

26.3.2014

A7-0079/ 001-027

**AMENDMENTS 001-027**

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

**Report**

Peter Liese

A7-0079/2014

**Greenhouse gas emission trading (international aviation emissions)**

Proposal for a directive (COM(2013)0722 – C7-0374/2013 – 2013/0344(COD))

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**Amendment 1**

**Proposal for a directive**

**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) The aviation sector has a strong international character. Climate protection initiatives should be taken quickly as global problems of the kind posed by aviation emissions can be most effectively addressed by means of an international approach that includes an obligation to comply with the same measures or to achieve the same objectives using different measures. A global agreement at the ICAO offers the best prospects of ensuring sustainability in the long term.***

**Amendment 2**

**Proposal for a directive**

**Recital 1b (new)**

*Text proposed by the Commission*

*Amendment*

***(1b) The adoption of Decision***

***377/2013/EU of the European Parliament and of the Council<sup>1</sup> enabled progress to be made within the ICAO towards concluding a global agreement at its next meeting. In order to pave the way for such an agreement and to avoid retaliatory trade measures, it is desirable to temporarily extend these "stop the clock" provisions.***

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***<sup>1</sup> Decision 377/2013/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community (OJ L 113, 24.4.2013, p. 1)***

### **Amendment 3**

#### **Proposal for a directive Recital 2**

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

(2) Consequently it is desirable to temporarily consider the requirements set out in Directive 2003/87/EC of the European Parliament and of the Council<sup>4</sup> as satisfied, when obligations are met in respect of a certain percentage of the emissions from flights to and from aerodromes in third countries. In doing so, the Union emphasises that requirements can be applied in respect of certain percentages of emissions from flights to and from aerodromes in countries of the European Economic Area (EEA), in the same manner as legal requirements can be placed on more of the emissions from flights to and from such aerodromes.

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<sup>4</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13

##### *Amendment*

(2) Consequently, ***in order to sustain the momentum reached at the 2013 ICAO Assembly and facilitate progress at the upcoming 2016 ICAO Assembly***, it is desirable to temporarily consider the requirements set out in Directive 2003/87/EC of the European Parliament and of the Council<sup>4</sup> as satisfied ***for the period until 2016***, when obligations are met in respect of a certain percentage of the emissions from flights to and from aerodromes in third countries. In doing so, the Union emphasises that requirements can be applied in respect of certain percentages of emissions from flights to and from aerodromes in countries of the European Economic Area (EEA), in the same manner as legal requirements can be placed on more of the emissions from flights to and from such aerodromes.

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<sup>4</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13

October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32)

October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32)

#### *Justification*

*The current derogation should only apply until 2016 and the next ICAO Assembly. Following the ICAO conclusions in 2016 and results achieved, the Union could consider if and what further steps need to be made to reflect the outcome of the international negotiations. With the current derogation expiring end of 2016, the legislators will have sufficient time to conclude any further codecision procedure that might be necessary since the surrender date for 2017 emissions falls in April 2018.*

#### **Amendment 4**

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

*Text proposed by the Commission*

*Amendment*

***(2a) In order to build confidence at international level with regard to the Union emissions trading scheme (ETS), revenues generated from the auctioning of allowances or any equivalent amount, where required by overriding budgetary principles of the Member States, such as unity and universality, should be used to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and third countries, to fund research and development for mitigation and adaptation and to cover the cost of administering the Union ETS. Revenues generated from auctioning should also be used on low-emission transport. The proceeds of auctioning should in particular be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund and the Green Climate Fund under UNFCCC, and measures to avoid deforestation and facilitate adaptation in developing countries. As part of an agreement on an effective, route-based global market-based measure ('MBM') with significant potential to reduce the climate impact of aviation, the Union should also commit to***

*assigning revenues created by such a measure to the Green Climate Fund under the UNFCCC to reflect the principle of common but differentiated responsibilities and respective capabilities, and to international efforts to fund research and development to reduce greenhouse gas emissions of aviation.*

