

# EUROPEAN PARLIAMENT

2004



2009

---

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

**2006/0304(COD)**

8.5.2008

## **AMENDMENTS**

### **47 - 84**

**Draft recommendation for second reading**

**Peter Liese**

(PE404.735v01-00)

on the Council common position for adopting a directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community

Council common position – amending act  
(5058/2008 – C6-0000/2008 – 2006/0304(COD))

AM\_Com\_LegRecomm

**Amendment 47**  
**Matthias Groote**

**Council common position – amending act**  
**Recital 16**

*Council common position*

(16) Aviation has an impact on the global climate through releases of carbon dioxide, nitrogen oxides, water vapour and sulphate and soot particles. The IPCC has estimated that the total impact of aviation is currently two to four times higher than the effect of its past carbon dioxide emissions alone. Recent Community research indicates that the total impact of aviation could be around two times higher than the impact of carbon dioxide alone. However, none of these estimates takes into account the highly uncertain cirrus cloud effects. ***In accordance with Article 174(2) of the Treaty, Community environment policy is to be based on the precautionary principle. Pending scientific progress, all impacts of aviation should be addressed to the extent possible. Emissions of nitrogen oxides will be addressed in other legislation to be proposed by the Commission in 2008.***

*Amendment*

(16) Aviation has an impact on the global climate through releases of carbon dioxide, nitrogen oxides, water vapour and sulphate and soot particles. The IPCC has estimated that the total impact of aviation is currently two to four times higher than the effect of its past carbon dioxide emissions alone. Recent Community research indicates that the total impact of aviation could be around two times higher than the impact of carbon dioxide alone. However, none of these estimates takes into account the highly uncertain cirrus cloud effects. In accordance with Article 174(2) of the Treaty, Community environment policy is to be based on the precautionary principle. Pending scientific progress, all impacts of aviation should be addressed to the extent possible. Emissions of nitrogen oxides will be addressed in other legislation to be proposed by the Commission in 2008. (16) Aviation has an impact on the global climate through releases of carbon dioxide, nitrogen oxides, water vapour and sulphate and soot particles. The IPCC has estimated that the total impact of aviation is currently two to four times higher than the effect of its past carbon dioxide emissions alone. Recent Community research indicates that the total impact of aviation could be around two times higher than the impact of carbon dioxide alone. However, none of these estimates takes into account the highly uncertain cirrus cloud effects. ***In accordance with Article 174(2) of the Treaty, Community environment policy must be based on the precautionary principle and therefore all impacts of***

*aviation should be addressed to the extent possible. Air traffic management authorities should apply effective measures in order to avoid the formation of contrails and cirrus clouds through changes in flight patterns, namely by ensuring that flights will avoid passing through areas where due to specific atmospheric conditions the formation of such clouds is foreseen. In addition, they should strongly promote research on the formation of contrails and cirrus clouds including effective mitigation measures (e.g. fuel, engines, air traffic management) that do not adversely affect other environmental goals. Pending other legislation to be proposed by the Commission focusing specifically on the problem of nitrogen oxide emissions in aviation, a multiplier should be applied to every tonne of CO2 emitted.*

Or. de

*Justification*

*Amendments 10 and 65 adopted at first reading.*

**Amendment 48**  
**Caroline Lucas, Jens Holm**

**Council common position – amending act**  
**Recital 17**

*Council common position*

(17) In order to avoid distortions of competition, a harmonised allocation methodology should be specified for determining the total quantity of allowances to be issued and for distributing allowances to aircraft operators. A proportion of allowances will be allocated by auction in accordance with rules to be developed by the Commission. A special reserve of allowances should be set aside to ensure access to the market for new aircraft operators and to assist aircraft operators

*Amendment*

(17) In order to avoid distortions of competition, a harmonised allocation methodology should be specified for determining the total quantity of allowances to be issued and for distributing allowances to aircraft operators. A proportion of allowances will be allocated by auction in accordance with rules to be developed by the Commission. ***From 2013 onwards, all allowances will be auctioned.*** A special reserve of allowances should be set aside to ensure access to the market for

which increase sharply the number of tonne-kilometres that they perform. Aircraft operators that cease operations should continue to be issued with allowances until the end of the period for which free allowances have already been allocated.

new aircraft operators and to assist aircraft operators which increase sharply the number of tonne-kilometres that they perform. Aircraft operators that cease operations should continue to be issued with allowances until the end of the period for which free allowances have already been allocated.

