The Commission must adopt a real dynamic approach in practice and take into account the production data of the most recent years possible.

Amendment 728

András Gyürk, György Hölvényi

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2003/87/EC

Article 11 – paragraph 1

Text proposed by the Commission

A list of installations covered by this Directive for the five years beginning on 1 January 2021 shall be submitted by **30**

Amendment

A list of installations covered by this Directive for the five years beginning on 1 January 2021 shall be submitted by **31 May**

September 2018, and lists for the subsequent five years shall be submitted every five years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the five calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

2019, and lists for the subsequent five years shall be submitted every five years thereafter. Each list shall include information on production activity, transfers of heat and gases, electricity production and emissions at sub-installation level over the five calendar years preceding its submission. Free allocations shall only be given to installations where such information is provided.

Or. en

Amendment 729
Hans-Olaf Henkel

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 2003/87/EC
Article 11 – paragraph 1 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

The Commission shall adopt an implementing act to specify that improvements of energy efficiency shall not result in a decrease of free allocation pursuant to Article 10a, in the case of installations or sub-installations using benchmarks other than the product benchmarks. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 30c(2).

Or. en

Amendment 730
Gerben-Jan Gerbrandy, Carolina Punset, Morten Helveg Petersen

Proposal for a directive
Article 1 – paragraph 1 – point 8 a (new)
Directive 2003/87/EC
Article 11 – paragraph 3 a (new)

(8a) In Article 11, the following fourth paragraph is added:

"4. In case of a reasonable suspicion of irregularities or a failure by a Member State to provide the list and the information set out in paragraphs 1 to 3, the European Commission may start an independent investigation, where necessary assisted by a contracted third party. The Member State shall provide all information and access necessary for the investigation, including access to installations and production data. The Commission shall respect the same confidentiality on commercially sensitive information as the Member State concerned and shall publish a report on the investigation."

Or. en

Justification

Under current provisions the European Commission fully depends on the information provided by the Member State. However, in case reporting is incorrect or other irregularities occur, a violation of the provisions in Article 10a(1) to 10c may significantly distort level playing field for industries and energy producers in the EU. In this context it is justified to give the Commission the possibility to collect information independently.

Amendment 731

Dan Nica

Proposal for a directive

Article 1 – paragraph 1 – point 8 a (new)

Directive 2003/87/EC

Article 11 – paragraph 1 – third subparagraph (new)

(8a) In Article 11, paragraph 1, the following subparagraph is added:

'Member States shall be entitled to take the appropriate measures in order to

adjust and reduce the burden produced by the ETS mechanism, if that mechanism would determine an increase in energy prices for European households and industry or create an excessive burden and reduce Union competitiveness.'

Or. en

Amendment 732
Francesc Gambús

Proposal for a directive
Article 1 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8a) From 2021 onwards, Member States shall also ensure that during each calendar year every operator reports production activity for adjustments to allocation in accordance with Article 10a paragraph 7.

Or. en

Amendment 733
Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive
Article 1 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

(9) In Article 11a, *paragraphs 8 and 9 are deleted.*

(9) In Article 11a, *paragraph 8 is replaced by the following:*

Operators and aircraft operators may use the removal units in the Community scheme up to an amount corresponding to XX% of allowances to be auctioned during the period 2021-2030. Operators under Article 10c and Article 10a in low income Member States (GDP per capita below 60% of the EU average, references to GDP in 2013 in EUR at market prices)

may use credits from projects issued pursuant to Article 24a and other projects administered by Member States that reduce greenhouse gas emissions not covered by the Community scheme. The amount of credits should be up to an amount corresponding to XX% of allowances to be auctioned by eligible Member States during the period 2021-2030.

Any such measures shall not result in the double-counting of emission reductions.

Or. en

Justification

European Union climate policy should give more consideration to the important role of sequestration of GHG emissions. It is crucial that UE takes action focused on increasing sequestration potential and allows proper accounting of forest sequestration. GHG emission sequestration should be treated in the same manner as other emission reduction activities. This approach brings the benefits for neutralization of GHG emission comparable to emission reduction technologies (e.g. CCS) and at the same time creates measurable environmental profits, being in tune with sustainable development principles and economic effectiveness (lower emission reduction cost). To allow for a connection of the LULUCF sector with the EU ETS through the use of potential sequestration units by the EU ETS participants, it will be necessary to make some indispensable changes in the EU ETS directive. Apart from EUA allowances, the only acceptable units within the EU ETS (indirectly) are the CER units (Certified Emission Reduction) stemming from CDM projects (Clean Development Mechanism) and ERU units (Emission Reduction Units) resulting from JI projects (Joint Implementation). Solutions for introducing the abovementioned units into the EU ETS market could be a basis for similar action applied to the sequestration units.

Amendment 734

Esther de Lange, Francesc Gambús, Henna Virkkunen, Maria Spyraiki, Krišjānis Kariņš

Proposal for a directive

Article 1 – paragraph 1 – point 10 a (new)

Directive 2003/87/EC

Article 12 – paragraph 3 a

Present text

Amendment

(10 a) In Article 12, paragraph 3a is

amended as follows:

"3a. An obligation to surrender allowances shall not arise in respect of emissions verified as captured and transported for permanent storage to a facility for which a permit is in force in accordance with Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide (1)."