## Amendment 5

### Proposal for a directive Recital 3

*Text proposed by the Commission*

(3) While the application of Directive 2003/87/EC continues to be based on arrival at or departure from aerodromes in the Union, in order to be a simple and workable means to limit the application of regional market-based measures for the 7 years until a global **market-based measure begins operation**, the percentages have been calculated by Eurocontrol on the basis of the proportion of the Great Circle Distance between the main airports in the EEA and in third countries that is not more than 12 miles beyond the furthest point of EEA coastline. Since the Union does not consider that a global market-based measure should be based on actual airspace considerations, as compared to the arrival or departure from aerodromes, the relevance of the percentages is limited to the period up to **2020**.

*Amendment*

(3) While the application of Directive 2003/87/EC continues to be based on arrival at or departure from aerodromes in the Union, in order to be a simple and workable means to limit the application of regional market-based measures for the **three** years until a **ratifiable** global **MBM that applies to the majority of international aviation emissions is agreed at the 39th ICAO Assembly in 2016**, the percentages have been calculated by Eurocontrol on the basis of the proportion of the Great Circle Distance between the main airports in the EEA and in third countries that is not more than 12 miles beyond the furthest point of EEA coastline. Since the Union does not consider that a global market-based measure should be based on actual airspace considerations, as compared to the arrival or departure from aerodromes, the relevance of the percentages is limited to the period up to **2016**.

*Justification*

*The amendment underlies the fact that not any kind of MBM would be acceptable but one that is legally binding and one that covers the majority of emissions.*

## Amendment 6

### Proposal for a directive

## Recital 4

*Text proposed by the Commission*

(4) The derogations provided for in this directive take into account the results of bilateral and multilateral contacts with third countries, **which** the Commission **will continue to pursue** on behalf of the Union.

*Amendment*

(4) The derogations provided for in this directive take into account the results of bilateral and multilateral contacts with third countries. ***The additional time allowed by' stopping the clock' for a further year should be used by both the Commission and the Member States, acting on behalf of the Union, to ensure international acceptance by third countries of the airspace approach to be applied by the Union in the coming years. Those efforts should be supported by offering third countries to get a common approach for the use of the revenues, for example for international climate policy or common research and development projects to address the greenhouse gas emissions of aviation. Member States should also use the revenues of national taxes and fees that passengers are charged to generate progress in the international negotiations and negotiations with third countries.***

## Amendment 7

### Proposal for a directive Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) The derogations provided for in this directive relate only to emissions from aviation activities up to 2016 and are made by the Union in order to facilitate an agreement on the adoption of a ratifiable global MBM at the 39th ICAO Assembly. Further legislative action should only be taken if such a measure is adopted in 2016. To this end, following the 2016 ICAO Assembly, the Commission should provide a full report to the European Parliament and to the Council and swiftly propose measures in line with the results, as appropriate. Where third countries accept alignment***

*with the Union ETS or adopt equivalent measures, the derogations provided for in this directive should be adjusted accordingly.*

## Amendment 8

### Proposal for a directive Recital 4 b (new)

*Text proposed by the Commission*

*Amendment*

***(4b) The Union should always include the issue of emissions trading for aviation when negotiating aviation agreements with third countries.***

## Amendment 9

### Proposal for a directive Recital 9

*Text proposed by the Commission*

*Amendment*

(9) The application of a percentage to verified emissions for flights to and from aerodromes in third countries, or the use of an alternative approach by operators, should relate to emissions from 2014 **onwards** to give time for operators to understand these approaches when planning their flight activities,

(9) The application of a percentage to verified emissions for flights to and from aerodromes in third countries, or the use of an alternative approach by operators, should relate to emissions from 2014 **to 2016** to give time for operators to understand these approaches when planning their flight activities,

