



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on the Environment, Public Health and Food Safety*

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**2012/0328(COD)**

28.1.2013

# AMENDMENTS

## 8 - 24

**Draft report**

**Peter Liese**

(PE502.041v01-00)

on the proposal for a decision of the European Parliament and of the Council derogating temporarily from Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community

Proposal for a decision

(COM(2012)0697 – C7-0385/2012 – 2012/0328(COD))

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PE504.161v01-00

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**Amendment 8**  
**Satu Hassi, Sabine Wils**

**Proposal for a decision**

*Proposal for rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. en

*Justification*

*The proposal creates a bad precedent, undermines the predictability for aviation sector actors in the market and goes against the objectives of better regulation. It also damages the credibility of EU regulation in the eyes of the outside world.*

**Amendment 9**  
**Matthias Groote**

**Draft legislative resolution**  
**Citation 7 a (new)**

*Draft legislative resolution*

*Amendment*

***Having regard to Article 2, paragraph 2,  
of the Kyoto Protocol, approved by the  
Council Decision of 25 April 2002  
concerning the approval, on behalf of the  
European Community, of the Kyoto  
Protocol to the United Nations  
Framework Convention on Climate  
Change and the joint fulfilment of  
commitments thereunder (2002/358/EC),***

Or. de

**Amendment 10**  
**Satu Hassi, Sabine Wils**

**Proposal for a decision**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) The Union commitment to greenhouse gas emissions reductions by 2020 includes CO<sub>2</sub> emissions from international flights and it is therefore clear that aviation must make a contribution to the Union's climate goals. If the climate change impact of the aviation sector continues to grow at the current rate, it would significantly undermine reductions made by other sectors. It should also be noted that the aviation sector benefits from a number of subsidies; it is not subject to value added tax, unlike other consumer services across the Union, there is no fuel tax on aviation activities and the sector benefits from very generous State Aid rules as set out in the Communication of the Commission of 9 December 2005 entitled "Community guidelines on financing of airports and start-up aid to airlines departing from regional airports".***

Or. en

**Amendment 11**  
**Holger Krahmer, Jacqueline Foster, Gesine Meissner, Markus Ferber, Michael Gahler**

**Proposal for a decision**  
**Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) In order to facilitate this progress and provide momentum, it is desirable to defer enforcement of requirements relating to

(2) In order to facilitate this progress and provide momentum ***for the shared commitment of ICAO Member States to***

flights to and from aerodromes outside of the Union and ***areas with close economic connections to the Union and a shared commitment to tackle climate change arising prior to the 2013 ICAO Assembly.***

Action should therefore not be taken against aircraft operators in respect of requirements resulting from Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community arising before 1 ***January*** 2014 for reporting verified emissions and for the corresponding surrender of allowances from incoming and outgoing flights to and from such aerodromes. Aircraft operators who wish to continue to comply with those requirements should be able to do so.

***address emissions from aviation at a global level***, it is desirable to defer enforcement of requirements relating to flights to and from aerodromes outside of the Union and ***outside of EFTA States which incorporated Directive 2003/87/EC*** of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community ***in their legislation***. Action should therefore not be taken against aircraft operators in respect of requirements resulting from Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community arising before 1 ***May*** 2014 for reporting verified emissions and for the corresponding surrender of allowances from incoming and outgoing flights to and from such aerodromes. Aircraft operators who wish to continue to comply with those requirements should be able to do so.

Or. en

### *Justification*

*The proposed amendment properly distinguishes between States which are implementing the Directive and third countries and recalls that the commitment to address aviation's emissions is a shared commitment of ICAO Member States, not just of the EU.*

## **Amendment 12** **Martin Callanan**

### **Proposal for a decision** **Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The European Union encourages the ICAO Assembly to agree on a global market-based measure (MBM) with a***

*realistic timetable for implementation and a framework for facilitating comprehensive application of national and regional MBMs to international aviation, pending application of the global MBM.*

Or. en

#### *Justification*

*This amendment would avoid the use of potentially loaded language which could prejudice the ongoing talks, and which might inadvertently play on the fears of other negotiating parties in ICAO.*