"

3a. An obligation to surrender allowances shall not arise in respect of emissions verified as captured and transported for permanent storage to a facility for which a permit is in force in accordance with Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide (1), nor in respect of emissions verified as captured and/or re-used in an application ensuring a permanent bound of the CO2, for the purpose of carbon capture and re-use.'."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02003L0087-20151029&qid=1465897102227&from=EN>)

Amendment 735
Lorenzo Fontana

Proposal for a directive
Article 1 – paragraph 1 – point 11
Directive 2003/87/EC
Article 13

Text proposed by the Commission

Allowances issued from 1 January 2013 onwards shall be valid indefinitely.
Allowances issued from 1 January 2021 onwards shall include an indication showing in which ten-year period beginning from 1 January 2021 they were issued, and be valid for emissions from

Amendment

Allowances issued from 1 January 2013 onwards shall be valid indefinitely.

the first year of that period onwards.

Or. en

Amendment 736

Dario Tamburrano, Eleonora Evi

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2003/87/EC

Article 13

Text proposed by the Commission

Allowances issued from 1 January 2013 onwards shall be valid *indefinitely*.
Allowances issued from 1 January 2021 onwards shall include an indication showing in which ten-year period beginning from 1 January 2021 they were issued, and be valid for emissions from the first year of that period onwards.

Amendment

Allowances issued from 1 January 2013 onwards shall be valid *until the end of the current trading* period. *Allowances issued from 1 January 2021 onwards shall equally be cancelled by the end of the fourth period*

Or. en

Amendment 737

Jakop Dalunde

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2003/87/EC

Article 13

Text proposed by the Commission

Allowances issued from 1 January 2013 onwards shall be valid indefinitely.
Allowances issued from 1 January 2021 onwards shall include an indication showing in which ten-year period beginning from 1 January 2021 they were issued, and be valid for emissions from the first year of that period onwards.

Amendment

Allowances issued from 1 January 2013 onwards shall be valid indefinitely.
Allowances issued from 1 January 2021 onwards shall include an indication showing in which ten-year period beginning from 1 January 2021 they were issued, and be valid for emissions from the first year of that period onwards. *The validity of allowances held in the market*

stability reserve shall not be longer than the trading period in which they entered the reserve.

Or. en

Justification

Cancelling all allowances in the MSR by the end of 2020 will help ensure that the 2030 target is met with actual emission reductions rather than with carried over surplus. Around 2 billion allowances will be in the Market Stability Reserve by end 2020.

Amendment 738

Jens Geier, Constanze Krehl, Martina Werner

Proposal for a directive

Article 1 – paragraph 1 – point 12 – introductory part

Text proposed by the Commission

(12) In Article 14(1), the second subparagraph is replaced by the following:

Amendment

(12) In Article 14(1), the second subparagraph is replaced by the following:

In Article 14(1), the following subparagraph 3 is added:

By 31 December 2018, the Commission shall adapt the existing provisions of Regulation No 601/2012 on the monitoring and reporting of greenhouse gas emissions to take due account of action to reduce greenhouse gas emissions through carbon utilisation (CCU). These new rules shall enter into force for all CCU technologies on 1 January 2019.

Or. de

Amendment 739

Francesc Gambús

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2003/87/EC
Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt a delegated act in accordance with Article 23.

Amendment

For this purpose, the Commission shall be empowered to adopt a delegated act in accordance with Article 23 ***in order to adapt Commission's regulation 601/2012, on or before 31 December 2019.***

(This amendment modifies Article 1 - paragraph 1 - point 12 of the Commission proposal)

Or. en

(See wording Article 14 - paragraph 1 - subparagraph 2)

Amendment 740

Esther de Lange, Francesc Gambús, Henna Virkkunen, Maria Spyraiki, Herbert Reul, Krišjānis Kariņš, Paul Rübig

Proposal for a directive

Article 1 – paragraph 1 – point 12 a (new)

Directive 2003/87/EC

Article 14 – paragraph 1 – third subparagraph (new)

Text proposed by the Commission

Amendment

(12a) In Article 14, paragraph 1, a new subparagraph is added:

'By 31 December 2018 the Commission shall adjust existing rules on monitoring and reporting of emissions as defined in Commission Regulation (EU) 601/2012^{1a} in order to remove regulatory barriers to investment in more recent low carbon technologies such as carbon capture and usage (CCU). Those new rules shall be effective for all CCU technologies as of 1 January 2019.'

^{1a} Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse

gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council. (OJ L 181, 12.7.2012, p. 30).

Or. en

Amendment 741
Dan Nica

Proposal for a directive
Article 1 – paragraph 1 – point 12 a (new)
Directive 2003/87/EC
Article 14 – paragraph 1 – third subparagraph (new)

Text proposed by the Commission

Amendment

(12a) In Article 14 (1) a new subparagraph is added:

'By 31 December 2018 the Commission shall adjust existing rules on monitoring and reporting of emissions as defined in Commission Regulation (EU) No 601/2012 in order to remove regulatory barriers to investment in more recent low carbon technologies such as carbon capture and usage (CCU). Such new rules shall be effective for all CCU technologies as of 1 January 2019.'

