



2017/0017(COD)

8.6.2017

AMENDMENTS

24 - 138

Draft report

Julie Girling

(PE602.955v01-00)

Proposal for a regulation of the European Parliament and of the Council amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021

Proposal for a regulation

(COM(2017)0054 – C8-0028/2017 – 2017/0017(COD))

Amendment 24
Jacqueline Foster

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) At the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) which took place in Paris from 30 November to 12 December 2015, an international agreement was adopted to strengthen the global response to climate change. The Paris Agreement, inter alia, sets out a long-term goal in line with the objective to keep the global temperature increase well below 2°C above pre-industrial levels and to pursue efforts to keep it to 1,5°C above pre-industrial levels. The Paris Agreement was approved on behalf of the Union by Council Decision (EU) 2016/1841. The Paris Agreement entered into force on 4th November 2016. In order to achieve the goal of the Paris Agreement, parties will prepare, communicate and maintain successive nationally determined contributions.

Amendment

(1) At the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) which took place in Paris from 30 November to 12 December 2015, an international agreement was adopted to strengthen the global response to climate change. The Paris Agreement, inter alia, sets out a long-term goal in line with the objective to keep the global temperature increase well below 2°C above pre-industrial levels and to pursue efforts to keep it to 1,5°C above pre-industrial levels. The Paris Agreement was approved on behalf of the Union by Council Decision (EU) 2016/1841. The Paris Agreement entered into force on 4th November 2016. In order to achieve the goal of the Paris Agreement, parties will prepare, communicate and maintain successive nationally determined contributions. ***It should be noted however that the Paris Agreement of COP 21 excluded both the international aviation and maritime sectors and requested that in the case of aviation, the International Civil Aviation Organisation (ICAO) would be the most relevant body to come forward with a workable GMBM scheme.***

Or. en

Amendment 25
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) At the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) which took place in Paris from 30 November to 12 December 2015, an international agreement was adopted to strengthen the global response to climate change. The Paris Agreement, inter alia, sets out a long-term goal in line with the objective to keep the global temperature increase well below 2°C above pre-industrial levels and to pursue efforts to keep it to 1,5°C above pre-industrial levels. The Paris Agreement was approved on behalf of the Union by Council Decision (EU) 2016/1841. The Paris Agreement entered into force on 4th November 2016. In order to achieve the goal of the Paris Agreement, parties will prepare, communicate and maintain successive nationally determined contributions.

Amendment

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Or. fr

Amendment 26

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In terms of greenhouse gas emissions, all the impacts of aviation must

be taken into account. However, aviation is responsible for only 5 to 10% of all global greenhouse gas emissions, even though the use of this mode of transport is increasing.

Or. fr

Amendment 27

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The environmental objectives of the Union as referred to in Article 191 of the Treaty, are preserving, protecting and improving the quality of the environment; protecting human health; and promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

Amendment

(2) The environmental objectives of the Union as referred to in Article 191 of the Treaty, are preserving, protecting and improving the quality of the environment; protecting human health; and promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change. *Article 11 of the Treaty on the Functioning of the European Union stipulates that environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development.*

Or. fr

Amendment 28

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Declaration No 14 concerning the common foreign and security policy,

annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, signed on 13 December 2007, states that the provisions covering the Common Foreign and Security Policy including in relation to the High Representative of the Union for Foreign Affairs and Security Policy will not affect the existing legal basis or the responsibilities and powers of each Member State in relation to its participation in international organisations.

Or. fr

Amendment 29

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) A binding target of at least a 40% domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990 was set by the European Council of 23-24 October 2014. The Council meeting on 6 March 2015 formally approved this contribution of the Union and its Member States as their Intended Nationally Determined Contribution under the Paris Agreement. The European Council conclusions of October 2014 foresaw that the target should be delivered collectively by the Union in the most cost-effective manner possible, with the reductions in the Emissions Trading System (ETS) and non-ETS sectors amounting to 43% and 30% by 2030 compared to 2005 respectively. All sectors of the economy should contribute to achieving these emission reductions.

Amendment

(3) A binding target of at least a 40% domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990 was set by the European Council of 23-24 October 2014. ***It also called on all countries to come forward with ambitious policies and targets well in advance of the 21st Conference of the Parties in Paris. It stated furthermore that it would continue to give strategic orientations, notably with respect to non-ETS sectors.*** The Council meeting on 6 March 2015 formally approved this contribution of the Union and its Member States as their Intended Nationally Determined Contribution under the Paris Agreement. The European Council conclusions of October 2014 foresaw that the target should be delivered collectively by the Union in the most cost-effective manner possible, with the reductions in the Emissions Trading System (ETS) and non-ETS sectors amounting to 43% and 30% by

2030 compared to 2005 respectively. All sectors of the economy should contribute to achieving these emission reductions.

Or. fr

Amendment 30
Jadwiga Wiśniewska

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) A binding target of at least a 40% domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990 was set by the European Council of 23-24 October 2014. The Council meeting on 6 March 2015 formally approved this contribution of the Union and its Member States as their Intended Nationally Determined Contribution under the Paris Agreement. The European Council conclusions of October 2014 foresaw that the target should be delivered collectively by the Union in the most cost-effective manner possible, with the reductions in the Emissions Trading System (ETS) and non-ETS sectors amounting to 43% and 30% by 2030 compared to 2005 respectively. All sectors of the economy should contribute to achieving these emission reductions.

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Or. en

Justification

A binding target of at least a 40% domestic reduction set by the European Council of 23-24 October 2014 provides that all Member States will participate in this effort, balancing considerations of fairness and solidarity. Setting out this effort should not affect sustainable development of Member States and their regions as well as should be done in the light of

diverse situations in their regions.

Amendment 31
Merja Kyllönen

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) A binding target of at least a 40% domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990 was set by the European Council of 23-24 October 2014. The Council meeting on 6 March 2015 formally approved this contribution of the Union and its Member States as their Intended Nationally Determined Contribution under the Paris Agreement. The European Council conclusions of October 2014 foresaw that the target should be delivered collectively by the Union in the most cost-effective manner possible, with the reductions in the Emissions Trading System (ETS) and non-ETS sectors amounting to 43% and 30% by 2030 compared to 2005 respectively. All sectors of the economy should contribute to achieving these emission reductions.

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Or. en

Amendment 32
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) *A global market-based measure applied by all 191 of the member states of ICAO will be the main instrument for attaining the goal of reducing emissions by 40%.*

Or. fr

Amendment 33

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) *As it could involve 191 countries, a global market-based measure under the aegis of ICAO appears to be the best way of combating carbon leaks, which occur as a result of preference being given to the pursuit of economic operations in countries where regulation of emission limits is less strict.*

Or. fr

Amendment 34

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) *The allocation of allowances free of charge and the proportion of allowances put up for auction should remain unchanged until the global market-based measure under the aegis of ICAO is implemented.*

Amendment 35

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 3 d (new)

Text proposed by the Commission

Amendment

(3d) It is desirable to anticipate the application of a global market-based measure under the aegis of ICAO by planning investment decisions and simplifying the system for the monitoring of emissions by Member States.

Or. fr

Amendment 36

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 3 e (new)

Text proposed by the Commission

Amendment

(3e) Mere attainment of the Union's climate targets would not be sufficient to ensure that the commitments and targets of the Paris Agreement were met, for which reason a global market-based measure applied by all 191 ICAO member states is essential.

Or. fr

Amendment 37

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 3 f (new)

Text proposed by the Commission

Amendment

(3f) *The total quantity of allowances to be allocated to aircraft operators in 2021 corresponds to the mean allocation for the period between 1 January 2014 and 31 December 2016.*

Or. fr

Amendment 38

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 3 g (new)

Text proposed by the Commission

Amendment

(3g) *For aviation operations from and to aerodromes located in countries outside the EEA, the quantity of allowances to be allocated from 2021 should without fail take into account the global market-based measure.*

Or. fr

Amendment 39

Bas Eickhout

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) In the light of the resolution adopted at ICAO's 39th Assembly in October 2016 on the implementation of a global market-based measure from 2021 to offset international aviation emissions above 2020 levels, ***it is considered appropriate to continue the existing derogation pending further progress on the design elements and the***

(5) In the light of the resolution adopted at ICAO's 39th Assembly in October 2016 on the implementation of a global market-based measure from 2021 to offset international aviation emissions above 2020 levels, the adoption of Standards and Recommended Practices by ICAO to complement that Resolution and implement the global system is planned for

implementation of the global market-based measure. In this regard, the adoption of Standards and Recommended Practices by ICAO to complement that Resolution and implement the global system is planned for 2018. However, its concrete operationalisation will require action by ICAO parties at domestic level. Also, governance arrangements must be developed by ICAO, including a registry system. In this context, *the current derogation of the EU ETS obligations for flights to and from third countries should be extended, subject to the review on implementing the ICAO scheme*, in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. As a result of the extension of the derogation, the amount of allowances to be auctioned *and issued for free*, including from the special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

2018. However, its concrete operationalisation will require action by ICAO parties at domestic level. Also, governance arrangements must be developed by ICAO, including a registry system. In this context, *it is considered appropriate allow for a derogation in respect of 50% of the emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) pending the implementation of the global market-based measure*, in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. As a result of the extension of the derogation, the amount of allowances to be auctioned, including from the special reserve, *for flights not subject to the derogation*, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

Or. en

Justification

Until CORSIA is implemented 2021, the original scope of EU aviation ETS should be reduced to 50% of the incoming and outgoing flight journeys to and from EU airports from 2017 in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme.