#### *Justification*

*The current derogation should only apply until 2016 and the next ICAO Assembly. Following the ICAO conclusions in 2016 and results achieved, the Union could consider if and what further steps need to be made to reflect the outcome of the international negotiations. With the current derogation expiring end of 2016, the legislators will have sufficient time to conclude any further codecision procedure that might be necessary since the surrender date for 2017 emissions falls in April 2018.*

## Amendment 10

### Proposal for a directive Recital 10

*Text proposed by the Commission*

*Amendment*

(10) Without prejudice to the global

(10) Without prejudice to the global

market-based measure applying from 2020, emissions from flights to and from countries which are developing countries and whose share of total revenue ton kilometres of international civil aviation activities is less than 1% should be exempted for the period 2014 to **2020**. Countries considered to be developing for the purposes of this proposal should be those which benefit at the time of adoption of this proposal from preferential access to the Union market in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council, that is those which are not classified in 2013 by the World Bank as high-income or upper-middle income countries.

market-based measure applying from 2020, emissions from flights to and from countries which are developing countries and whose share of total revenue ton kilometres of international civil aviation activities is less than 1% should be exempted for the period 2014 to **2016**. Countries considered to be developing for the purposes of this proposal should be those which benefit at the time of adoption of this proposal from preferential access to the Union market in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council, that is those which are not classified in 2013 by the World Bank as high-income or upper-middle income countries.

#### *Justification*

*The current derogation should only apply until 2016 and the next ICAO Assembly. Following the ICAO conclusions in 2016 and results achieved, the Union could consider if and what further steps need to be made to reflect the outcome of the international negotiations. With the current derogation expiring end of 2016, the legislators will have sufficient time to conclude any further codecision procedure that might be necessary since the surrender date for 2017 emissions falls in April 2018.*

#### **Amendment 11**

##### **Proposal for a directive Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) Flights between the outermost regions listed in Article 349 of the Treaty on the Functioning of the European Union (TFEU) and the EEA mainland should also follow the regional market based approach. The percentages should be calculated by Eurocontrol on the basis of the proportion of the Great Circle Distance between the main airports in the EEA mainland and in the outermost region that is not more than 12 miles beyond the furthest point of EEA mainland until a global market-based measure enters into force.***

## Amendment 12

### Proposal for a directive

#### Recital 12

*Text proposed by the Commission*

*(12) After the 2016 ICAO Assembly the Commission should submit a report to the European Parliament and to the Council in order to ensure that international developments can be taken into account and any issues about the application of the derogation be addressed.*

*Amendment*

*deleted*

## Amendment 13

### Proposal for a directive

#### Article 1 – point -1 (new)

Directive 2003/87/EC

Article 3d – paragraph 4

*Text proposed by the Commission*

*Amendment*

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

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

*Member States shall regularly inform the Commission of actions taken pursuant to the first subparagraph."*

## Amendment 14

### Proposal for a directive

#### Article 1 – point 1

Directive 2003/87/EC

Article 28a – paragraph 1 – subparagraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) all emissions from flights to and from countries outside the European Economic Area in 2013;

(a) all emissions from flights to and from countries outside the European Economic Area (**EEA**) in 2013;

## Amendment 15

### Proposal for a directive

#### Article 1 – point 1

Directive 2003/87/EC

Article 28a – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) emissions from flights to and from countries outside **the European Economic Area (EEA)** in each calendar year between 2014 and **2020** where the operator of such flights has surrendered allowances in respect of the percentages of their verified emissions from those flights listed in accordance with Annex IIc, or calculated in accordance with paragraph 6;

(b) emissions from flights to and from countries outside the EEA in each calendar year between 2014 and **2016** where the operator of such flights has surrendered allowances in respect of the percentages of their verified emissions from those flights listed in accordance with Annex IIc, or calculated in accordance with paragraph 6;