Or. en

*(amendments 75 and 87 adopted at first reading)*

#### *Justification*

*On 23 January the Commission presented its proposal on the design of the EU ETS post 2012. The Commission proposes full auctioning from 2013 onwards as the main allocation method for the majority of sectors included in the EU ETS. Same provisions shall therefore apply for the aviation sector.*

*Moreover, the Commission's impact assessment shows that aircraft operators will be able to pass on most of the increase in marginal costs to the customers, leading to windfall profits at the consumer's expense. Full auctioning will avoid this problem and take into account early measures for cleaner technologies and emission reduction as well as providing the most direct and accurate incentivisation for emissions reduction.*

#### **Amendment 49** **Urszula Krupa**

#### **Council common position – amending act** **Recital 17**

##### *Council common position*

(17) In order to avoid distortions of competition, a harmonised allocation methodology should be specified for determining the total quantity of allowances to be issued and for distributing allowances to aircraft operators. ***A proportion of allowances will be allocated by auction in accordance with rules to be developed by the Commission.*** A special reserve of allowances should be set aside to ensure access to the market for new aircraft operators and to assist aircraft operators

##### *Amendment*

(17) In order to avoid distortions of competition, a harmonised allocation methodology should be specified for determining the total quantity of allowances to be issued and for distributing allowances to aircraft operators. A special reserve of allowances should be set aside to ensure access to the market for new aircraft operator and to assist aircraft operators which increase sharply the number of tonne-kilometres that they perform. Aircraft operators that cease operations

which increase sharply the number of tonne-kilometres that they perform. Aircraft operators that cease operations should continue to be issued with allowances until the end of the period for which free allowances have already been allocated.

should continue to be issued with allowances until the end of the period for which free allowances have already been allocated.

Or. en

**Amendment 50**  
**Urszula Krupa**

**Council common position – amending act**  
**Recital 17 a (new)**

*Council common position*

*Amendment*

***(17a) Aviation is an energy-intensive industry sector as defined in Council Directive 2003/96/EC. In the absence of a viable alternative fuel, aviation is fully kerosene-dependent for its energy provision and has the highest abatement costs of all industry sectors. Also, the airlines' ability to pass on the costs of allowances to their customers is extremely limited.***

***Aviation is exposed to international competition, therefore as long as there is no agreement on global measures to reduce greenhouse gas emissions from aviation, there are serious risks of traffic deviation and carbon leakage. Such risks would be increased if a high level of auctioning were to apply to the aviation sector within the EU Emissions Trading Scheme (ETS). Therefore, auctioning should only serve to cover the administrative costs of the aviation ETS.***

Or. en

**Amendment 51**  
**Urszula Krupa**

**Council common position – amending act**  
**Recital 19**

*Council common position*

(19) Aviation contributes to the overall climate change impact of human activities and the environmental impact of greenhouse gas emissions from aircraft can be mitigated through measures to tackle climate change in the EU and third countries, and to fund research and development for mitigation and adaptation. Decisions on national public expenditure are a matter for Member States, in line with the principle of subsidiarity. ***Without prejudice to that position, revenues generated from the auctioning of allowances, or an 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 EU and third countries, to fund research and development for mitigation and adaptation and to cover the cost of administering the scheme. This could include measures to encourage environmentally-friendly transport. The proceeds of auctioning should in particular be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund, and measures to avoid deforestation and facilitate adaptation in developing countries. The provisions of this Directive relating to the use of revenues should not prejudice any decision on the use to be made of revenues generated from the auctioning of allowances in the broader context of the general review of Directive 2003/87/EC.***

*Amendment*

(19) Aviation contributes to the overall climate change impact of human activities and the environmental impact of greenhouse gas emissions from aircraft can be mitigated through measures to tackle climate change in the EU and third countries, and to fund research and development for mitigation and adaptation. Decisions on national public expenditure are a matter for Member States, in line with the principle of subsidiarity.

Or. en

## Amendment 52

Caroline Lucas, Jens Holm

### Council common position – amending act

#### Recital 19

##### *Council common position*

(19) Aviation contributes to the overall climate change impact of human activities **and the environmental impact of greenhouse gas emissions from aircraft can be mitigated through measures to tackle** climate change in the EU and third countries, and to fund research and development for mitigation and adaptation. **Decisions on national public expenditure are a matter for Member States, in line with the principle of subsidiarity. Without prejudice to that position, revenues generated from the auctioning of allowances, or an 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 EU and third countries, to fund research and development for mitigation and adaptation and to cover the cost of administering the scheme. This could include measures to encourage environmentally-friendly transport.** The proceeds of auctioning should in particular be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund, and measures to avoid deforestation **and facilitate adaptation in developing countries. The provisions of this Directive relating to the use of revenues should not prejudice any decision on the use to be made of revenues generated from the auctioning of allowances in the broader context of the general review of Directive 2003/87/EC.**