Or. en

Amendment 742
Zdzisław Krasnodębski, Edward Czesak

Proposal for a directive
Article 1 – paragraph 1 – point 12 a (new)
Directive 2003/87/EC
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

(12a) In Art 14 a new sub-paragraph is added to paragraph 1:

By 31 December 2018 the Commission shall adjust existing rules on monitoring and reporting of emissions as defined in Commission Regulation (EU) No 601/2012 in order to remove regulatory barriers to investments in more recent low carbon technologies such as carbon capture and usage (CCU). These new rules shall be effective for all CCU technologies as of 1 January 2019.

Or. en

Justification

Rules on monitoring and reporting are a key element of the regulatory framework. They need to be adjusted in order to reflect the evolution of potential more recent low carbon technologies, such as CCU. In particular, current monitoring and reporting rules on inherent and transferred CO₂ represent a significant regulatory barrier to investments in this technology as they oblige to monitor and report such emissions.

Amendment 743

Esther de Lange, Angelika Niebler, Francesc Gambús, Henna Virkkunen, Maria Spyraiki, Françoise Grossetête, Herbert Reul, Krišjānis Kariņš, Paul Rübig

Proposal for a directive

Article 1 – paragraph 1 – point 12 b (new)

Directive 2003/87/EC

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

(12b) in Article 14, paragraph 1, a new subparagraph is added:

' That regulation shall also determine simplified monitoring, reporting and verification procedures for small emitters.'

Or. en

Justification

The definition of 'small emitters' is missing in the directive. A definition of 'low emitters' is only present in the EC 601/2012 on Monitoring and Reporting. To promote simplified

procedures for small emitters and ensure regulatory certainty, it is important to bring the definition in the directive and extend the scope from 25 000 to 50 000 tonnes of CO₂(e) per year and specifically mention call for simplified rules for them.

Amendment 744
Francesc Gambús

Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2003/87/EC
Article 15 – subparagraph 5

Text proposed by the Commission

The Commission shall be empowered to adopt a delegated act in accordance with Article 23.

Amendment

For this purpose, the Commission shall be empowered to adopt a delegated act in accordance with Article 23 ***in order to adapt Commission's regulation 600/2012, on or before 31 December 2019.***

(This amendment modifies the article 1 - paragraph 1 - point 13 of the Commission proposal)

Or. en

(See wording of Article 15 - subparagraph 5)

Amendment 745
Francesc Gambús

Proposal for a directive
Article 1 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13a) In article 15, paragraph fourth is modified as follows:

"By 31 December 2011, the Commission shall adopt a regulation for the verification of emission reports based on the principles set out in Annex V and for the accreditation and supervision of verifiers. It shall specify conditions for the accreditation and withdrawal of accreditation, for mutual recognition and

peer evaluation of accreditation bodies, as appropriate.

By 31 December 2018, the Commission revise this regulation in order to include rules for the verification of activity levels in accordance with Article 11 paragraph 2."

Or. en

Amendment 746

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Constanze Krehl, Martina Werner, Patrizia Toia, Kathleen Van Brempt, Olle Ludvigsson, Jens Geier, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive

Article 1 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13 a) In article 15a, the following paragraph is added:

Allowances have to be published on the operators' annual accounts and the European Union encourages the resumption of work on an international accounting standard in this field.

Or. en

Amendment 747

Pilar del Castillo Vera

Proposal for a directive

Article 1 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15a) In Article 22, the first subparagraph is replaced by the following:

"The Annexes to this Directive, with the exception of Annexes I, IIa and IIb, may

be amended in the light of the reports provided for in Article 21 and of the experience of the application of this Directive. Annexes IV and V may be amended in order to improve the monitoring, reporting, verification of emissions and activity."

Or. en

Amendment 748
Francesc Gambús

Proposal for a directive
Article 1 – paragraph 1 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) In article 22, paragraph 1 is modified as follows:

"The Annexes to this Directive, with the exception of Annexes I, IIa and IIb, may be amended in the light of the reports provided for in Article 21 and of the experience of the application of this Directive. Annexes IV and V may be amended in order to improve the monitoring, reporting and verification of emissions and activity."

Or. en

Amendment 749
Lorenzo Fontana

Proposal for a directive
Article 1 – paragraph 1 – point 18
Directive 2003/87/EC
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

The power to adopt delegated acts referred to in Article 3d(3), Article 10(4), Article 10a(1) and (8), Article 10b, Article 10d,

The power to adopt delegated acts referred to in Article 3d(3), Article 10(4), Article 10a(1) and (8), Article 10b, Article 10d,

Article 14(1), Article 15, Article 19(3), Article 22, Article 24, Article 24a and Article 25a shall be conferred on the Commission for *an indeterminate* period of *time* from the (*).

Article 14(1), Article 15, Article 19(3), Article 22, Article 24, Article 24a and Article 25a shall be conferred on the Commission for *a* period of *five years* from the (*).