#### **Amendment 13**

**Peter Liese**

#### **Proposal for a decision**

#### **Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*(2a) In order to build confidence at international level towards the Union's greenhouse gas emission allowance trading scheme, revenues generated from the auctioning of allowances or any equivalent amount where required by overriding budgetary principles of the Member States, such as unity and universality, should be used to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and third countries, to fund research and development for mitigation and adaptation and to cover the cost of administering the Union scheme. Revenues generated from auctioning should also be used on low-emission transport. The proceeds of auctioning should in particular be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund and the Green Climate Fund under*

***UNFCCC, and measures to avoid deforestation and facilitate adaptation in developing countries.***

Or. en

*Justification*

*During the negotiations on the current directive the European Parliament insisted on a clear legally binding earmarking. At that time member states were not ready to accept this and only a recommendation is included in the directive. It would facilitate the acceptance of the EU scheme if member states accept a much clearer commitment. Common research projects on technologies to reduce emissions in aviation could be created with third countries. A contribution to adaption and mitigation including two UN funds would be very helpful to facilitate the support of developing countries.*

**Amendment 14**  
**Satu Hassi, Sabine Wils**

**Proposal for a decision**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) In order to build confidence at international level towards the Union's greenhouse gas emission allowance trading scheme, any revenues from applying the Union scheme to the aviation sector should be used for mitigating the environmental impact of such emissions and contribute to international climate finance in accordance with UNFCCC. As part of an agreement on an effective, route-based global market-based measure (MBM) with significant potential to reduce climate impact of aviation, the Union should also commit to assign any revenues created by such measure to the Green Climate Fund under UNFCCC to reflect the principle of common but differentiated responsibilities and respective capabilities.***

Or. en

### *Justification*

*Progress towards a global aviation MBM would be facilitated if the EU agreed revenues being assigned to international climate finance. The EU has committed in the Copenhagen Accord and subsequent UNFCCC COP decisions to increasing aggregate international climate finance to developing countries' climate action to 100 bn USD per year by 2020. The EU ETS should continue to cover international aviation until an effective global system with significant impact to curb the climate impact of the sector is implemented.*

#### **Amendment 15**

**Holger Krahmer, Jacqueline Foster, Markus Ferber, Michael Gahler, Gesine Meissner**

#### **Proposal for a decision**

##### **Recital 2 – footnote 1**

#### *Text proposed by the Commission*

1. Including *EFTA* States, countries which have signed a Treaty of Accession with the Union and the dependencies and territories of EEA Member States

#### *Amendment*

1. Including *EEA* States, countries which have signed a Treaty of Accession with the Union and the dependencies and territories of EEA Member States

Or. en

### *Justification*

*Not all EFTA States have agreed to incorporate Directive 2003/87/EC in their national legislation, only EFTA States which are also members of EEA have done so (i.e., Iceland, Liechtenstein, and Norway, but not Switzerland). The text should therefore refer to EEA States, not EFTA States.*

#### **Amendment 16**

**Françoise Grossetête, Christine De Veyrac**

#### **Proposal for a decision**

##### **Recital 3**

#### *Text proposed by the Commission*

(3) In order to avoid distortions of competition, this derogation should only apply in respect of aircraft operators that have either not received or have returned all free allocations which have been

#### *Amendment*

(3) In order to avoid distortions of competition, this derogation should only apply in respect of aircraft operators that have either not received or have returned all free allocations which have been



allocated in respect of such activities in 2012. For the same reason, these allowances should not be taken into account for the purposes of calculating entitlements to use international credits within the framework of Directive 2003/87/EC.

allocated in respect of such activities in 2012. For the same reason, these allowances should not be taken into account for the purposes of calculating entitlements to use international credits within the framework of Directive 2003/87/EC, ***with the exception of credits acquired before the entry into force of this Decision.***

Or. fr

#### *Justification*

*It is important to ensure legal certainty and avoid penalising responsible firms which have been preparing to implement the aviation Directive throughout 2012. This arrangement would also ensure equal treatment between operators, whether or not they benefit from this derogation.*