##### *Amendment*

(19) Aviation contributes to the overall climate change impact of human activities. **The proceeds from the auctioning of allowances should be used to reduce greenhouse gas emissions and to adapt to the impacts of climate change in the EU and third countries, especially in developing countries,** and to fund research and development for mitigation and adaptation. The proceeds of auctioning should in particular be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund, and measures to avoid deforestation. **In order to reduce to some extent the burden on citizens, revenues generated by auctioning should also be used to lower taxes and charges imposed on environment-friendly transport such as rail and bus. They should also be used to cover the Member States' justified costs in administering this Directive. Member States may also use those revenues to mitigate or even eliminate any accessibility and competitiveness problems arising for the outermost regions and problems for public service obligations in connection with the implementation of this Directive. Member States should inform the Commission of measures taken in this connection.**



*(amendment 14 adopted at first reading)*

*Justification*

*Amendment builds on Rapporteur's amendment 11 but reintroduces explicit reference to measures to tackle deforestation and funding for GEEREF.*

**Amendment 53**

**Urszula Krupa**

**Council common position – amending act  
Recital 20**

*Council common position*

*Amendment*

*(20) Provisions for the use of funds from auctioning should be notified to the Commission. Such notification does not release Member States from the obligation laid down in Article 88(3) of the Treaty, to notify certain national measures. This Directive should be without prejudice to the outcome of any future State aid procedures that may be undertaken in accordance with Articles 87 and 88 of the Treaty.*

*deleted*

**Amendment 54**

**Caroline Lucas, Jens Holm**

**Council common position – amending act  
Recital 33 a (new)**

*Council common position*

*Amendment*

*(33 a) This Directive should not prevent any Member State from maintaining or establishing other complementary and parallel policies or measures that address the aviation sector's total impacts on*

*(amendment 18 adopted at first reading)*

**Amendment 55**  
**Richard Seeber**

**Council common position – amending act**

**Article 1 - point 4**

Directive 2003/87/EC

Article 3c - paragraphs 1 and 2

*Council common position*

*Amendment*

***1. For the period from 1 January 2012 to 31 December 2012, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to 100% of the historical aviation emissions.***

2. For the period referred to in Article 11(2) beginning on 1 January 2013, and, in the absence of any amendments following the review referred to in Article 30(4), for each subsequent period, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to 100% of the historical aviation emissions multiplied by the number of years in the period.

2. For the period referred to in Article 11(2) beginning on 1 January 2013, and, in the absence of any amendments following the review referred to in Article 30(4), for each subsequent period, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to 100% of the historical aviation emissions multiplied by the number of years in the period, ***plus an annually accruing growth factor of 5 percentage points per year, .***

Or. de

*Justification*

*Emissions trading including aviation should not, logically, start in the final year of the second ETS period, but in the new period starting in 2013, hence the proposal to delete paragraph 1.*

*In paragraph 2, in addition to the overall 100%, an annual growth in EU aviation should be included, which in the long term will lie at around 5%. In this way, in 2013 an allocation of 105%, in 2014 of 110%, and so on, would be available as a cushion for growth in the aviation*

industry.

**Amendment 56**  
**Matthias Groote**

**Council common position – amending act**  
**Article 1 - point 4**  
Directive 2003/87/EC  
Article 3c - paragraph 1

*Council common position*

1. For the period from 1 January **2012** to 31 December 2012, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to **100%** of the historical aviation emissions.

*Amendment*

1. For the period from 1 January **2011** to 31 December 2012, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to **90%** of the historical aviation emissions **per year**.

Or. de

*Justification*

*Amendment 61 at first reading.*

**Amendment 57**  
**Jens Holm**

**Council common position – amending act**  
**Article 1 - point 4**  
Directive 2003/87/EC  
Article 3c - paragraph 2

*Council common position*

2. For the period referred to in Article 11(2) beginning on 1 January 2013, and, **in the absence of any amendments following the review referred to in Article 30(4)**, for each subsequent period, the **total** quantity of allowances **to be allocated to aircraft operators shall be equivalent to 100% of the historical aviation emissions multiplied by the number of years in the**

*Amendment*

2. For the period referred to in Article 11(2) beginning on 1 January 2013, and for each subsequent period, the quantity of **aviation** allowances **issued each year shall decrease in a linear manner corresponding to the overall reduction target applicable to the emissions covered by the Emissions Trading Scheme in reference to the annual value established**