Or. en

Amendment 750
Ian Duncan

Proposal for a directive
Article 1 – paragraph 1 – point 18 a (new)
Directive 2003/87/EC
Article 29

Present text

"Report to ensure the better functioning of the carbon market

If, on the basis of the regular reports on the carbon market referred to in Article 10(5), the Commission has evidence that the carbon market is not functioning properly, it shall submit a report to the European Parliament and to the Council. The report may be accompanied, if appropriate, by proposals aiming at increasing transparency of the carbon market and addressing measures to improve its functioning.'"

Amendment

(18a) Article 29 is amended as follows:

"

Report to ensure the better functioning of the carbon market

If, on the basis of the regular reports on the carbon market referred to in Article 10(5), the Commission has evidence that the carbon market is not functioning properly, it shall submit a report to the European Parliament and to the Council. The report may be accompanied, if appropriate, by proposals aiming at increasing transparency of the carbon market and addressing measures to improve its functioning, including measures to limit the impact of overlapping Union-wide energy and climate policies on the supply-demand

balance of the EU ETS.;"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02003L0087-20140430&from=EN>)

Justification

If the effectiveness of the EU ETS is undermined by other EU wide policies the Commission should be entitled to make a proposal to rectify this

Amendment 751

Jens Geier, Constanze Krehl, Martina Werner, Bernd Lange

Proposal for a directive

Article 1 – paragraph 1 – point 19 – point b

Directive 2003/87/EC

Article 24 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts for such a regulation for the monitoring and reporting of emissions and activity data in accordance with Article 23

Amendment

The Commission shall be empowered to adopt delegated acts for such a regulation for the monitoring and reporting of emissions and activity data in accordance with Article 23. *AS regards monitoring, reporting and verification of emissions, the Commission shall monitor the effective and coherent application and enforcement of penalty procedures at national level. The Commission shall establish an effective monitoring system for cross-border transactions of emission allowances at EU level to mitigate the risk of abuse and fraudulent activities.*

Or. en

Amendment 752

Edouard Martin, Pervenche Berès, Zigmantas Balčytis, Martina Werner, Patrizia Toia, Eugen Freund, Flavio Zanonato, Theresa Griffin, José Blanco López, Soledad Cabezón Ruiz, Csaba Molnár, Carlos Zorrinho, Jude Kirton-Darling

Proposal for a directive
Article 1 – paragraph 1 – point 20 a (new)

Text proposed by the Commission

Amendment

(20a) *A new Article 25 (1) (c) is added:*

Robust carbon accounting rules and measures shall be put in place to ensure that the ETS is in line with the Paris Agreement (especially article 6 paragraph 2) which enhances cooperation among governments on climate change mitigation, including market-based approaches, through provisions to facilitate cross-border transfers. The Commission has to put in place border carbon adjustment and transparency for reporting carbon content for the products under ETS in order to prevent double-counting of emissions reductions.

Or. en

Amendment 753
András Gyürk, György Hölvényi

Proposal for a directive
Article 1 – paragraph 1 – point 22 a (new)
Directive 2003/87/EC
Article 27 – paragraph 1

Text proposed by the Commission

Amendment

(22a) *Following consultation with the operator, Member States may exclude from the Community scheme installations which have reported to the competent authority emissions of less than 50 000 tonnes of carbon dioxide equivalent and, where they carry out combustion activities, have a rated thermal input below 35 MW, excluding emissions from biomass, in each of the three years preceding the notification under point (a), and which are subject to measures that will achieve an equivalent contribution to emission reductions, if the Member State*

concerned complies with the following conditions:

(a) it notifies the Commission of each such installation, specifying the equivalent measures applying to that installation that will achieve an equivalent contribution to emission reductions that are in place, before the list of installations pursuant to Article 11(1) has to be submitted and at the latest when this list is submitted to the Commission;

(b) it confirms that monitoring arrangements are in place to assess whether any installation emits 50 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year. Member States may allow simplified monitoring, reporting and verification measures for installations with average annual verified emissions between 2008 and 2010 which are below 5 000 tonnes a year, in accordance with Article 14;

(c) it confirms that if any installation emits 50 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year or the measures applying to that installation that will achieve an equivalent contribution to emission reductions are no longer in place, the installation will be reintroduced into the Community scheme;

(d) it publishes the information referred to in points (a), (b) and (c) for public comment. Hospitals may also be excluded if they undertake equivalent measures.

Or. en

Amendment 754

Lorenzo Fontana

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Text proposed by the Commission

Amendment

(22a) In Article 27, the first subparagraph of paragraph 1 is replaced by the following:

'Following consultation with the operator, Member States may exclude from the Community scheme installations which have reported to the competent authority emissions of less than 50 000 tonnes of carbon dioxide equivalent and, where they carry out combustion activities, have a rated thermal input below 35 MW, excluding emissions from biomass, in each of the three years preceding the notification under point (a), and which are subject to measures that will achieve an equivalent contribution to emission reductions, if the Member State concerned complies with the following conditions:

(a) it notifies the Commission of each such installation, specifying the equivalent measures applying to that installation that will achieve an equivalent contribution to emission reductions that are in place, before the list of installations pursuant to Article 11(1) has to be submitted and at the latest when this list is submitted to the Commission;

(b) it confirms that monitoring arrangements are in place to assess whether any installation emits 50 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year. Member States shall allow simplified monitoring, reporting and verification measures for installations with average annual verified emissions between 2008 and 2010 which are below 5 000 tonnes a year, in accordance with Article 14;

(c) it confirms that if any installation emits 50 000 tonnes or more of carbon

dioxide equivalent, excluding emissions from biomass, in any one calendar year or the measures applying to that installation that will achieve an equivalent contribution to emission reductions are no longer in place, the installation will be reintroduced into the Community scheme;
(d) it publishes the information referred to in points (a), (b) and (c) for public comment.'