Amendment 40

Merja Kyllönen

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In the light of the resolution adopted at ICAO's 39th Assembly in October 2016 on the implementation of a global market-based measure from 2021 to

Amendment

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offset international aviation emissions above 2020 levels, it is considered appropriate to continue the existing derogation pending further progress on the design elements and the implementation of the global market-based measure. In this regard, the adoption of Standards and Recommended Practices by ICAO to complement that Resolution and implement the global system is planned for 2018. However, its concrete operationalisation will require action by ICAO parties at domestic level. Also, governance arrangements must be developed by ICAO, including a registry system. In this context, the current derogation of the EU ETS obligations for flights to and from third countries should be extended, subject to the review on implementing the ICAO scheme, in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. As a result of the extension of the derogation, the amount of allowances to be auctioned and issued for free, including from the special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

offset international aviation emissions above 2020 levels, it is considered appropriate to continue the existing derogation pending further progress on the design elements and the implementation of the global market-based measure. In this regard, the adoption of Standards and Recommended Practices by ICAO to complement that Resolution and implement the global system is planned for 2018. However, its concrete operationalisation will require action by ICAO parties at domestic level. Also, governance arrangements must be developed by ICAO, including a registry system. In this context, the current derogation of the EU ETS obligations for flights to and from third countries should be extended, subject to the review on implementing the ICAO scheme, in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. ***If, however, any such scheme is not achieved by the end of 2021, the extra-EEA aviation activities should be included under the EU ETS and a fund should be established for aviation operators' contributions and collective compliance relating to CO₂ emissions already covered by requirements for monitoring, reporting and verification of greenhouse gas emissions under Commission Regulation (EU) No 601/2012 and Commission Regulation (EU) No 600/2012.*** As a result of the extension of the derogation, the amount of allowances to be auctioned and issued for free, including from the special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation. ***Additionally, a share of revenues from the auction of allowances to the aviation sector should be used to improve energy efficiency and support investments in innovative technologies for the reduction of CO₂ emissions in the transport sector.***

Or. en

Amendment 41

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In the light of the resolution adopted at ICAO's 39th Assembly in October 2016 on the implementation of a global market-based measure from 2021 to offset international aviation emissions above 2020 levels, it is considered appropriate to continue the existing derogation pending further progress on the design elements and the implementation of the global market-based measure. In this regard, the adoption of Standards and Recommended Practices by ICAO to complement that Resolution and implement the global system is planned for 2018. However, its concrete operationalisation will require action by ICAO parties at domestic level. Also, governance arrangements must be developed by ICAO, including a registry system. In this context, the current derogation of the EU ETS obligations for flights to and from third countries should be extended, ***subject to the review on implementing*** the ICAO scheme, in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. As a result of the extension of the derogation, the amount of allowances to be auctioned and issued for free, including from the special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

Amendment

(5) In the light of the resolution adopted at ICAO's 39th Assembly in October 2016 on the implementation of a global market-based measure from 2021 to offset international aviation emissions above 2020 levels, it is considered appropriate to continue the existing derogation pending further progress on the design elements and the implementation of the global market-based measure. In this regard, the adoption of Standards and Recommended Practices by ICAO to complement that Resolution and implement the global system is planned for 2018. However, its concrete operationalisation will require action by ICAO parties at domestic level. Also, governance arrangements must be developed by ICAO, including a registry system. In this context, the current derogation of the EU ETS obligations for flights to and from third countries should be extended, ***pending the implementation of*** the ICAO scheme, in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. As a result of the extension of the derogation, the amount of allowances to be auctioned and issued for free, including from the special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

Or. fr

Amendment 42

Julie Girling

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Following implementation of a global market-based measure, 50 % of allowances should be auctioned from 1 January 2021, while the total number of allocated allowances should be subject to the application of the linear reduction factor as provided for in Article 9 of Directive 2003/87/EC.

Or. en

Justification

Corrigendum amendment to the rapporteur's amendment 2, which clarifies that the linear reduction factor should only be applied to the allowances allocated to the operators.

Amendment 43

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) ICAO is an authority whose membership comprises 191 States, which operates under the auspices of the United Nations and which seems the most legitimate party to devise binding targets to be attained for the reduction of emissions from aviation.

Or. fr

Amendment 44

Mairead McGuinness

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Investment in research and development in the fields of low emission transport and sustainable alternative aviation fuels should be facilitated by revenues generated from auctioned allowances.

Or. en

Amendment 45
Julie Girling

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Emission offsets under the global market-based measure (GMBM) comprise one element in ICAO's basket of measures to achieve the aspirational goal of carbon neutral growth from 2020 (CNG 2020) and should be complemented by advances in airframe and propulsion technologies. Continued funding for research strategies and programmes such as the Clean Sky Initiative, SESAR and Horizon 2020 will be essential to technological innovation and operational improvements in order to go beyond CNG 2020 and achieve sector-wide absolute emission reductions.

Or. en

Amendment 46
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) *In order to reduce to the minimum the risk of carbon leaks, which is not zero, as aviation can by definition relocate, it is justified to freeze the auctioning of allowances.*

Or. fr

Amendment 47

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) *Revenue from auctions of allowances should be channelled to ICAO in order to fund research and development work on low-emission transport, which would help to combat climate change.*

Or. fr

Amendment 48

Jadwiga Wiśniewska

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) Given that key features of the global market-based measure have yet to be developed and that its implementation depends on domestic legislation by States and regions, *it is considered appropriate for a review to take place once there is clarity about the nature and content and*

(6) Given that key features of the global market-based measure have yet to be developed and that its implementation depends on domestic legislation by *participating* States and regions, *the Commission should report regularly to the European Parliament and to the Council*

of these legal instruments in advance of the start of ICAO's global market-based measure, and a report submitted to the European Parliament and Council. That report should consider any standards or other instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). That report should consider how to implement these instruments in Union law through a revision of the EU ETS. It should also consider the rules applicable to intra-EEA flights as appropriate. That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.

on progress in the ICAO negotiations, in particular on relevant instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments and applicable instruments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). Once there is clarity about the nature and content of the ICAO instruments and in advance of the start of ICAO's global market-based measure, the Commission should present a report in which it should consider how to implement these instruments in Union law through a revision of the EU ETS Directive as well as consider the expected impact and the scope of possible application of the linear factor to the number of allowances issued to the aircraft operators from 1 January 2021. That report should further consider the rules applicable to intra-EEA flights, as appropriate. In doing so, that report should reflect projected administrative costs for Member States and burdens that may be imposed on aircraft operators in order to minimise duplication and imposition of any undue administrative burden. That report could be accompanied by a proposal to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.

Or. en

Justification

Member States should be informed in advance of any possible administrative costs that may be incurred for the implementation of the global market-based measure. The same applies to air operators that should also be aware of any costs and burdens that may be imposed on them with regard to the projected instruments. In the context the linear factor, the Commission should consider the impact of possible application of this factor for the aviation sector from 1 January 2021 and inform stakeholders of possible effects of such inclusion.

Amendment 49

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Given that key features of the global market-based measure have yet to be developed and that its implementation depends on domestic legislation by States and regions, it is considered appropriate for **a review to take place once there is clarity about the nature and content and of these legal instruments in advance of the start of ICAO's global market-based measure, and a report** submitted to the European Parliament and Council. **That report** should consider any standards or other instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). That report should consider how to implement these instruments in **Union law through a revision of the EU ETS**. It should also consider the rules applicable to intra-EEA flights as appropriate. That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the **Union's** 2030 economy-wide greenhouse gas reduction commitment.