*period.*

*under paragraph 1.*

Or. en

*(amendment 13 and 61 adopted at first reading)*

*Justification*

*In the first reading the Parliament adopted an amendment to align the cap to the overall reduction target under ETS in reference to 1990.*

**Amendment 58**  
**Caroline Lucas**

**Council common position – amending act**  
**Article 1 - point 4**  
Directive 2003/87/EC  
Article 3c - paragraph 2

*Council common position*

2. For the period referred to in Article 11(2) beginning on 1 January 2013, and, ***in the absence of any amendments following the review referred to in Article 30(4)***, for each subsequent period, the ***total*** quantity of allowances ***to be allocated to aircraft operators shall be equivalent to 100% of the historical aviation emissions multiplied by the number of years in the period.***

*Amendment*

2. For the period referred to in Article 11(2) beginning on 1 January 2013, and for each subsequent period, the quantity of ***aviation*** allowances ***issued each year shall decrease in a linear manner corresponding to a reduction target of 30% in reference to the annual value established under paragraph 1.***

Or. en

*(amendment 13 and 61 adopted at first reading)*

*Justification*

*In the first reading the Parliament adopted an amendment to align the cap to the overall reduction target under ETS in reference to 1990. The ETS review proposal provides an automatic cap downsizing to a -30% target which should also be established for the aviation sector.*

**Amendment 59**  
**Matthias Groote**

**Council common position – amending act**

**Article 1 - point 4**

Directive 2003/87/EC

Article 3c - paragraph 2

*Council common position*

*2. For the period referred to in Article 11(2) beginning on 1 January 2013, and, in the absence of any amendments following the review referred to in Article 30(4), for each subsequent period, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to 100% of the historical aviation emissions multiplied by the number of years in the period.*

*Amendment*

*2. The quantity of allowances issued each year starting in 2013 shall decrease in a linear manner beginning from the value established in paragraph 1. The quantity shall decrease by a linear factor of X% per year, in line with the revision of the EU's emissions trading system.*

Or. de

*Justification*

*In the first reading the Parliament adopted an amendment asking for a review of the cap after 2012 in line with a 20% or 30% target for 2020. Aviation should be put on the same footing as other industries and therefore be brought into line with the revision of the emissions trading system.*

**Amendment 60**  
**Chris Davies**

**Council common position – amending act**

**Article 1 - point 4**

Directive 2003/87/EC

Article 3d - paragraph 1

*Council common position*

*1. In the period referred to in Article 3c(1), 10% of allowances shall be auctioned.*

*Amendment*

*1. In the period referred to in Article 3c(1), 100% of allowances shall be auctioned.*

Or. en

### *Justification*

*The guideline for the use of auctions to distribute allowances is clear: if the cost can be passed on to the consumer and if there is no threat of loss of business to competitors, then auctioning is appropriate. In this case the full costs of auctioning will be passed directly to the passengers whose travel is responsible for the CO2 emissions, and the rules will apply equally to all airline operators. There is therefore no reason for not introducing auctioning at the first opportunity.*

#### **Amendment 61 Matthias Groote**

##### **Council common position – amending act**

##### **Article 1 - point 4**

Directive 2003/87/EC

Article 3d - paragraph 1

##### *Council common position*

1. In the period referred to in Article 3(c)1, **10%** of allowances shall be auctioned.

##### *Amendment*

1. In the period referred to in Article 3(c)1, **25%** of allowances shall be auctioned.

Or. de

### *Justification*

*Amendment 74 adopted at first reading.*

#### **Amendment 62 Caroline Lucas, Jens Holm**

##### **Council common position – amending act**

##### **Article 1 - point 4**

Directive 2003/87/EC

Article 3d - paragraph 2

##### *Council common position*

2. For subsequent periods, ***the percentage to be auctioned referred to in paragraph 1 may be increased as part of the general review of this Directive.***

##### *Amendment*

2. For subsequent periods, ***all allowances shall be auctioned.***

Or. en

(amendments 75 and 87 adopted at first reading)

*Justification*

*On 23 January the Commission presented its proposal on the design of the EU ETS post 2012. The Commission proposes full auctioning from 2013 onwards as the main allocation method for the majority of sectors included in the EU ETS. Same provisions shall therefore apply for the aviation sector.*

*Moreover, the Commission's impact assessment shows that aircraft operators will be able to pass on most of the increase in marginal costs to the customers, leading to windfall profits at the consumer's expense. Full auctioning will avoid this problem and take into account early measures for cleaner technologies and emission reduction as well as providing the most direct and accurate incentivisation for emissions reduction.*

**Amendment 63**  
**Chris Davies**

**Council common position – amending act**

**Article 1 - point 4**

Directive 2003/87/EC

Article 3d - paragraph 2

*Council common position*

2. For ***subsequent periods***, the percentage to be auctioned ***referred to in paragraph 1*** may be increased ***as part of the general review of this Directive***.