**Amendment 17**  
**Matthias Groote**

**Proposal for a decision**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) The decision to suspend the inclusion of intercontinental flights in the EU Emissions Trading Scheme (EU ETS) until September 2013 is an exception made in order to enable ICAO negotiations to move forward and reach a conclusion. If no agreement is reached on a specific timetable, binding targets and market-based measures to reduce aviation emissions, the EU ETS shall again apply to all international flights.***

Or. de

#### *Justification*

*It must be made absolutely clear that the ICAO is only being given time to ensure that the*

*progress achieved reaches a concrete conclusion. If that fails, there is no other possibility than again applying the EU ETS to all flights.*

**Amendment 18**  
**Martin Callanan**

**Proposal for a decision**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) In order to avoid distortion of competition and the weakening of the environmental integrity of the Union scheme, the current derogation should apply for one year. Further legislative action at Union level would only be appropriate if clear and sufficient progress on tackling international aviation emissions is made at the ICAO Assembly.***

Or. en

*Justification*

*This amendment would again avoid language which could prejudice the ongoing talks, and which might inadvertently play on the fears of other negotiating parties in ICAO.*

**Amendment 19**  
**Gerben-Jan Gerbrandy**

**Proposal for a decision**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) The Union is committed to reduce its CO<sub>2</sub> emissions, including aviation emissions. In order to generate substantial emission reductions no one particular sector of the Union's economy should be exempted. In this respect it should be noted that the aviation sector***

*benefits from a number of subsidies as it is not subject to value added tax, nor is there any fuel tax on aviation activities. Aviation also benefits from generous State Aid rules as set out in the Communication of the Commission of 9 December 2005 entitled "Community guidelines on financing of airports and start-up aid to airlines departing from regional airports".*

Or. en

#### Amendment 20

**Holger Krahmer, Jacqueline Foster, Theodoros Skylakakis, Markus Ferber, Michael Gahler, Gesine Meissner**

#### Proposal for a decision

#### Article 1 – paragraph 1

##### *Text proposed by the Commission*

By way of derogation from Article 16 of Directive 2003/87/EC, Member States shall take no action against aircraft operators in respect of requirements set out in Article 12(2a) and Article 14(3) of Directive 2003/87/EC arising before 1 **January** 2014 in respect of activity ***to or*** from aerodromes in countries outside the European Union ***that are not members of EFTA, dependencies and territories of EEA Member States or countries having signed a Treaty of Accession with the Union,*** where such aircraft operators have not been issued free allocations for such activity in respect ***of 2012*** or, if they have been issued such allowances, have returned a corresponding number of allowances to Member States for cancellation.

##### *Amendment*

By way of derogation from Article 16 of Directive 2003/87/EC, Member States shall take no action against aircraft operators in respect of requirements set out in Article 12(2a) and Article 14(3) of Directive 2003/87/EC arising before 1 **May** 2014 in respect of activity ***within the European Union and*** from aerodromes in countries outside the European Union where such aircraft operators have not been issued free allocations for such activity in respect ***of the relevant year*** or, if they have been issued such allowances, have returned a corresponding number of allowances to Member States for cancellation.

Or. en

### *Justification*

*The suspension should cover also intra EU flights to avoid distortion of competition. Additionally, it should cover 2012 and 2013. It will give legal certainty to EU carriers with respect to their obligations for 2013. If a framework is adopted by ICAO at the end of 2013, the “stop the clock” needs to cover 2013. The proposal should extend the scope of the EU ETS Directive, namely unilaterally include EFTA member states.*

#### **Amendment 21**

**Holger Krahmer, Jacqueline Foster, Markus Ferber, Michael Gahler, Gesine Meissner**

#### **Proposal for a decision**

#### **Article 1 – paragraph 1**

##### *Text proposed by the Commission*

By way of derogation from Article 16 of Directive 2003/87/EC, Member States shall take no action against aircraft operators in respect of requirements set out in Article 12(2a) and Article 14(3) of Directive 2003/87/EC arising before 1 January 2014 in respect of activity to or from aerodromes in countries outside the European Union that are not members of **EFTA**, dependencies and territories of EEA Member States or countries having signed a Treaty of Accession with the Union, where such aircraft operators have not been issued free allocations for such activity in respect of 2012 or, if they have been issued such allowances, have returned a corresponding number of allowances to Member States for cancellation.