Amendment

(6) Given that key features of the global market-based measure have yet to be developed and that its implementation depends on domestic legislation by States and regions, it is considered appropriate for a **report to be** submitted to the European Parliament and Council **which** should consider any standards or other instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). That report should consider how to implement these instruments in **the law of the Member States**. It should also consider the rules applicable to intra-EEA flights as appropriate. That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the 2030 economy-wide greenhouse gas reduction commitment **of the Member States of the Union**.

Or. fr

Amendment 50

Jacqueline Foster

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Given that key features of the global market-based measure have yet to be developed and that its implementation depends on domestic legislation by States and regions, it is considered appropriate for a review to take place once there is clarity about the nature and content and of these legal instruments in advance of the start of ICAO's global market-based measure, and a report submitted to the European Parliament and Council. That report should consider any standards or other instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). That report should consider how to implement these instruments in Union law through a revision of the EU ETS. ***It should also consider the rules applicable to intra-EEA flights as appropriate.*** That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.

Amendment

(6) Given that key features of the global market-based measure have yet to be developed and that its implementation depends on domestic legislation by States and regions, it is considered appropriate for a review to take place once there is clarity about the nature and content and of these legal instruments in advance of the start of ICAO's global market-based measure, and a report submitted to the European Parliament and Council. That report should consider any standards or other instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). That report should consider how to implement these instruments in Union law through a revision of the EU ETS. That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.

Or. en

Amendment 51

Bas Eickhout

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Given that key features of the global market-based measure have yet to be developed and that its implementation

Amendment

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depends on domestic legislation by States and regions, it is considered appropriate for a review to take place once there is clarity about the nature and content and of these legal instruments in advance of the start of ICAO's global market-based measure, and a report submitted to the European Parliament and Council. That report should consider any standards or other instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). ***That report should consider how to implement these instruments in Union law through a revision of the EU ETS. It should also consider the rules applicable to intra-EEA flights as appropriate. That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.***

depends on domestic legislation by States and regions, it is considered appropriate for a review to take place once there is clarity about the nature and content and of these legal instruments in advance of the start of ICAO's global market-based measure, and a report submitted to the European Parliament and Council. That report should consider any standards or other instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions from 2021 and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). ***The implementation in Union law of the ICAO global market-based measure should be through the EU ETS. The report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.***

Or. en

Amendment 52
Jacqueline Foster

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) It should also be considered that the success of the Carbon Offsetting Scheme for International Aviation (CORSIA) when agreed at ICAO will depend on the avoidance of conflicting or duplicate schemes at domestic and regional level, in order not to create distortions of competition nor an unacceptable administrative burden.

Moreover, the implementation of CORSIA within the Union should take account of the review every three years which will allow for further improvements to be made to the scheme.

Or. en

Amendment 53

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The Commission should ensure that the requirements to monitor and report greenhouse gas emissions laid down in Commission Regulations (EU) Nos 600/2012 and 601/2012 are compatible with the technical rules applicable to ICAO's global market-based measure, once the latter has been adopted.

Or. fr

Amendment 54

Mairead McGuinness

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) To facilitate necessary preparation for the implementation of the ICAO Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), regulatory authorities and aircraft operators should have information concerning monitoring, reporting and verification (MRV).

Amendment 55

Seb Dance

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In order to ensure that existing and future EU domestic climate standards are respected, and without prejudice to the review referred to in Article 28b of Directive 2003/87/EC, CORSIA should be implemented in, and made consistent with, EU law through the EU ETS.

Or. en

Amendment 56

Merja Kyllönen

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Given that the voluntary nature of ICAO scheme is insufficient alone, it is important that the Single European Sky is speedily implemented as the current fragmentation of European air space results in increased CO₂ emissions.

Or. en

Amendment 57

Jacqueline Foster

Proposal for a regulation

Recital 6 b (new)

(6b) Several legislative acts have been adopted at Union level which aim at preventing the fragmentation of European airspace in order to enhance the flow of air traffic and control of airspace usage. Within the Union, the CORSIA scheme should be viewed as part of ICAO's so-called "basket of measures" alongside full implementation by Member States of Single European Sky legislation, SESAR, the use of Galileo for satellite-based navigation (EGNOS, GNSS and Copernicus) and Joint Technology Initiatives such as Clean Sky I and Clean Sky II. All revenues from the proceeds of future auctioning of allowances should be ring-fenced for these and any other further research and development programmes involving the aviation sector.

Or. en

Amendment 58

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) The Union cannot require that the confidentiality of ICAO's technical work should be waived. Only ICAO member states may demand to be more closely associated with ICAO's work to implement the global market-based measure. Only States which are members of that organisation are in a legitimate position to request revision of the non-disclosure protocols for Members and Observers of the ICAO Committee on Aviation Environmental Protection (CAEP).

Amendment 59
Merja Kyllönen

Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) Aviation has an impact on climate also through releases of nitrogen oxides, water vapour and sulphate and particles at high altitudes. It is highly important to take action in order to address the non-CO₂ effects in aviation in view of increasing scientific evidence. Therefore, pending scientific progress, all impacts of aviation should be addressed.

Or. en

Amendment 60
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) The ultimate aim is to establish a single global scheme for reducing emissions from aviation during the second stage of the ICAO scheme in 2024. The legitimate, optimal and exclusive character of ICAO's global measure should take precedence over the attainment of the Union's targets. The Union is not in a position to enforce compliance with the commitments under the Paris Agreement, as the Union de facto excludes the 163 States which are members of ICAO but not of the Union.

Or. fr

Amendment 61

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) *In order to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to adopt measures for the monitoring, reporting and verification of emissions applicable to aircraft operators for the purpose of the global market-based measure being elaborated in ICAO. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

Amendment

(7) *The Commission shall help States to adopt measures for the monitoring, reporting and verification of emissions applicable to aircraft operators for the purpose of the global market-based measure being elaborated in ICAO. In order to do so, it may carry out appropriate consultations, including at expert level, and shall without delay communicate all useful information to the Member States.*

Or. fr

Amendment 62

Jadwiga Wiśniewska

Proposal for a regulation

Recital 7

(7) In order to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to adopt measures for the monitoring, reporting and verification of emissions applicable to aircraft operators for the purpose of the global market-based measure being elaborated in ICAO. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(7) To prepare for the implementation of the ICAO global market-based measure, it is necessary to dispose of relevant data regarding the emissions from aviation activities. These emissions should be monitored, reported and verified in accordance with the same principles as those applicable to the monitoring, reporting and verification (MRV) of emissions from aviation activities under the EU ETS Directive. In order to ensure uniform conditions for the implementation of the MRV of emissions applicable to aircraft operators for the purpose of implementing the ICAO global market-based measure, implementing powers should be conferred on the Commission. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³. The MRV provisions should be without prejudice to the review and possible proposal in advance of the start of ICAO's global market-based measure.

Or. en

Justification

Having regard to the detailed and technical nature of the abovementioned provisions, Member States should actively participate in works on rules concerning monitoring, reporting and verification under ETS Directive. Such activity is guaranteed by relevant provisions of Regulation (EU) 182/2011, which allows Member States' national experts to exercise control over the scope of Commission's margin of discretion when drafting an implementing act.

Amendment 63
Mairead McGuinness

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) If the ICAO global market-based measure fails to meet the ambition of the Paris agreement, additional mitigation measures such as further research and development in sustainable and renewable fuels in the aviation sector or operational improvements in air traffic management should be considered.

Or. en

Amendment 64
Bas Eickhout

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Aviation also has an impact on climate through releases of nitrogen oxides, water vapour and sulphate and soot particles at high altitudes. The International Panel on Climate Change (IPCC) has estimated that the total climate impact of aviation is currently two to four times higher than the effect of its past carbon dioxide emissions alone. Pending scientific progress, all impacts of aviation should be addressed to the extent possible. Research on the formation of condensation trails, also known as contrails, their evolution into cirrus clouds, on the smaller direct effects of sulphate aerosols, soot, water vapour contrails and cirrus clouds, and on effective mitigation measures, including operational and technical measures, should also be promoted. In accordance with Article 191 of the TFEU, Union environment policy is to be based on the precautionary principle. Pending scientific progress, and specific measures on nitrogen oxides and technical and

operational measures to mitigate the other non-CO₂ effects, a multiplier should be applied to carbon dioxide emissions from aviation.

Or. en

Justification

In line with EP position in 2008, the non-CO₂ impacts, such as emissions of NO_x and water vapour at high altitudes, need to be addressed through a multiplier until specific measures are in place. The Commission impact assessment (SWD(2017)0031 final, p. 85) recognises that the non-CO₂ impacts have several times the impact of aviation's CO₂ emissions alone.