*Amendment*

2. For ***the following period***, the percentage to be auctioned ***shall*** be increased ***to 100%***.

Or. en

*Justification*

*The guideline for the use of auctions to distribute allowances is clear: if the cost can be passed on to the consumer and if there is no threat of loss of business to competitors, then auctioning is appropriate. In this case the full costs of auctioning will be passed directly to the passengers whose travel is responsible for the CO2 emissions, and the rules will apply equally to all airline operators. There is therefore no reason for not introducing auctioning in full at an early opportunity.*

**Amendment 64**  
**Françoise Grossetête**

**Council common position – amending act**

**Article 1 - point 4**

Directive 2003/87/EC

Article 3d - paragraph 2

*Council common position*

2. For subsequent periods, the percentage to be auctioned referred to in paragraph 1 **may be increased as part of the general review of this Directive.**

*Amendment*

2. For subsequent periods, the percentage to be auctioned referred to in paragraph 1 **must, at the least, cover the administrative costs and may not exceed 10% of the quotas.**

Or. fr

*Justification*

*The recasting of the general directive lays down the overall framework of the ETS, but does not deal with the specifics of each sector. It would not be logical to legislate now on a percentage to be auctioned whose definition is not yet even known. It would be advisable to wait to see the orientation of the general directive before prescribing any adjustment of the specific system to that of the other sectors.*

**Amendment 65**  
**Matthias Groote**

**Council common position – amending act**

**Article 1 - point 4**

Directive 2003/87/EC

Article 3d - paragraph 2

*Council common position*

2. For subsequent periods, the percentage to be auctioned referred to in paragraph 1 **may be increased as part of the general review of this Directive.**

*Amendment*

2. For subsequent periods, the percentage to be auctioned as referred to in paragraph 1 **shall be increased, according to the maximum level of auctioning in other sectors.**

Or. de



*(Amendments 75 and 87 at first reading)*

*Justification*

*This amendment was adopted by Parliament at first reading (Amendments 75 and 87).*

**Amendment 66**

**Georg Jarzembowski, Philip Bradbourn, Werner Langen, Thomas Ulmer**

**Council common position – amending act**

**Article 1 - point 4**

Directive 2003/87/EC

Article 3d - paragraph 2

*Council common position*

2. For subsequent periods, the percentage to be auctioned referred to in paragraph 1 may be increased ***as part of the general review of this Directive.***

*Amendment*

2. For subsequent periods, the percentage to be auctioned as referred to in paragraph 1 may be increased, ***up to the maximum internationally agreed level of auctioning.***

Or. de

*Justification*

*The percentage to be auctioned should only be able to be increased up to the maximum agreed internationally, in order to avoid distortions of competition at global level.*

**Amendment 67**

**Caroline Lucas, Jens Holm**

**Council common position – amending act**

**Article 1 - point 4**

Directive 2003/87/EC

Article 3e - paragraph 1

*Council common position*

1. For ***each*** period referred to in Article 3c, each aircraft operator may apply for an allocation of allowances that are to be allocated free of charge. An application may be made by submitting to the

*Amendment*

1. For ***the*** period referred to in Article 3c***(1)***, each aircraft operator may apply for an allocation of allowances that are to be allocated free of charge. An application may be made by submitting to the

competent authority in the administering Member State verified tonne-kilometre data for the aviation activities listed in Annex I performed by that aircraft operator for the monitoring year. For the purposes of this Article, the monitoring year shall be ***the calendar year ending 24 months before the start of the period to which it relates in accordance with Annexes IV and V or***, in relation to the period referred to in Article 3c(1), 2010. Any application shall be made ***at least 21 months before the start of the period to which it relates or, in relation to the period referred to in Article 3c(1)***, by 31 March 2011.

competent authority in the administering Member State verified tonne-kilometre data for the aviation activities listed in Annex I performed by that aircraft operator for the monitoring year. For the purposes of this Article, the monitoring year shall be in relation to the period referred to in Article 3c(1), 2010. Any application shall be made by 31 March 2011.