## Amendment 16

### Proposal for a directive

#### Article 1 – point 1

Directive 2003/87/EC

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

*Text proposed by the Commission*

*Amendment*

***(ba) emissions from flights between the outermost regions listed in Article 349 of TFEU and the EEA mainland in each calendar year until a global market-based measure enters into force where, to reflect the proportion of the flights that take place within the European airspace, the operator of such flights has surrendered allowances in respect of the percentages***

*which are to be calculated by Eurocontrol on the basis of the proportion of the Great Circle Distance between the main airports in the EEA mainland and in the outermost region that is not more than 12 miles beyond the furthest point of EEA mainland or calculated in accordance with paragraph 6;*

## **Amendment 17**

### **Proposal for a directive**

#### **Article 1 – point 1**

Directive 2003/87/EC

Article 28a – paragraph 1 – subparagraph 1 – point c

#### *Text proposed by the Commission*

(c) emissions from flights operated by a non-commercial aircraft operator in each calendar year up to **2020** where the emissions for which that aircraft operator are responsible in the calendar year are less than 1000 tonnes;

#### *Amendment*

(c) emissions from flights operated by a non-commercial aircraft operator in each calendar year up to **2016** where the emissions for which that aircraft operator are responsible in the calendar year are less than 1000 tonnes;

## **Amendment 18**

### **Proposal for a directive**

#### **Article 1 – point 1**

Directive 2003/87/EC

Article 28a – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

The verified emissions referred to in **paragraph** 1(b) calculated in accordance with Annex IIc shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12 and 14.

#### *Amendment*

The verified emissions referred to in **paragraphs** 1(b) **and (ba)** calculated in accordance with Annex IIc shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12 and 14.

## **Amendment 19**

### **Proposal for a directive**

#### **Article 1 – point 1**

Directive 2003/87/EC

Article 28a – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

As regards **activity in** 2013 to **2020**, Member States shall publish the number of free aviation allowances allocated to each operator by [**OP**: insert a date 4 months after the entry into force of this Directive].

**Amendment 20**

**Proposal for a directive**

**Article 1 – point 1**

Directive 2003/87/EC

Article 28a – paragraph 4

*Text proposed by the Commission*

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 2013 to **2020** shall be reduced to correspond with its share of attributed aviation emissions resulting from the application of **Article 28(a) to (c)**.

**Amendment 21**

**Proposal for a directive**

**Article 1 – point 1**

Directive 2003/87/EC

Article 28a – paragraph 6

*Text proposed by the Commission*

6. By way of derogation from Article 12(2a) and Article 14(3), for flights to and from countries outside the EEA, an aircraft operator may choose not to report emission data using the percentages in Annex IIc, in order that such emissions shall be calculated by the competent authority. This calculation shall take into account figures from the small emitters tool approved by the Commission and populated by Eurocontrol with data from its ETS support facility. The competent authority shall report all such calculations to the Commission. **Calculations** of emissions

*Amendment*

As regards **activities from** 2013 to **2016**, Member States shall publish the number of free aviation allowances allocated to each operator by [**OJ**: insert a date 4 months after the entry into force of this Directive].

*Amendment*

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 2013 to **2016** shall be reduced to correspond with its share of attributed aviation emissions resulting from the application of **points (a) to (c) of paragraph 1**.

*Amendment*

6. By way of derogation from Article 12(2a) and Article 14(3), for flights to and from countries outside the EEA **and flights to and from an aerodrome located in one of the outermost regions**, an aircraft operator may choose not to report emission data using the percentages in Annex IIc, in order that such emissions shall be calculated by the competent authority. This calculation shall take into account figures from the small emitters tool approved by the Commission and populated by Eurocontrol with data from its ETS support facility. The competent authority shall

made in these circumstances shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12, 14 and 28a.

report all such calculations to the Commission. ***The operator shall be informed of the result of the calculations made by the competent authority, and the calculations*** of emissions made in these circumstances shall be considered to be the verified emissions of the aircraft operator for the purposes of Articles 11a, 12, 14 and 28a.