##### *Amendment*

By way of derogation from Article 16 of Directive 2003/87/EC, Member States shall take no action against aircraft operators in respect of requirements set out in Article 12(2a) and Article 14(3) of Directive 2003/87/EC arising before 1 January 2014 in respect of activity to or from aerodromes in countries outside the European Union that are not members of **EEA**, dependencies and territories of EEA Member States or countries having signed a Treaty of Accession with the Union, where such aircraft operators have not been issued free allocations for such activity in respect of 2012 or, if they have been issued such allowances, have returned a corresponding number of allowances to Member States for cancellation.

Or. en

### *Justification*

*Not all EFTA States have agreed to incorporate Directive 2003/87/EC in their national legislation, only EFTA States which are also members of EEA have done so (i.e., Iceland, Liechtenstein, and Norway, but not Switzerland). The text should therefore refer to EEA States, not EFTA States.*

## Amendment 22

Françoise Grossetête, Christine De Veyrac

### Proposal for a decision

#### Article 3 – paragraph 1

##### *Text proposed by the Commission*

Allowances cancelled pursuant to Article 2 shall not be taken into account for the purposes of calculating entitlements to use international credits within the framework of Directive 2003/87/EC.

##### *Amendment*

Allowances cancelled pursuant to Article 2 shall not be taken into account for the purposes of calculating entitlements to use international credits within the framework of Directive 2003/87/EC. ***International credits acquired by air carriers before the entry into force of this Decision, pursuant to Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community,<sup>1</sup> may be used in 2013 within the limit of 15% of their allowances that have been cancelled or restored.***

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<sup>1</sup> OJ L 8, 13.1.2009, p. 3..

Or. fr

##### *Justification*

*It is important to ensure legal certainty and avoid penalising responsible firms which have been preparing to implement the aviation Directive throughout the year 2012. This arrangement would also ensure equal treatment between operators, whether or not they benefit from this derogation.*

## Amendment 23

Peter Liese

### Proposal for a decision

#### Article 3 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

##### ***Article 3a***

*Member States shall use revenues generated from the auctioning of allowances to international efforts to tackle climate change, in particular, to reduce greenhouse gas emissions, and to adapt to the impacts of climate change in developing countries, as well as to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport. Revenues generated from auctioning should also be used on low emission transport. The proceeds of auctioning should also be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund and the Green Climate Fund under UNFCCC and measures to avoid deforestation.*

Or. en

#### *Justification*

*During the negotiations on the current directive the European Parliament insisted on a clear legally binding earmarking. At that time member states were not ready to accept this and only a recommendation is included in the directive. It would facilitate the acceptance of the EU scheme if member states accept a much clearer commitment. Common research projects on technologies to reduce emissions in aviation could be created with third countries. Their contribution to adaption and mitigation including two UN funds would be very helpful to facilitate the support of developing countries.*

#### **Amendment 24** **Satu Hassi, Sabine Wils**

#### **Proposal for a decision** **Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 3a*

*Article 3d(4) of Directive 2003/87/EC shall be replaced by the following:*

*'Member States shall use revenues generated from the auctioning of*

***allowances to international efforts to tackle climate change, in particular, to reduce greenhouse gas emissions, and to adapt to the impacts of climate change in developing countries, as well as to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport. The proceeds of auctioning should also be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund and measures to avoid deforestation.***

***Member States shall regularly inform the Commission of actions taken pursuant to this paragraph.'***

Or. en

#### *Justification*

*The EU ETS should continue to cover international aviation until an effective global system with significant impact to curb the climate impact of the sector is implemented. In order to build confidence towards the EU scheme, the revenues should be unequivocally earmarked to international climate finance, including financing R&D to reduce the sector's climate impact.*