Or. en

*(amendments 75 and 87 adopted at first reading)*

#### *Justification*

*On 23 January the Commission presented its proposal on the design of the EU ETS post 2012. The Commission proposes full auctioning from 2013 onwards as the main allocation method for the majority of sectors included in the EU ETS. Same provisions shall therefore apply for the aviation sector.*

*Moreover, the Commission's impact assessment shows that aircraft operators will be able to pass on most of the increase in marginal costs to the customers, leading to windfall profits at the consumer's expense. Full auctioning will avoid this problem and take into account early measures for cleaner technologies and emission reduction as well as providing the most direct and accurate incentivisation for emissions reduction.*

#### **Amendment 68**

**Caroline Lucas, Jens Holm**

#### **Council common position – amending act**

##### **Article 1 - point 4**

Directive 2003/87/EC

Article 3e - paragraph 3 - point (d)

#### *Council common position*

(d) the number of allowances to be allocated free of charge in ***that*** period by

#### *Amendment*

(d) the number of allowances to be allocated free of charge in ***the*** period

subtracting the number of allowances referred to in points (b) and (c) from the total quantity of allowances decided upon under point (a); and

*referred to in Article 3c(1)* by subtracting the number of allowances referred to in points (b) and (c) from the total quantity of allowances decided upon under point (a); and

Or. en

*(amendments 75 and 87 adopted at first reading)*

#### *Justification*

*On 23 January the Commission presented its proposal on the design of the EU ETS post 2012. The Commission proposes full auctioning from 2013 onwards as the main allocation method for the majority of sectors included in the EU ETS. Same provisions shall therefore apply for the aviation sector.*

*Moreover, the Commission's impact assessment shows that aircraft operators will be able to pass on most of the increase in marginal costs to the customers, leading to windfall profits at the consumer's expense. Full auctioning will avoid this problem and take into account early measures for cleaner technologies and emission reduction as well as providing the most direct and accurate incentivisation for emissions reduction.*

#### **Amendment 69**

**Peter Liese, Georg Jarzembowski**

#### **Council common position – amending act**

##### **Article 1 - point 4**

Directive 2003/87/EC

Article 3f - paragraph 1

#### *Council common position*

1. In each period referred to in Article 3c(2), 3% of the total quantity of allowances to be allocated shall be set aside in a special reserve for aircraft operators:

#### *Amendment*

1. In each period referred to in Article 3c(2), 3% of the total quantity of allowances to be allocated shall be set aside in a special reserve for aircraft operators, who start performing an aviation activity falling within Annex I after the monitoring year for which tonne-kilometre data was submitted under Article 3e(1) in respect of a period referred to in Article 3c(2) and whose activity is not in whole or in part a continuation of an aviation activity previously performed by another aircraft operator.;

(a) who start performing an aviation activity falling within Annex I after the monitoring year for which tonne-kilometre data was submitted under Article 3e(1) in respect of a period referred to in Article 3c(2); *or*

***(b) whose tonne-kilometre data increases by an average of more than 18% annually between the monitoring year for which tonne-kilometre data was submitted under Article 3e(1) in respect of a period referred to in Article 3c(2) and the second calendar year of that period;***

and whose activity under point (a), or additional activity under point (b), is not in whole or in part a continuation of an aviation activity previously performed by another aircraft operator.

Or. en

#### *Justification*

*The provision introduced by the Council in its common position is counterproductive from an environmental point of view. It is not clear which operator will benefit from them. That is why we propose to delete it.*

#### **Amendment 70**

**Peter Liese**

#### **Council common position – amending act**

#### **Article 1 - point 8**

Directive 2003/87/EC

Article 11a - paragraph 1a

#### *Council common position*

1a. Subject to paragraph 3, during each period referred to in **Article 3c**, Member States shall allow each aircraft operator to use CERs and ERUs from project activities. ***During the period referred to in Article 3c(1), aircraft operators may use CERs and ERUs, up to 15% of the number of allowances they are required to***

#### *Amendment*

1a. Subject to paragraph 3, during each period referred to in **Article 11(2)**, Member States shall allow each aircraft operator to use ***allowances issued under Chapter III, CERs and ERUs from project activities up to a percentage*** of the number of allowances ***it is*** required to surrender pursuant to Article 12(2a); ***this percentage***

surrender pursuant to Article 12(2a).

For subsequent periods, the percentage shall be decided in line with the procedure for determining the use of CERs and ERUs from project activities, as part of the review of this Directive and taking into consideration the development of the international climate change regime.

The Commission shall publish this percentage at least six months before the start of each period referred to in Article 3c.”;

***being 50% of the amount of allowances that will be auctioned in the relevant period.***

For subsequent periods, the percentage shall be decided in line with the procedure for determining the use of CERs and ERUs from project activities, as part of the review of this Directive and taking into consideration the development of the international climate change regime.