Amendment 65 **Jacqueline Foster**

Proposal for a regulation **Recital 8**

Text proposed by the Commission

(8) As a simplification and in order to lighten administrative tasks for the smallest aircraft operators, non-commercial aircraft operators emitting less than 1000 tonnes CO₂ per annum should continue to be considered as meeting the requirements of Directive 2003/87/EC ***for another ten years, during which measures should be elaborated so that in future all operators contribute to emission reductions.***

Amendment

(8) As a simplification and in order to lighten administrative tasks for the smallest aircraft operators, non-commercial aircraft operators emitting less than 1000 tonnes CO₂ per annum should continue to be considered as meeting the requirements of Directive 2003/87/EC. ***It should also be restated that points (a) to (k) in the section 'Aviation activities' in Annex I to Directive 2003/87/EC provide for exemptions from the categories of activity to which that Directive applies. As part of the proposed review outlined in Article 28b of that Directive, the continued exclusion of these flights should be reconfirmed.***

Or. en

Amendment 66 **Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh**

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) As a simplification and in order to lighten administrative tasks for the smallest aircraft operators, non-commercial aircraft operators emitting less than 1000 tonnes CO₂ per annum should continue to be considered as meeting the requirements of Directive 2003/87/EC **for another ten years, during which measures should be elaborated so that in future** all operators contribute to emission reductions.

Amendment

(8) As a simplification and in order to lighten administrative tasks for the smallest aircraft operators, non-commercial aircraft operators emitting less than 1000 tonnes CO₂ per annum should continue to be considered as meeting the requirements of Directive 2003/87/EC **pending the application of the global market-based measure being prepared by ICAO, which will be able to compel** all operators to contribute to emission reductions.

Or. fr

Amendment 67
Peter Liese, Ivo Belet

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Since, in the long term, CO₂-neutral aviation is possible only if biofuels are used to some extent, the Union should take account of that fact within its renewables policy in general, and biofuels policy in particular, and establish an environment in which a sufficient share of sustainable biofuels is available for aviation.

Or. de

Justification

CORSIA measures will ultimately not be sufficient to achieve the Paris Agreement's climate goal. Aviation emissions must be slashed. Use of biofuels forms part of the strategy. To date, however, biofuels have mainly been used within road transport. In aviation, unlike for road transport, abandoning fossil fuels completely will not be possible for decades. The strategy must therefore ensure that the entire stock of sustainable biofuels is not used within road

transport.

Amendment 68

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) It is essential to ensure legal certainty for aircraft operators and national authorities in view of the surrender deadline of 30 April 2018 specified in Directive 2003/87/EC. Accordingly, this Regulation should apply from the day of its publication in the Official Journal of the European Union.

Amendment

(9) It is essential to ensure legal certainty for aircraft operators and national authorities in view of the surrender deadline of 30 April 2018 specified in **Articles 12 and 16 of** Directive 2003/87/EC. Accordingly, this Regulation should apply from the day of its publication in the Official Journal of the European Union.

Or. fr

Amendment 69

Peter Liese, Ivo Belet

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) It is accepted that climate-damaging aviation emissions produce more than CO₂ effects. Directive 2008/101/EC of the European Parliament and of the Council^{1a} contained a Commission undertaking to submit an appropriate proposal on nitrogen oxides in 2008. Despite the technical and political difficulties involved, the Commission should speed up its work in this connection.

^{1a} 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 (OJ L 8, 13.1.2009, p. 3).

Or. de

Amendment 70
Seb Dance

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) As emission offsets and reductions through market-based measures need to be complemented with absolute emission reductions through technological innovations, continued funding for research strategies and programmes such as CleanSky, SESAR and H2020 are essential to allow continual investment in green and innovative technology and operational improvements.

Or. en

Amendment 71
Gerben-Jan Gerbrandy, Fredrick Federley, Iskra Mihaylova

Proposal for a regulation
Article 1 – paragraph 1 – point -1 (new)
Directive 2003/87/EC
Article 3 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-1) In Article 3c, the following paragraph 3a is inserted:

3a. The total quantity of allowances to be allocated to aircraft operators in 2021 shall be 10% lower than the average allocation for the period from 1 January 2014 to 31 December 2016, and then

decrease annually at the same rate as that of the total cap for the EU ETS referred to in the second subparagraph of Article 9 so as to bring the cap for the aviation sector more in line with the other EU ETS sectors by 2030. '

Or. en

Amendment 72

Bas Eickhout

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Directive 2003/87/EC

Article 3 d

Present text

"Article 3d

Method of allocation of allowances for aviation through auctioning

1. In the period referred to in Article 3c(1), 15 % of allowances shall be auctioned.

2. From 1 January 2013, 15 % of allowances shall be auctioned. This percentage may be increased as part of the general review of this Directive.

3. A Regulation shall be adopted containing detailed provisions for the auctioning by Member States of allowances not required to be issued free of charge in accordance with paragraphs 1 and 2 of this Article or Article 3f(8). The number of allowances to be auctioned in each period by each Member State shall be proportionate to its share of the total attributed aviation emissions for all Member States for the reference year

Amendment

(-1) Article 3d is replaced by the following:

"Article 3d

Method of allocation of allowances for aviation through auctioning

All allowances for aviation activities shall be auctioned and the revenues used for climate financing in vulnerable developing countries, including adaptation to the impacts of climate change."

reported pursuant to Article 14(3) and verified pursuant to Article 15. For the period referred to in Article 3c(1), the reference year shall be 2010 and for each subsequent period referred to in Article 3c the reference year shall be the calendar year ending 24 months before the start of the period to which the auction relates.

That Regulation, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 23(3).

4. It shall be for Member States to determine the use to be made of revenues generated from the auctioning of allowances. Those revenues should be used to tackle climate change in the EU and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the EU and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Community scheme. 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 inform the Commission of actions taken pursuant to this paragraph.

5. Information provided to the Commission pursuant to this Directive does not free Member States from the notification obligation laid down in Article 88(3) of the Treaty.

Or. en

Justification

Transitional free allocation should only apply to sectors with significant risk of carbon leakage. In line with EP position on the aviation ETS proposal in 2007, and in order to be consistent with international aviation law, all revenues from EU ETS for aviation should be used to tackle climate change. To build confidence in developing countries regarding the EU policy measure, all revenues of aviation ETS should be earmarked for international climate finance.

Amendment 73 **Seb Dance**

Proposal for a regulation
Article 1 – paragraph 1 – point -1 (new)
Directive 2003/87/EC
Article 3 d – paragraph 2

Present text

2. From 1 January **2013**, **15 %** of allowances shall be auctioned. ***This percentage may be increased as part of the general review of this Directive.***

Amendment

(-1) In Article 3d, paragraph 2 is replaced by the following:

"2. From 1 January **2021**, **100 %** of allowances shall be auctioned."

Or. en

Justification

Free allocation weakens the incentive for reducing emissions. A 100% auctioning option would have a very small impact on the sector, which does not face the same carbon leakage risks as other sectors in the EU ETS.

Amendment 74 **Peter Liese, Ivo Belet**

Proposal for a regulation
Article 1 – paragraph 1 – point -1 (new)
Directive 2003/87/EC
Article 3 d – paragraph 2

Present text

Amendment

2. From 1 January 2013, 15 % of allowances shall be auctioned. ***This percentage may be increased as part of the general review of this Directive.***

(-1) In Article 3d, paragraph 2 is replaced by the following:

"2. From 1 January 2021, 50 % of allowances shall be auctioned, ***provided that these are not needed to avoid the application of Article 10a (5) between 2021 and 2030, in which case they shall be used for this purpose.***"

Or. en

Justification

This Amendment is based on the decision of the European Parliament in the Duncan report on ETS and the draft Amendment of the rapporteur Girling. The Parliament tends to increase ambition for aviation intra- EU. It is useful to clarify that this increased ambition should be used to prevent carbon leakage in sectors like steel, chemical industry and cement. The amendment can make available about 150 million allowances over the period. This may be very important to avoid the cross-sectorial-correction factor.

Amendment 75

Gerben-Jan Gerbrandy, Fredrick Federley, Iskra Mihaylova

Proposal for a regulation

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

Directive 2003/87/EC

Article 3 d – paragraph 2

Present text

Amendment

‘2. From 1 January 2013, 15 % of allowances shall be auctioned. ***This percentage may be increased as part of the general review of this Directive***’.

(-1a) In Article 3d, paragraph 2 is replaced by the following:

‘2. From 1 January 2021, 50 % of allowances shall be auctioned.’

Or. en

Amendment 76

Peter Liese, Ivo Belet

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Proposal for a regulation

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

Directive 2003/87/EC

Article 3 d – paragraph 4

Present text

4. ***It shall be for Member States to determine the use to be made of revenues generated from the auctioning of allowances. Those revenues should*** be used to tackle climate change in the EU and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the EU and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Community scheme. 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.