Or. en

Amendment 755

Hans-Olaf Henkel, Zdzisław Krasnodębski, Edward Czesak, Evžen Tošenovský

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Directive 2003/87/EC

Article 27 – paragraph 1

Text proposed by the Commission

Amendment

(22a) In article 27, paragraph 1 is amended as follows:

Following consultation with the operator, Member States may exclude from the Community scheme installations which have reported to the competent authority emissions of less than 50 000 tonnes of carbon dioxide equivalent and, where they carry out combustion activities, have a rated thermal input below 35 MW, excluding emissions from biomass, in each of the three years preceding the notification under point (a), and which are subject to measures that will achieve an equivalent contribution to emission reductions, if the Member State concerned complies with the following conditions:

(a) it notifies the Commission of each such installation, specifying the equivalent measures applying to that installation that will achieve an equivalent contribution to emission reductions that

are in place, before the list of installations pursuant to Article 11(1) has to be submitted and at the latest when this list is submitted to the Commission;

(b) it confirms that monitoring arrangements are in place to assess whether any installation emits 50 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year. Member States may allow simplified monitoring, reporting and verification measures for installations with average annual verified emissions between 2008 and 2010 which are below 5 000 tonnes a year, in accordance with Article 14;

(c) it confirms that if any installation emits 50 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year or the measures applying to that installation that will achieve an equivalent contribution to emission reductions are no longer in place, the installation will be reintroduced into the Community scheme;

(d) it publishes the information referred to in points (a), (b) and (c) for public comment.

Hospitals may also be excluded if they undertake equivalent measures.

Or. en

Justification

In line with the overall goal of the European Commission to ensure better regulation, changes to the proposal are needed to enable simplification, especially when small emitters are concerned. The heavy-handed ETS procedures can be made easier to handle, while the robustness of the system is kept. Extending the opt-out possibility to installations emitting less than 50.000 tonnes of CO₂ emissions per year would give the opportunity to significantly reduce the administrative burden particularly for SMEs, without undermining environmental goals.

Amendment 756

Antonio Tajani, Adina-Ioana Vălean, Massimiliano Salini, Elisabetta Gardini

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Directive 2003/87/EC

Article 27 – point 1 (a) (b) (c)

Text proposed by the Commission

Amendment

(22a) In Article 27 point 1 (a) (b) (c) is replaced as follows:

1. Following consultation with the operator, Member States may exclude from the Community scheme installations which have reported to the competent authority emissions of less than 50 000 tonnes of carbon dioxide equivalent and, where they carry out combustion activities, have a rated thermal input below 75 MW, excluding emissions from biomass, in each of the three years preceding the notification under point (a), and which are subject to measures that will achieve an equivalent contribution to emission reductions, if the Member State concerned complies with the following conditions:

(a) it notifies the Commission of each such installation, specifying the equivalent measures applying to that installation that will achieve an equivalent contribution to emission reductions that are in place, before the list of installations pursuant to Article 11(1) has to be submitted and at the latest when this list is submitted to the Commission;

(b) it confirms that monitoring arrangements are in place to assess whether any installation emits 50 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year. Member States may allow simplified monitoring, reporting and verification measures for installations with average annual verified emissions between 2008 and 2010 which are below 5 000 tonnes a

year, in accordance with Article 14;
(c) it confirms that if any installation emits 50 000 tonnes or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year or the measures applying to that installation that will achieve an equivalent contribution to emission reductions are no longer in place, the installation will be reintroduced into the Community scheme;

Or. en

Amendment 757

Jakop Dalunde

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Directive 2003/87/EC

Article 28 a (new)

Text proposed by the Commission

Amendment

(22a) The following article is inserted after Article 28:

"Article 28-a

Adjustments upon global stocktake under the UNFCCC and the Paris Agreement

1. Within six months of the facilitative dialogue to be convened under the UNFCCC in 2018 to take stock of the collective efforts of Parties in relation to progress towards the global long-term goal, and within six months of the global stocktake in 2023 and subsequent global stocktakes thereafter, the Commission shall submit a report assessing the need to update and enhance the Union's climate action. The report shall be accompanied by legislative proposals, as appropriate.

2. In its report, the Commission shall assess in particular the appropriate increase of the linear factor referred to in Article 9 and the necessity for additional

policies and measures enhancing the greenhouse gas reduction commitments of the Union and of Member States, notably an emission performance standard applying to the power sector. The Commission shall also assess the carbon leakage provisions with a view to phase out of temporary free allocation and introduction of a border adjustment mechanism as appropriate."