The Commission shall publish this percentage at least six months before the start of each period referred to in Article 11(2).

Or. en

#### *Justification*

*The advantage of CDM is to use the costs for the operators to comply with the scheme and to give incentives for technology transfer in third countries. On the other hand, the Parliament has always defended the principle of complementarity which means that the main efforts should be made in Europe. It is important to underline the leading role of Europe and to really be a good example for other countries.*

*In complying with all of the stated principles, that means complementarity and cost-efficiency and technology transfer. It seems to be wise to link the use of CDM to the amount of allowances that are auctioned. When auctioning is replaced with CDM the actual environmental performance of air operations (in this case airlines inside Europe) is not affected. Only the way of getting the allowances is different. It has an added value without losing the principle of complementarity.*

#### **Amendment 71**

**Georg Jarzembowski, Philip Bradbourn, Werner Langen, Thomas Ulmer**

#### **Council common position – amending act**

##### **Article 1 - point 8**

Directive 2003/87/EC

Article 11a - paragraph 1a - subparagraph 1

#### *Council common position*

“1a. Subject to paragraph 3, during each period referred to in Article 3c, Member States shall allow each aircraft operator to use CERs and ERUs from project

#### *Amendment*

“1a. Subject to paragraph 3, during each period referred to in Article 3c, Member States shall allow each aircraft operator to use CERs and ERUs from project

activities. During the period referred to in Article 3c(1), aircraft operators may use CERs and ERUs, up to **15%** of the number of allowances they are required to surrender pursuant to Article 12(2a).

activities. During the period referred to in Article 3c(1), aircraft operators may use CERs and ERUs, up to **50%** of the number of allowances they are required to surrender pursuant to Article 12(2a).

Or. de

### *Justification*

*In order to counteract the climate effects of aviation, it should be possible, for the sake of an effective improvement to the global climate situation, to raise the percentage rate for the use of CERs and ERUs substantially.*

### **Amendment 72 Matthias Groote**

#### **Council common position – amending act**

#### **Article 1 - point 10**

Directive 2003/87/EC

Article 12 - paragraph 2a a (new)

*Council common position*

*Amendment*

***2aa. As long as there are no Community measures which incentivise the reduction of releases of nitrogen oxides from aircraft carrying out an aviation activity listed in Annex I, and which ensure the same ambitious level regarding the protection of the environment as this Directive, for the purposes of paragraph 2a and by way of derogation from Article 3(a), the amount of carbon dioxide which an allowance, other than an aviation emissions allowance, or a CER or ERU permits an aircraft operator to emit shall be divided by an impact factor of 2.***

Or. de

*(Amendment 41 from first reading)*

*Justification*

*This amendment was adopted by Parliament at first reading (Amendment 41).*

**Amendment 73**

**Urszula Krupa**

**Council common position – amending act**

**Article 1 - point 14 - point (b)**

Directive 2003/87/EC

Article 16 - paragraph 2a (new)

*Council common position*

*Amendment*

***(2a) In the event that the publication of such list of non-compliant aircraft operators reveals a patent situation of discrimination against compliant aircraft operators, Member States and the Commission shall take corrective measures to remedy this discrimination before considering paragraph 5 of the Article.***

Or. en

**Amendment 74**

**Urszula Krupa**

**Council common position – amending act**

**Article 1 - point 16 - point (b)**

Directive 2003/87/EC

Article 19 - paragraph 3

*Council common position*

*Amendment*

***“The Regulation on a standardised and secured system of registries shall ensure that allowances, CERs, ERUs surrendered by aircraft operators are transferred to Member States’ retirement accounts for the Kyoto Protocol’s first commitment period only to the extent that those allowances, CERs and ERUs correspond to emissions included in the***

***“The Regulation shall allow for aircraft operators to request their registry administrator to exchange an allowance issued under Chapter II for an allowance equivalent to those issued under Chapter III. Administrators shall make such an exchange on request.”***

*national totals of Member States' national inventories for that period. "*

Or. en

**Amendment 75**

**Georg Jarzembowski, Philip Bradbourn, Werner Langen, Thomas Ulmer**

**Council common position – amending act**

**Article 1 - point 18**

Directive 2003/87/EC

Article 25a - paragraph 2 a (new)

*Council common position*

*Amendment*

***2a. If air transport operators from third countries who provide air transport services in a given geographical framework are not included in the European system, for reasons of equal treatment and in order to support an overall solution to combating emissions from aviation, air transport operators from the European Union serving comparable routes shall not be included in the system either.***

Or. de

*Justification*

*In accordance with the Parliament and Council common position, whereby distortions of competition between European air carriers and air carriers from third countries are to be avoided, there is a need for this clear rule on relations with third countries.*

**Amendment 76**

**Peter Liese**

**Council common position – amending act**

**Article 2 - point 1 - subparagraph 1**



*Council common position*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before ... \*. They shall forthwith inform the Commission thereof.