Amendment

(-1a) In Article 3d(4), the first subparagraph is replaced by the following:

"4. ***All revenues shall*** be used to tackle climate change in the EU and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the EU and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Community scheme. 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 inform the Commission of actions taken pursuant to this paragraph.***"

Or. en

Justification

In line with EP position on the aviation ETS proposal in 2007, and in order to be consistent with international aviation law, all revenues from EU ETS for aviation should be used to tackle climate change. In order to build confidence in developing countries regarding the EU policy measure, a part of the revenues of aviation ETS should be earmarked for international climate finance.

Amendment 77

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Directive 2003/87/EC

Article 3 d – paragraph 4 – subparagraph 1

Present text

It shall be for Member States to determine the use to be made of revenues generated from the auctioning of allowances. ***Those revenues should be used to tackle climate change in the EU and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the EU and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Community scheme. 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.***

Amendment

(-1) In Article 3d(4), the first subparagraph is replaced by the following:

"It shall be for Member States to determine the use to be made of revenues generated from the auctioning of allowances, provided that those revenues are ring-fenced for research and development projects such as the SESAR Joint Undertaking and the Clean Sky Joint Technology Initiatives, and any future research and development initiative which will mitigate greenhouse gas emissions in the aviation sector."

Or. en

Amendment 78

Bas Eickhout

Proposal for a regulation

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

Directive 2003/87/EC

Article 3 e

Text proposed by the Commission

Amendment

(-1a) Article 3e is deleted.

Or. en

Justification

Transitional free allocation should only apply to sectors with significant risk of carbon leakage. In line with EP position on the aviation ETS proposal in 2007, and in order to be consistent with international aviation law, all revenues from EU ETS for aviation should be used to tackle climate change. To build confidence in developing countries regarding the EU policy measure, all revenues of aviation ETS should be earmarked for international climate finance.

Amendment 79 **Seb Dance**

Proposal for a regulation
Article 1 – paragraph 1 – point -1 a (new)
Directive 2003/87/EC
Article 3 f – paragraph 8

Present text

8. Any unallocated allowances *in the special reserve shall be auctioned by Member States.*

Amendment

(-1a) In Article 3f, paragraph 8 is replaced by the following:

8. "Any unallocated allowances *shall be available until 31 December 2020 to research and quantify the non-CO₂ effects of aviation on climate change and ways to mitigate these effects.*

The Commission shall, by January 1 2020, put forward proposals to mitigate and address the non-CO₂ effects of aviation."

Or. en

Justification

The Commission's Impact Assessment acknowledges the impact of aviation's non-CO₂ effects on climate change, but does not propose any concrete measures to address this. This amendment will ensure funds are used to research and address the issue.

Amendment 80 **Bas Eickhout**

Proposal for a regulation
Article 1 – paragraph 1 – point -1 b (new)

Text proposed by the Commission

8. Any unallocated allowances in the special reserve shall be ***auctioned by Member States***.

Amendment

(-1b) In Article 3f, paragraph 8 is replaced by the following:

"8. Any unallocated allowances in the special reserve shall be ***made available until 31 December 2020 to research and quantify the non-CO₂ effects of aviation on climate change and ways to mitigate these effects.***"

Or. en

Justification

It is necessary to dedicate more resources to research regarding quantification of the non-CO₂ climate impacts of aviation and how to address such effects.

Amendment 81
Peter Liese, Ivo Belet

Proposal for a regulation
Article 1 – paragraph 1 – point -1 b (new)
Directive 2003/87/EC
Article 12 – paragraph 3

Present text

3. Member States shall ensure that, by 30 April each year, the operator of each installation surrenders a number of allowances, ***other than allowances issued under Chapter II***, equal to the total emissions from that installation during the preceding calendar year as verified in accordance with Article 15, and that these are subsequently cancelled.

Amendment

(-1b) In Article 12, paragraph 3 is replaced by the following:

"3. Member States shall ensure that, by 30 April each year, the operator of each installation surrenders a number of allowances, equal to the total emissions from that installation during the preceding calendar year as verified in accordance with Article 15, and that these are subsequently cancelled."

Or. en

Justification

This amendment makes EU Emission Allowances (EUA) and EU Aviation Allowances (EUAA) interchangeable. EU Aviation Allowances can thus be used in the stationary sector as well. In 2008, the EP made aviation ETS units different to other ETS units but this distinction is not necessary any longer in post-Kyoto times. For simplification, to clear away redundant provisions, and to avoid unjustified price differences, it should be possible that the allowances are used by other sectors, too.

Amendment 82

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Directive 2003/87/EC

Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(-1) In Article 21, the following paragraph 2a is inserted:

“2a. The report shall, using data provided through the cooperation referred to in Article 18b, include a list of aircraft operators subject to the requirements of this Directive who have not opened a registry account. Each operator shall have the option of briefly explaining the reasons why it has not opted to open a registry account and explaining the difficulties encountered.”

Or. fr

Amendment 83

Bas Eickhout

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Directive 2003/87/EC

Article 28 a – paragraph 1

Text proposed by the Commission

Amendment

(a) paragraph 1 is ***amended as follows***:

(a) paragraph 1 is ***replaced by the***

following:

"1. By way of derogation from Article 12(2a), Member States shall reduce the number of allowances each aircraft operator is required to surrender by 50% in respect of:

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2017 to 31 December 2020;

(b) all emissions from flights between an aerodrome located in an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and an aerodrome located in another region of the EEA in each calendar year from 1 January 2017 to 31 December 2020;"

Or. en

Justification

Until CORSIA is implemented 2021, the original scope of EU aviation ETS should be reduced to 50% of the incoming and outgoing flight journeys to and from EU airports from 2017 in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme.

Amendment 84

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Directive 2003/87/EC

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013, subject to the review referred to in Article 28b.

Amendment

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013 **to 31 December 2020**, subject to the review referred to in Article

Justification

Setting of closing date of the derogation is necessary as the Commission's proposal in terms of exclusion from monitoring, reporting and verification obligations between the aerodromes located in the EOG territory and the third countries concerns only to period 2013 – 2020. Proposed change clarifies the length of the derogation period and is consistent with other objectives of this project. Any changes in the EU ETS after 2020 should be discussed during the next preview of the Directive. Setting of closing date for 31 December 2020 could be used as a negotiating argument in CORSIA implementing process (CORSIA is the name of ICAO's global CO₂ reduction scheme for aviation).

Amendment 85

Gerben-Jan Gerbrandy, Fredrick Federley, Iskra Mihaylova

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Directive 2003/87/EC

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013, subject to the review referred to in Article 28b.

Amendment

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013 **to 31 December 2020**, subject to the review referred to in Article 28b.

Justification

Clarifying the duration of the time-bound derogation from the EU ETS, in the context of the on-going implementation of CORSIA at international and domestic level.

Amendment 86

Merja Kyllönen

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Directive 2003/87/EC

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013, subject to the review referred to in Article 28b.

Amendment

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013 **to 31 December 2021**, subject to the review referred to in Article 28b.

Or. en

Amendment 87

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Directive 2003/87/EC

Article 28 a – paragraph 1 – point a

Text proposed by the Commission

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013, **subject to the review referred to in Article 28b**".

Amendment

(a) all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2013, **except where States have already implemented the ICAO instruments in their domestic law**".

Or. fr

Amendment 88

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Directive 2003/87/EC

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) all emissions from flights between an aerodrome located in an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and an aerodrome located in another region of the EEA in each calendar year from 1 January 2013, ***subject to the review referred to in Article 28b***".

(b) all emissions from flights between an aerodrome located in an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and an aerodrome located in another region of the EEA in each calendar year from 1 January 2013, ***except where States have already implemented the ICAO instruments in their domestic law***".

Or. fr

Amendment 89

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Directive 2003/87/EC

Article 28 a – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) all emissions from flights between an aerodrome located in an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and an aerodrome located in another region of the EEA in each calendar year from 1 January 2013, subject to the review referred to in Article 28b.

(b) all emissions from flights between an aerodrome located in an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and an aerodrome located in another region of the EEA in each calendar year from 1 January 2013 ***to 31 December 2020***, subject to the review referred to in Article 28b.

Or. en

Justification

Setting of closing date of the derogation is necessary as the Commission's proposal in terms of exclusion from monitoring, reporting and verification obligations between the aerodromes located in the EOG territory and the third countries concerns only to period 2013 – 2020. Proposed change clarifies the length of the derogation period and is consistent with other objectives of this project. Any changes in the EU ETS after 2020 should be discussed during the next preview of the Directive. Setting of closing date for 31 December 2020 could be used

as a negotiating argument in CORSIA implementing process (CORSIA is the name of ICAO's global CO₂ reduction scheme for aviation).