Or. en

Justification

The paragraph needs to be updated to take into account the decisions of the milestone Paris Agreement.

Amendment 758
Barbara Kappel

Proposal for a directive
Article 1 – paragraph 1 – point 22 a (new)
Directive 2003/87/EC
Article 30 (5 new)

Text proposed by the Commission

Amendment

(22a) By 1 December 2024 the Commission submits to the European Parliament and the Council a report and, if possible, corresponding proposals for the revision of that Directive on how a mechanism could be put in place by which one operator, which has introduced deep decarbonisation by having invested into fundamental changes in production technology and thus is operating such decarbonized production, does not incur CO₂-costs for operating not yet transformed installations when not all production lines can be adapted at the same time.

Or. en

Amendment 759
Fredrick Federley

Proposal for a directive
Article 1 – paragraph 1 – point 22 a (new)
Directive 2003/87/EC
Article 30 – paragraph 4

Text proposed by the Commission

Amendment

(22a) In Article 30, the following paragraph is added

4a (new) Having in view the governance of the Energy Union, a general review of the interaction between the EU ETS and other climate- air quality- and energy policies at European and national level shall be conducted every five years, taking into account the effects on the supply-demand balance in the carbon market, with the view to have more coherence and to avoid overlapping policies.

Or. en

Justification

In order for the EU ETS to function well, negative interaction between different policy instruments should be avoided. This amendment fell out of the ITRE Draft Opinion, and is what the following part of the short justification of the Draft Opinion refers to "A general review of the interaction between the EU ETS and other climate, air quality and energy policies at European and national level should be conducted regularly, in order to avoid overlapping policies and negative interaction between different instruments."

Amendment 760
Soledad Cabezón Ruiz, José Blanco López, Inmaculada Rodríguez-Piñero Fernández

Proposal for a directive
Article 1 – paragraph 1 – point 22 a (new)

Text proposed by the Commission

Amendment

(22a) Hospitals, high-efficiency district-heatings and cogenerations may also be

excluded if they undertake equivalent measures.

Or. en

Amendment 761

Bernd Lange, Martina Werner, Constanze Krehl, Jens Geier

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Text proposed by the Commission

Amendment

(22a) *Annex I is amended in accordance with Annex -I to this Directive.*

Or. de

Amendment 762

Esther de Lange, Francesc Gambús, Henna Virkkunen, Maria Spyraiki, Françoise Grossetête, Herbert Reul, Pilar del Castillo Vera, Paul Rübig

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Directive 2003/87/EC

Article 27 – paragraph 1

Present text

Amendment

(22a) *In Article 27, paragraph 1 is replaced by the following:*

"Article 27

"

Exclusion of small installations subject to equivalent measures

1 Following consultation with the operator ***and subject to its agreement***, Member States may exclude from the ***EU ETS*** installations which have reported to the competent authority emissions of less than ***50 000 tonnes*** of carbon dioxide equivalent and, where they carry out combustion activities, have a rated thermal input below 35 MW, excluding emissions from biomass, in each of the three years preceding the notification under point (a), and which are subject to measures that will

1. Following consultation with the operator, Member States may exclude from the *Community scheme* installations which have reported to the competent authority emissions of less than **25 000 tonnes** of carbon dioxide equivalent and, where they carry out combustion activities, have a rated thermal input below 35 MW, excluding emissions from biomass, in each of the three years preceding the notification under point (a), and which are subject to measures that will achieve an equivalent contribution to emission reductions, if the Member State concerned complies with the following conditions:

(a) it notifies the Commission of each such installation, specifying the equivalent measures applying to that installation *that will achieve* an equivalent contribution to emission reductions *that are in place*, before the list of installations pursuant to Article 11(1) has to be submitted and at the latest when this list is submitted to the Commission;

(b) it confirms that monitoring arrangements are in place to assess whether any installation emits **25 000 tonnes** or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year. Member States may allow simplified monitoring, reporting and verification measures for installations with average annual verified emissions between 2008 and 2010 *which are* below 5 000 tonnes a year, in accordance with Article 14;

(c) it confirms that if any installation emits **25 000 tonnes** or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year or the measures applying to that installation that

achieve an equivalent contribution to emission reductions, if the Member State concerned complies with the following conditions:

(a) it notifies the Commission of each such installation, specifying the equivalent measures *that are in place* applying to that installation *and that are aimed at making* an equivalent contribution to emission reductions, before the list of installations pursuant to Article 11(1) has to be submitted and at the latest when this list is submitted to the Commission;

(b) it confirms that monitoring arrangements are in place to assess whether any installation emits **50 000 tonnes** or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year. Member States may allow simplified monitoring, reporting and verification measures for installations with average annual verified emissions between 2008 and 2010 below 5 000 tonnes a year, in accordance with Article 14;

(c) it confirms that if any installation emits **50 000 tonnes** or more of carbon dioxide equivalent, excluding emissions from biomass, in any one calendar year or the measures applying to that installation that *are aimed at making* an equivalent contribution to emission reductions are no longer in place, the installation will be reintroduced into the *EU ETS*;

(d) it publishes the information referred to in points (a), (b) and (c) for public comment.

will achieve an equivalent contribution to emission reductions are no longer in place, the installation will be reintroduced into the **Community scheme**;

(d) it publishes the information referred to in points (a), (b) and (c) for public comment.