## Amendment 22

### Proposal for a directive

#### Article 1 – point 1

Directive 2003/87/EC

Article 28a – paragraph 7

#### *Text proposed by the Commission*

7. Following the 2016 ICAO Assembly, the Commission shall report to the European Parliament and the Council on the ***actions to implement the global market-based measure to apply to emissions from 2020, together with proposals as appropriate.***

In the event that a global measure will not apply from 2020, that report shall consider the appropriate scope for coverage of emissions from activity to and from countries outside the EEA from **2020** onwards in the continued absence of such a global measure. In its report, the Commission shall also consider solutions to other issues that may arise in the application of paragraphs 1 to 4, while preserving equal treatment for all operators on the same route."

#### *Amendment*

***7. The Commission shall report annually to the European Parliament and the Council on the progress of the negotiations and preparations leading up to the 2016 ICAO Assembly as well as on the Commission's efforts to promote the international acceptance of the airspace approach among third countries.***

Following the 2016 ICAO Assembly, the Commission shall ***also specifically*** report to the European Parliament and the Council on the ***results achieved by the Assembly. In the event that a ratifiable global MBM is agreed, that report shall include proposals, as appropriate, in reaction to those developments. Any proposals shall be accompanied by detailed impact assessments.***

In the event that a global measure will not apply from 2020, that report shall consider the appropriate scope for coverage of emissions from activity to and from countries outside the EEA from **2016** onwards in the continued absence of such a global measure. In its report, the Commission shall also consider solutions to other issues that may arise in the application of paragraphs 1 to 4, while preserving equal treatment for all operators on the same route."

## Amendment 23

### Proposal for a directive

#### Annex

Directive 2003/87/EC

Annex II c – explanatory part – paragraph 6

#### *Text proposed by the Commission*

For the period 2014 to **2020**, and without prejudice to the global market-based measure applying from 2020, the percentage applicable to flights between EEA Member countries and countries which are developing countries and whose share of total revenue ton kilometres of international civil aviation activities is less than 1% shall be zero. Countries considered to be developing for the purposes of this proposal are those which benefit at the time of adoption of this proposal from preferential access to the Union market in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council, that is those which are not classified in 2013 by the World Bank as high-income or upper-middle income countries.

#### *Amendment*

For the period 2014 to **2016**, and without prejudice to the global market-based measure applying from 2020, the percentage applicable to flights between EEA Member countries and countries which are developing countries and whose share of total revenue ton kilometres of international civil aviation activities is less than 1% shall be zero. Countries considered to be developing for the purposes of this proposal are those which benefit at the time of adoption of this proposal from preferential access to the Union market in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council, that is those which are not classified in 2013 by the World Bank as high-income or upper-middle income countries.

## Amendment 24

### Proposal for a directive

#### Annex

Directive 2003/87/EC

Annex II c – explanatory part – paragraph 6 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***The percentage of emissions referred to in Article 28a for flights operating to and from an outermost region shall also be calculated according to the table below which will be populated before adoption with the percentages resulting mutatis mutandis from the application of the same formula, based on the best available data, including assistance from Eurocontrol.***

## Amendment 25

### Proposal for a directive

**Annex**

Directive 2003/87/EC

Annex II c – table – row 37

*Text proposed by the Commission*

*Amendment*

CHINA including HONG KONG,  
MACAO *and TAIWAN*

CHINA including HONG KONG *and*  
MACAO

**Amendment 26**

**Proposal for a directive**

**Annex**

Directive 2003/87/EC

Annex II c – table – row 147 a (new)

*Text proposed by the Commission*

*Amendment*

*TW TAIWAN*

**Amendment 27**

**Proposal for a directive**

**Annex IIc – table – after last row – rows 172 a - 172 i (new)**

*Text proposed by the Commission*

*Amendment*

*Guadeloupe*

*French Guiana*

*Martinique*

*Réunion*

*Saint-Barthélemy*

*Saint-Martin*

*Azores*

*Madeira*

*Canary Islands*