Amendment 90
Jacqueline Foster

Proposal for a regulation

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

Directive 2003/87/EC

Article 28 a – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ia) *point ba is added:*

(ba) *all emissions from flights between aerodromes located in the EEA and operated as a consequence of a flight as referred to in points (a) or (b) of this paragraph being diverted to an aerodrome located in the EEA in each calendar year from 1 January 2017, subject to the review referred to in Article 28b.*

Or. en

Justification

Several operators have experienced cases of diversion due to force majeure situations and have been required to monitor and report their emissions and surrender allowances in respect of these intra-EEA flights. In terms of Better Regulation, this constitutes a disproportionate burden to be addressed in the form of a de minimus rule for this revised Regulation.

Amendment 91
Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point ii

Directive 2003/87/EC

Article 28 a – paragraph 1 – point c

Text proposed by the Commission

Amendment

(ii) point (c) is *deleted*.

(ii) point (c) is *replaced by the*

following:

“(c) the surrender of allowances, corresponding to verified 2013 emissions from flights between aerodromes located in States in the EEA, taking place by 30 April 2015 instead of 30 April 2014, and verified 2013 emissions for those flights being reported by 31 March 2015 instead of 31 March 2014.”

Or. en

Justification

Maintenance of this paragraph will allow to keep the chronology of actions taken under the EU ETS legislation process.

Amendment 92

Jadwiga Wiśniewska

Proposal for a regulation

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

Directive 2003/87/EC

Article 28 a – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ii a) point (ca) is added:

(ca) all emissions from flights between aerodromes located in the EEA performed by an commercial aircraft operator that has total annual emissions lower than 1 000 tonnes of CO₂ from flights other than those referred to in points (a) and (b) of this paragraph, operated as a consequence of a flight referred to in points (a) or (b) of this paragraph being diverted to an aerodrome located in the EEA in each calendar year from 1 January 2017 to 31 December 2020, subject to the requirements of the report referred to in Article 28b.

Or. en

Justification

Amendment will cause exclusion from the EU STS of some non-EOG aircraft operators, who were forced from some reasons to change the destination airport, and then to make a return flight had to ferry the aircraft to an another EOG airport. This situation can relate only to a few flight in a whole year. Inclusion to the EU ETS of aircraft operator, who in normal circumstances would not be covered by the scheme, seems to be irrational and will cause impositions on such operator disproportionately high obligations in comparison to its intra-EOG CO₂ emissions from these flights.

Amendment 93

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point i

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.

Amendment

By way of derogation from Articles 3e and 3f, aircraft operators benefiting from the derogations provided for in points (a) and (b) of paragraph 1 of this Article shall be issued, each year, a number of free allowances reduced in proportion to the reduction of the surrender obligation provided for in those points.

Or. en

Justification

The last sentence should be deleted from the proposal because it is too early to apply such system improvements/adjustments. This obligation should be discussed during next review of the Directive. Application of Linear Reduction Factor after 2020 should be considered after getting acquainted with full functionality of the CORSIA mechanism.

Amendment 94

Bas Eickhout

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point i

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

From 1 January 2017, by way of derogation from Articles 3d to 3f **and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the** number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.

Amendment

From 1 January 2017, by way of derogation from Articles 3d to 3f, **aircraft operators shall be issued, each year, in respect of flights which are not subject to the derogations provided for in points (a) and (b) of paragraph 1 of this Article,** number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.

Or. en

Amendment 95

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point i

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. **From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.**

Amendment

From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016.

Or. en

Justification

The details regarding the implementation of CORSIA in the EEA have yet to be established. Therefore, it would be premature to include such a measure in the revised Regulation.

Amendment 96
Gesine Meissner

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point i

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. ***From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.***

Amendment

From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016.

Or. en

Justification

The details regarding the implementation of CORSIA in the EEA have yet to be established.

Amendment 97
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point i

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

“From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review

Amendment

“From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review

referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.”

referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9, *unless the application of the global market-based measure has been delayed.*”

Or. fr

Amendment 98

Gerben-Jan Gerbrandy, Fredrick Federley, Iskra Mihaylova

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point i

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 1

Text proposed by the Commission

From 1 January 2017, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.

Amendment

From 1 January 2017 *to 31 December 2020*, by way of derogation from Articles 3d to 3f and until amendments subsequent to the review referred to in Article 28b have entered into force, aircraft operators shall be issued, each year, the number of allowances that corresponds to the year 2016. From 2021 onwards that number of allowances shall be subject to the application of the linear factor in Article 9.

Or. en

Justification

Clarifying the duration of the time-bound derogation from the EU ETS, in the context of the on-going implementation of CORSIA at international and domestic level.

Amendment 99

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point i

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from Article 3f(8), allowances that are not allocated from the special reserve shall be cancelled.

Or. en

Justification

The last sentence should be deleted from the proposal because it is too early to apply such system improvements/adjustments. This obligation should be discussed during next review of the Directive. Application of Linear Reduction Factor after 2020 should be considered after getting acquainted with full functionality of the CORSIA mechanism.

Amendment 100

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point ii

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

(ii) the third subparagraph is ***deleted***.

(ii) the third subparagraph is ***replaced by the following:***

“As regards activity in the period from 1 January 2013 to 31 December 2016, Member States shall publish the number of free aviation allowances allocated to each aircraft operator by 1 August 2014.

As regards activity in the period from 1 January 2017 to 31 December 2020, Member States shall publish the number of free aviation allowances, including from the special reserve, allocated to each aircraft operator. Publication shall be made no later than 30 days after this regulation has entered into force.”

Justification

It is necessary to sanction the obligation of publication of the aviation allowances allocations calculated on the basis of this proposal. Proposal should not delete either such obligation in respect of period 2013 – 2016. Maintenance of this paragraph will allow to keep the chronology of actions taken under the EU ETS legislation process.

Amendment 101

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b – point ii

Directive 2003/87/EC

Article 28 a – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

(ii) the third subparagraph is *deleted*.

(ii) the third subparagraph is *replaced by the following*:

“As regards activity in the period from 1 January 2017 to 31 December 2020, Member States shall publish the number of aviation allowances allocated to each aircraft operator by 1 September 2018. While it is logical that aviation should contribute on an equitable basis to the honouring of the commitments accepted under the Paris Agreement, it is important not to weaken the industry, as it faces very intense and in some cases unfair international competition.”

Or. fr

Amendment 102

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point c

Directive 2003/87/EC

Article 28 a – paragraph 4

Text proposed by the Commission

Amendment

4. **“4. By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State from 1 January 2013 shall be reduced to correspond to its share of attributed aviation emissions from flights which are not subject to the derogations provided for in points (a) and (b) of paragraph 1 of this Article.”;**

deleted

Or. fr

Amendment 103

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point c

Directive 2003/87/EC

Article 28 a – paragraph 4

Text proposed by the Commission

Amendment

4. By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State from 1 January 2013 shall be reduced to correspond to its share of attributed aviation emissions from flights which are not subject to the derogations provided for in points (a) and (b) of paragraph 1 of this Article.;

4. By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State ***in respect of the period*** from 1 January 2013 ***to 31 December 2020*** shall be reduced to correspond to its share of attributed aviation emissions from flights which are not subject to the derogations provided for in points (a) and (b) of paragraph 1 of this Article.

Or. en

Justification

Amendment expands to full period 2013 – 2020 the application of rules for calculations of auction shares for each Member State.

Amendment 104
Jadwiga Wiśniewska

Proposal for a regulation

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

Directive 2003/87/EC

Article 28 a – paragraph 6

Present text

“6. By way of derogation from Articles 3g, 12, 15 and 18a, where an aircraft operator has total annual emissions lower than 25 000 tonnes CO₂, its emissions shall be considered to be verified emissions if determined by using the small emitters tool approved under Commission Regulation (EU) No 606/2010 and populated by Eurocontrol with data from its ETS support facility. Member States may implement simplified procedures for non-commercial aircraft operators as long as such procedures provide no less accuracy than the small emitters tool provides.”

Amendment

(ca) paragraph 6 is replaced by the following:

“6. By way of derogation from Articles 3g, 12, 15 and 18a, where an aircraft operator has total annual emissions lower than 25 000 tonnes CO₂, **or where an aircraft operator has total annual emissions lower than 1 000 tonnes of CO₂ from flights other than those referred to in points (a) and (b) of paragraph 1 of this Article**, its emissions shall be considered to be verified emissions if determined by using the small emitters tool approved under Commission Regulation (EU) No 606/2010 and populated by Eurocontrol with data from its ETS support facility. Member States may implement simplified procedures for non-commercial aircraft operators as long as such procedures provide no less accuracy than the small emitters tool provides.”