Hospitals may also be excluded if they undertake equivalent measures."

Hospitals may also be excluded if they undertake equivalent measures."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02003L0087-20151029&qid=1465897102227&from=EN>)

Amendment 763

Kathleen Van Brempt

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Text proposed by the Commission

Amendment

(22a) CHAPTER IVa (NEW)

MARITIME SECTOR

Or. en

Amendment 764

Kathleen Van Brempt

Proposal for a directive

Article 1 – paragraph 1 – point 22 b (new)

Text proposed by the Commission

Amendment

(22b) Article 30 a (new)

Scope

1. The provisions of this Chapter shall apply to the allocation and issue of allowances in respect of carbon dioxide (CO₂) emissions from ships arriving at, within or departing from ports under the

jurisdiction of a Member State in accordance with the provisions laid down in Regulation (EU) 2015/757, starting from 1.1.2021.

2. Articles 12 and 16 shall apply to the maritime activities in the same manner as to other activities.

Or. en

Amendment 765
Kathleen Van Brempt

Proposal for a directive
Article 1 – paragraph 1 – point 22 c (new)

Text proposed by the Commission

Amendment

(22c) Article 30b

Extra allowances for maritime sector

1. By 2 August 2018, the Commission shall adopt delegated acts in accordance with Article 23 to set the total quantity of allowances in line with other sectors and the method of allocation of allowances for the maritime sector through auctioning and the special provisions with regard to the administering Member State.

2. Twenty percent of the revenues generated from the auctioning of allowances referred to in article 30c shall be used through the fund established under article 30c ('Maritime Climate Fund') to improve energy efficiency and support investments in innovative technologies to reduce CO2 emissions in the maritime sector, including short sea shipping and ports.

Or. en

Amendment 766
Kathleen Van Brempt

Proposal for a directive
Article 1 – paragraph 1 – point 22 d (new)

Text proposed by the Commission

Amendment

(22d) Article 30c

Maritime Climate Fund

1. A fund to compensate for maritime emissions, improve energy efficiency and facilitate investments in innovative technologies to reduce the CO2 emissions of the maritime sector shall be established.

2. By derogation from Article 12, ship operators may pay to the fund an annual membership contribution in accordance with their total emissions reported for the preceding calendar year under Regulation (EU) 2015/757. The fund shall surrender allowances collectively on behalf of ship operators which are members of the fund. The contribution per tonne of emissions shall be set by the fund by 28 February each year, at least at the level of the market price for allowances in the preceding year.

3. The fund shall acquire allowances equal to the collective total quantity of emissions of its members during the preceding calendar year and surrender them in the registry established under Article 19 by 30 April each year for subsequent cancellation. Contributions shall be made public.

4. The fund shall also improve energy efficiency and facilitate investments in innovative technologies to reduce CO2 emissions in the maritime sector, including short sea shipping and ports, through the revenues referred to in paragraph 2 of article 30b. All investments supported by the fund shall be made public and be consistent with the aims of this Directive.

5. The Commission shall be empowered to

adopt a delegated act in accordance with Article 23 to implement this Article.

Or. en

Amendment 767
Kathleen Van Brempt

Proposal for a directive
Article 1 – paragraph 1 – point 22 e (new)

Text proposed by the Commission

Amendment

(22e) Article 30d

International cooperation

In the event that an international agreement on global measures to reduce GHG emissions from maritime transport is reached, the Commission shall review this Directive and shall, if appropriate, propose amendments in order to ensure alignment with that international agreement.

Or. en

Amendment 768
Esther de Lange, Henna Virkkunen, Francesc Gambús, Maria Spyraiki, Françoise Grossetête, Herbert Reul, Pilar del Castillo Vera, Krišjānis Kariņš, Paul Rübig

Proposal for a directive
Article 1 – paragraph 1 – point 23 a (new)
Directive 2003/87/EC
Article 27 – paragraph 1 – point (a)

Present text

Amendment

(23a) In Article 27, paragraph 1, point (a) is replaced by the following:

"(a) it notifies the Commission of each such installation, specifying the equivalent measures applying to that installation that will achieve an equivalent contribution to emission reductions that are in place,

"

before the list of installations pursuant to Article 11(1) has to be submitted and at the latest when this list is submitted to the Commission;"

(a) it notifies the Commission of each such installation, specifying the equivalent measures applying to that installation that will achieve an equivalent contribution to emission reductions that are in place and specifying how these measures would not result in higher compliance costs for such installations, before the list of installations pursuant to Article 11(1) has to be submitted and at the latest when this list is submitted to the Commission;"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02003L0087-20151029&from=EN>)

Amendment 769

Esther de Lange, Francesc Gambús, Henna Virkkunen, Maria Spyraiki, Françoise Grossetête, Pilar del Castillo Vera, Paul Rübig

Proposal for a directive

Article 1 – paragraph 1 – point 23 b (new)