Or. en

Justification

Amendment allows aircraft operators with total intra-EOG emissions below 1 000 tons of CO₂, to use simplified monitoring, reporting and verification procedures that can be carried out by EURONOTROL.

Amendment 105
Jadwiga Wiśniewska

Proposal for a regulation

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

Directive 2003/87/EC
Article 28 a – paragraph 8

Text proposed by the Commission

Amendment

(da) paragraph 8 is deleted.

Or. en

Justification

This paragraph has been replaced entirely by a new article 28b of this proposal. The new 28b article will describe Commission's tasks related to reporting on the CORSIA implementation progress.

Amendment 106
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point d a (new)
Directive 2003/87/EC
Article 28 a – paragraph 8

Text proposed by the Commission

Amendment

(da) paragraph 8 is deleted.

Or. en

Justification

This paragraph is now redundant as a result of the Commission's proposed Article 28b. Moreover, the second subparagraph contradicts the principle of "Stop the Clock" by maintaining the possibility of proposals to address emissions from flights to and from the EEA.

Amendment 107
Bas Eickhout

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – title

Text proposed by the Commission

Amendment

Reporting by the Commission on the
implementation of ICAO's global market-
based measure

Derogations applicable upon
implementation of ICAO's global market-
based measure

Or. en

Amendment 108
Bas Eickhout

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. By way of derogation from Article 12(2a), Member States shall reduce the number of allowances each aircraft operator is required to surrender by 50% in respect of all emissions from flights to and from aerodromes located in countries outside the European Economic Area (EEA) in each calendar year from 1 January 2021 where domestic or regional measures are in place in those countries to implement ICAO's global market based measure or the journeys are subject to a derogation under the ICAO scheme.

Or. en

Justification

From 2021 EU should implement the ICAO global market based measure, i.e. CORSIA, through the ETS – while providing that 50% of emissions should be excluded where the destination/departure country is implementing CORSIA through national measure, or the route is subject to derogation by CORSIA. This will ensure equal treatment of airlines on routes.

Amendment 109

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 1

Text proposed by the Commission

1. The *Commission shall report to the European Parliament and the Council on the relevant ICAO standards or other legal instruments as well as **on** domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and **on** other relevant international developments.*

Amendment

1. The *Member States shall note* the relevant ICAO standards or other legal instruments as well as **relevant** domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and other relevant international developments. ***In view of the legitimacy of ICAO and its decisions, the Commission shall note the general environmental ambition of the global market-based measure. The Commission may possibly formulate ideas to be considered for the future concerning the level of participation, applicability, transparency, penalties for non-compliance, procedures for public input, quality of offset credits, monitoring, reporting and verification of emissions, registries and rules on the use of biofuels. However, it is not the role of the Commission to assess the legitimacy or relevance of the methods and procedures of ICAO's global market-based measure or their environmental integrity and regulatory soundness.***

Or. fr

Amendment 110

Gerben-Jan Gerbrandy, Fredrick Federley, Iskra Mihaylova

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 1

Text proposed by the Commission

1. The Commission shall report to the European Parliament and the Council on the relevant ICAO standards or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments.

Amendment

1. ***In the period 2018 to 2020***, the Commission shall report ***annually*** to the European Parliament and the Council on the relevant ICAO standards ***and recommended practices (SARPs), ICAO Council approved recommendations relevant to the global market-based measure*** or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, ***the implications of reservations by third countries*** and on other relevant international developments. ***The Commission shall also provide regular updates to the European Parliament and the Council on the establishment of a global registry and the development of the SARPs in accordance with the ICAO's standards-making procedures.***

Or. en

Justification

Progress on the implementation of the CORSIA market-based measure is uncertain. A number of countries have made voluntary commitments and a number of countries have tabled reservations on important elements of the ICAO deal. In order to make informed decisions on EU ETS, Parliament and Council should be regularly informed regarding progress with regard to the international and domestic implementation of CORSIA.

Amendment 111

Merja Kyllönen

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 1

Text proposed by the Commission

1. The Commission shall report to the

Amendment

1. The Commission shall report to the

European Parliament and the Council on the relevant ICAO standards or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments.

European Parliament and the Council on the relevant ICAO standards **and recommended practices (SARPs), ICAO Council approved recommendations relevant to the global market-based measure** or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments. ***This reporting shall be done by 1 January 2018, 1 January 2019 and regularly afterwards in accordance with the ICAO's standard-making procedures.***

Or. en

Amendment 112

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 1

Text proposed by the Commission

1. The Commission shall report to the European Parliament and the Council ***on the relevant ICAO standards or other legal instruments as well as on domestic measures taken by third countries*** to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments.

Amendment

1. The Commission shall ***regularly, and at least once a year,*** report to the European Parliament and the Council ***on progress in the ICAO negotiations*** to implement the global market-based measure to be applied to emissions from 2021, ***in particular on the relevant ICAO instruments as well as on domestic measures taken by third countries*** and on other relevant international developments ***and applicable instruments.***

Or. en

Justification

Amendment clarifies Commission's tasks in the scope of reporting to the European Parliament and to the Council on the CORSIA implementation progress.

Amendment 113
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 1

Text proposed by the Commission

1. The Commission shall report to the European Parliament and the Council on the relevant ICAO standards or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments.

Amendment

1. The Commission shall ***regularly, and at least once a year***, report to the European Parliament and the Council ***on progress in the ICAO negotiations, in particular*** on the relevant ICAO standards or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments.

Or. en

Amendment 114
Nicola Caputo

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 1

Text proposed by the Commission

1. The Commission shall report to the European Parliament and the Council on the relevant ICAO standards or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments.

Amendment

1. The Commission shall report to the European Parliament and the Council ***annually from 2018*** on the relevant ICAO standards or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, and on other relevant international developments.

Or. it

Amendment 115

Seb Dance

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall, in line with the UNFCCC's 'Global stocktake', also report on ICAO's efforts to establish a credible long-term emissions reduction goal of halving aviation CO₂ emissions relative to 2005 levels by 2050.

Or. en

Amendment 116

Bas Eickhout

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 2

Text proposed by the Commission

Amendment

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

deleted

Or. en

Amendment 117

Françoise Grossetête

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Text proposed by the Commission

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) *as* appropriate.

Amendment

2. ***Within six months of the adoption of the relevant ICAO standards and recommended practices and before the global market-based measure becomes operational***, the report should consider ways for those ICAO instruments to be implemented in Union law, ***particularly*** through a revision of this Directive, ***taking into account the commitments entered into by Member States of the Union to participate in the global market-based measure from 2021***. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA), ***if*** appropriate ***taking into account compliance with the Union's commitments under the Paris Agreement***.

Or. fr

Amendment 118
Merja Kyllönen

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 2

Text proposed by the Commission

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Amendment

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate. ***The report shall also examine the ambition and overall environmental integrity of the global measure, including its general ambition in relation to the targets under the Paris Agreement, level of public participation,***

enforceability, transparency, penalties for non-compliance, processes for public input, quality of offset credits, monitoring, reporting and verification of emissions registries and accountability.

Or. en

Amendment 119

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 2

Text proposed by the Commission

2. *The report should* consider ways for those *ICAO* instruments to be implemented in Union law through a revision of this Directive. *The report* shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Amendment

2. *Within 12 months of the adoption by ICAO of the relevant instruments, and before the global market-based measure becomes operational, the Commission shall present a report to the European Parliament and to the Council in which it shall* consider ways for those instruments to be implemented in Union law through a revision of this Directive, *including through the [potential] application of the linear factor in Article 9 to the number of allowances allocated to the aircraft operators. The Commission shall, in that report,* also consider the rules applicable in respect of flights within the European Economic Area (EEA), as appropriate.

Or. en

Justification

Amendment clarifies Commission's tasks in the scope of reporting to the European Parliament and to the Council on the CORSIA implementation progress.

Amendment 120

Mairead McGuinness

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 2

Text proposed by the Commission

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Amendment

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate. ***The report on the relevant ICAO standards and recommended practices should be completed in a timely manner to provide clarity as soon as possible in advance of CORSIA becoming operational.***

Or. en

Amendment 121
Gerben-Jan Gerbrandy, Fredrick Federley, Iskra Mihaylova

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 2

Text proposed by the Commission

2. ***The report should consider ways*** for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Amendment

2. ***By 1 March 2020, the Commission shall report to the European Parliament and the Council on the adequacy of those ICAO instruments and options*** for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Or. en

Amendment 122
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 2

Text proposed by the Commission

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. ***The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.***

Amendment

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive.

Or. en

Amendment 123
Gesine Meissner

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 2

Text proposed by the Commission

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Amendment

2. The report should consider ways for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA), ***including the application of the linear factor referred to in Article 9***, as appropriate.

Or. en

Amendment 124
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 2

Text proposed by the Commission

2. ***The report should*** consider ways for those ICAO instruments to be implemented in ***Union*** law ***through a revision of this Directive***. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Amendment

2. ***States are called upon to*** consider ways for those ICAO instruments to be implemented in ***their domestic*** law ***in order to anticipate the adoption of the market measure***. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA) as appropriate.

Or. fr

Amendment 125
Peter Liese, Ivo Belet

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 2 a (new)

Text proposed by the Commission

2a. If the report indicates that enforceability, transparency and governance are sufficient for a global market-based measure, that quality requirements for offset credits are sufficient, that rules for the monitoring, reporting and verification of emissions are reliable and that equal treatment on routes is ensured, then an extension of duration of this derogation shall be proposed by the Commission for 15 years, if appropriate.

Amendment

Or. en

Justification

Any prolongation of the derogation should be based on clear criteria.

Amendment 126
Peter Liese, Ivo Belet

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. No extension beyond 2020 of this derogation shall take place in respect of flights to or from a third country that is not participating in the global market-based measure, if that country had quantified commitments included in Annex B to the Kyoto Protocol.

Or. en

Justification

Countries that decide not to participate in the voluntary phase of CORSIA should be covered by the EU ETS. To respect the principle of common but differentiated responsibilities, this provision is limited to OECD countries, such as Russia and the United States.

Amendment 127
Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 b – paragraph 3

Text proposed by the Commission

Amendment

3. The report may be accompanied by proposals, as appropriate to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030.

3. States are called upon to honour the Union economy-wide greenhouse gas emission reduction commitment for 2030, in accordance with the Paris Agreement.

Amendment 128

Merja Kyllönen

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 3

Text proposed by the Commission

3. The report *may be accompanied by* proposals, as appropriate to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030.

Amendment

3. ***By 31 December 2021 at the latest and on the basis of the conclusions of the report, the report shall present legislative proposals, as appropriate to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 with the aim of ensuring full environmental integrity and effectiveness of EU climate action.***

Or. en

Amendment 129

Mairead McGuinness

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 3

Text proposed by the Commission

3. The report may be accompanied by proposals, as appropriate to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030.

Amendment

3. The report may be accompanied by proposals, as appropriate to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 ***to reduce any ambiguity in advance of***

Amendment 130

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 3

Text proposed by the Commission

3. The report may be accompanied by proposals, as appropriate to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse **gas** emission reduction commitment for 2030.

Amendment

3. The report ***referred to in paragraph 2*** may be accompanied by proposals, as appropriate, to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse emission reduction commitment for 2030.

Justification

Amendment clarifies Commission's tasks in the scope of reporting to the European Parliament and to the Council on the CORSIA implementation progress.

Amendment 131

Gerben-Jan Gerbrandy, Fredrick Federley, Iskra Mihaylova

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 b – paragraph 3

Text proposed by the Commission

3. The report may be accompanied by proposals, as appropriate to the European Parliament and the Council to amend, delete, extend or replace the derogations

Amendment

3. The report, ***to be published by 1 March 2020***, may be accompanied by proposals, as appropriate to the European Parliament and the Council to amend,

provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030.

delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030.

Or. en

Amendment 132
Jadwiga Wiśniewska

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Directive 2003/87/EC
Article 28 c – paragraph 1

Text proposed by the Commission

1. The Commission shall adopt **provisions for** the appropriate monitoring, reporting and verification of emissions for the purpose of implementing the global market-based measure **being elaborated in ICAO**. Those **provisions** shall be based on the **same principles as the Regulation** referred to in Article 14 (1) **and shall ensure that the emissions reports submitted are verified in accordance with** Article 15.

Amendment

1. The Commission shall adopt **implementing acts concerning** the appropriate monitoring, reporting and verification of emissions for the purpose of implementing the **ICAO** global market-based measure **on all routes covered by it**. Those **implementing acts** shall be based on the **relevant instruments adopted in ICAO, and shall comply with the monitoring and reporting principles** referred to in Article 14 (1), **and the verification principles and criteria referred to in** Article 15.

Or. en

Justification

Implementing act will allow Member States to participate actively in implementation work with the act and will give the possibility to present its position in proper forum of appropriate supporting committee according to Regulation 182/2011.

Amendment 133
Françoise Grossetête

Proposal for a regulation
Article 1 – paragraph 1 – point 2

Text proposed by the Commission

1. The Commission shall adopt provisions for the appropriate monitoring, reporting and verification of emissions for the purpose of implementing the global market-based measure being elaborated in ICAO. Those provisions shall be based on the **same principles as the Regulation** referred to in Article 14 (1) and **shall ensure that the emissions reports submitted are verified in accordance with** Article 15.

Amendment

1. The Commission shall adopt provisions for the appropriate monitoring, reporting and verification of emissions for the purpose of implementing the global market-based measure being elaborated in ICAO. Those provisions shall **accord with the recommended standards and practices adopted by ICAO and should** be based on the **principles of monitoring and verification** referred to in Article 14(1) and **the principles and criteria relating to verification referred to in** Article 15.

Or. fr

Amendment 134

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 c – paragraph 1

Text proposed by the Commission

1. The Commission shall adopt provisions for the appropriate monitoring, reporting and verification of emissions **for the purpose of implementing** the global market-based measure being elaborated in ICAO. Those provisions shall be based on the same principles as the Regulation referred to in Article 14 (1) and shall ensure that the emissions reports submitted are verified in accordance with Article 15.

Amendment

1. The Commission shall **issue guidelines calling on Member States to** adopt provisions for the appropriate monitoring, reporting and verification of emissions **in order to prepare for and anticipate as effectively as possible the implementation of** the global market-based measure being elaborated in ICAO. Those provisions shall be based on the same principles as the Regulation referred to in Article 14 (1) and shall ensure that the emissions reports submitted are verified in accordance with Article 15.

Or. fr

Amendment 135

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 c – paragraph 2

Text proposed by the Commission

Amendment

2. *The Commission is empowered to adopt a delegated act in accordance with Article [23].* ***deleted***

Or. fr

Amendment 136

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28 c – paragraph 2

Text proposed by the Commission

Amendment

2. *The Commission is empowered to adopt a delegated act in accordance with Article [23].* **2. *Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [22a].***

Or. en

Justification

Amendment adjusts wording of this subparagraph to paragraph 1 of this article.

Amendment 137

Peter Liese, Ivo Belet

Proposal for a regulation

Article 1 – paragraph 1 – point 2 a (new)

Directive 2003/87/EC

Article 30 – paragraph 4 a (new)

(2a) In Article 30, the following paragraph 4a is inserted:

4a. By 1 January 2020, the Commission shall present an updated analysis of the on-CO₂ effects of aviation, accompanied by legal proposals how to best address these effects, if appropriate.

Or. en

Justification

Research indicates that the total climate impact of aviation could be around two times higher than the impact of carbon dioxide alone. Emissions of nitrogen oxides should have been addressed in other legislation to be proposed by the Commission already in 2008.

Amendment 138
Bas Eickhout

Proposal for a regulation

Article 1 – paragraph 1 – point 3 a (new)

Directive 2003/87/EC

Annex IV – Part B – Monitoring and reporting of emissions from aviation activities –
Monitoring of carbon dioxide emissions

Present text

“Default IPCC emission factors, taken from the 2006 IPCC Inventory Guidelines or subsequent updates of these Guidelines, shall be used unless activity-specific emission factors identified by independent accredited laboratories using accepted analytical methods are more accurate. The emission factor for biomass shall be zero.”

Amendment

(2a) In Annex IV, Part B, the fifth paragraph under the heading entitled "Monitoring of carbon dioxide emissions" shall be replaced by the following:

“Default IPCC emission factors, taken from the 2006 IPCC Inventory Guidelines or subsequent updates of these Guidelines, shall be used unless activity-specific emission factors identified by independent accredited laboratories using accepted analytical methods are more accurate. **To account for non-CO₂ effects, the emissions factors chosen shall be multiplied by two.** The emission factor for

biomass waste and residues shall be zero.”

Or. en

Justification

In line with EP position in 2008, the non-CO₂ impacts, such as emissions of NOX and water vapour at high altitudes, need to be addressed through a multiplier until specific measures are in place. The Commission impact assessment (SWD(2017)0031 final, p. 85) recognises that the non-CO₂ impacts have several times the impact of aviation's CO₂ emissions alone.