Text proposed by the Commission

Amendment

(23b) The following Article 28a(new) is added:

Every 5 years, in line with the regular reviews foreseen in the Paris Agreement, the EU will assess its INDC in the context of global mitigation efforts following a global stocktake of nationally-determined contribution. The Commission shall submit a report assessing, in particular, the following elements: the implication of the options required at Union level; the efforts undertaken by other major economies, including developing countries; the Union industries' competitiveness in the context of carbon

and investment leakage risks as well as the impact on the EU's industrialisation target of 20%. If, on that basis, the Commission deems it necessary to submit a legislative proposal to amend this Directive it shall in parallel present a full impact assessment and take into account the differentiated abilities and costs of decarbonisation in the power and industrial sectors covered by the EU ETS;

Or. en

Amendment 770

Dario Tamburrano, Eleonora Evi

Proposal for a directive

Article 1 – paragraph 1 – point 25 a (new)

Directive 2003/87/EC

New Article

Text proposed by the Commission

Amendment

(25a) The following article shall be inserted after Article 28 and before Article 28a:

"Article 28 -a

Adjustments upon global stocktake under the UNFCCC and the Paris Agreement

Within six months of the facilitative dialogue to be convened under the UNFCCC in 2018 to take stock of the collective efforts of Parties in relation to progress towards the global long-term goal, and within six months of the global stocktake in 2023 and subsequent global stocktakes thereafter, the Commission shall submit a report assessing the need to update and enhance the Union's climate action. The report shall be accompanied by legislative proposals, as appropriate.

In its report, the Commission shall assess in particular the appropriate increase of the linear factor referred to in Article 9 and the necessity for additional policies

and measures enhancing the greenhouse gas reduction commitments of the Union and of Member States. "

Or. en

Amendment 771
Miroslav Poche

Proposal for a directive
Article 2 – paragraph 1 – subparagraph 1
Directive 2003/87/EC
Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **by 31 December 2018 at the latest**. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive ***within 18 months following its publication in the Official Journal of the European Union***. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 772
Fredrick Federley

Proposal for a directive
Annex I – paragraph 1
Directive 2003/87/EC
Annex II a

Text proposed by the Commission

Increases in the percentage of allowances to be auctioned by Member States pursuant to Article 10(2)(a) for the purpose of solidarity and growth in order to reduce emissions and adapt to the effects of climate change

Amendment

Distribution of additional funds in the Modernisation Fund up to 31 December 2030, resulting from adding 10% of the total quantity of allowances to be auctioned as set out in Article 10(2) point (b).

Or. en

Justification

Clarification of Amendment 6 in the ITRE Draft Opinion. All Member States listed in Annex IIa should be eligible to benefit from the additional allocation to the Modernisation Fund.

Amendment 773

Bernd Lange, Martina Werner, Constanze Krehl, Jens Geier

Proposal for a directive Annex I a (new)

Text proposed by the Commission

Amendment

***(a) The following paragraph is inserted
before the table in point 6:***

***“From 1 January 2018, shipping involving
vessels registered in the EU and departing
from and/or arriving at a port situated in
EU territory shall be included.”***

***(b) The following category of activity is
added:***

<i>Activities</i>	<i>Greenhouse gases</i>
<i>Shipping involving vessels registered in the EU and departing from and/or arriving at a port situated in EU territory.</i>	

Or. de

Amendment 774

Henna Virkkunen

Proposal for a directive Annex III – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Annex IV, to Directive 2003/87/EC, the third paragraph under the second heading entitled "Calculation" continued by the following:

[...shall be zero], including when blended or extended with peat extracted from drained peatlands in which case the emission factor for both biomass and peat shall be zero.

Or. en

Amendment 775
Dan Nica

Proposal for a directive
Annex III a (new)

Text proposed by the Commission

Amendment

Annex III a (new) – Financial compensation measures for indirect emission costs

1. List of sectors and subsectors deemed ex-ante to be exposed to a significant risk of carbon leakage due to indirect emission costs

An installation is eligible to financial measures to compensate indirect emissions costs only if it is active in one of the sectors and subsectors deemed to be exposed to a significant risk of carbon leakage due to indirect emission costs. The Commission shall periodically determine and differentiate the relevant sectors based on their trade intensity and their indirect emissions costs

2. Definition of Regional CO₂ emission factors in different geographic areas (tCO₂/MWh)

In the present market design, the marginal cost of the market's marginal supplier (=system marginal cost) sets the market price in each regional market.

Regional CO2 emissions factors shall be periodically determined as the weighted average of the CO2 intensity of electricity produced from fossil fuels in different geographic areas for one or more Member States based on Eurostat electricity generation data for the three most recent calendar years available.

3. Financial compensation measures per eligible installation

The financial compensation measures payable per installation for the manufacture of products for eligible sectors and subsectors shall be calculated according to the following formula:

Applicable regional CO2 emission factor (per geographic area) daily average CO2 price (Dec one-year EUA forward) * electricity efficiency benchmarks (per product unit) * yearly output*

This formula defines the maximal compensation accessible per site, combining the common compensation from EU and any additional national support.

Or. en