*\* OJ: Please insert the date – 18 months after date of entry into force of this Directive*

*Amendment*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before ***6 months after the date of entry into force of this Directive***. They shall forthwith inform the Commission thereof.

Or. en

*Justification*

*The urgency of addressing climate change becomes more and more clear, as for example outlined in the IPCC reports. This is why the transitional period should be as short as possible.*

**Amendment 77**  
**Richard Seeber**

**Council common position – amending act**  
**Annex I - point 1 - point (b)**  
Directive 2003/87/EC  
Annex I - paragraph 2 - new subparagraph

*Council common position*

“For the year **2012** all flights which arrive at or depart from an aerodrome situated in the territory of a Member State to which the Treaty applies shall be included.”;

*Amendment*

“For the year **2013** all flights which arrive at or depart from an aerodrome situated in the territory of a Member State to which the Treaty applies shall be included.”;

Or. de

*Justification*

*Emissions trading that includes aviation should not, logically, start in the last year of the second ETS period, but in the new period starting in 2013.*

**Amendment 78**  
**Matthias Groot**

**Council common position – amending act**  
**Annex I - point 1 - point (b)**

Directive 2003/87/EC

Annex I - paragraph 2 - new subparagraph

*Council common position*

“*For the year 2012* all flights *which arrive at or depart from an aerodrome* situated in the territory of a Member State to which the Treaty applies shall be included.”;

*Amendment*

“*From 1 January 2011*, all flights which *arrive at or depart from an airport* situated in the territory of a Member State to which the Treaty applies shall be included, *taking into account the special situation of the flights between ultra-peripheral regions and the European Continental zone.*”.

Or. de

*(Amendment 78 from first reading)*

*Justification*

*This amendment was adopted by Parliament at first reading (Amendment 78).*

**Amendment 79**  
**John Bowis**

**Council common position – amending act**  
**Annex I - point 1 - point (c)**

Directive 2003/87/EC

Annex I - paragraph 2 - table - new category - point (a)

*Council common position*

(a) flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, ***Heads of Government and Government Ministers***, of a country other than a Member State, where this is substantiated by an appropriate status indicator in the flight plan;

*Amendment*

(a) flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family ***and*** Heads of State of a country other than a Member State, where this is substantiated by an appropriate status indicator in the flight plan;

*Justification*

*The public sector, especially governments, should set a positive example. The proposed exclusion would be completely in contrast to the policy of most governments and to the expectation of the public.*

**Amendment 80**  
**Holger Krahmer**

**Council common position – amending act**

**Annex I - point 1 - point (c)**

Directive 2003/87/EC

Annex I - paragraph 2 - table - new category - point (h a) (new)

*Council common position*

*Amendment*

***(ha) flights performed by aircraft with a maximum certified take-off mass of less than 20 000 kg or certified for a maximum passenger seating configuration of less than twenty, under the condition that operators of these aircraft are subject to measures that will achieve an equivalent contribution to emission reductions (or overall emission reduction objectives).***

*(Amendment 63 of first reading)*

*Justification*

*The amendment intends to reestablish the content of amendment 63 adopted by the Parliament in the first reading on 13.11.2007 while ensuring coherence with the main ETS review in order to make small aircrafts subject to alternative simplified measures of at least equivalent environmental effect within the ETS.*

**Amendment 81**  
**Edite Estrela**

**Council common position – amending act**

**Annex I - point 1 - point (c)**

Directive 2003/87/EC

Annex I - paragraph 2 - table - new category - point (i a) (new)

*Council common position*

*Amendment*

***(ia) flights between non-EU territories that stop over at outermost regions as defined in Article 299(2) of the Treaty***

Or. en

*Justification*

*Airports of outermost regions such as the Azores have a significant present and potential traffic between non-EU territories.*

*This traffic can be of an enormous importance for the local economy, namely in existing routes such as the one Amman/Barbados through Santa Maria in the Azores or potential routes as the foreseen Sal (Cape Verde)/Boston (EUA) through the Azores.*

*This amendment improves a part of the text of the common position which was not included in the proposal submitted in the first reading, as the Commission's IA (SEC(2006)1684) failed to estimate the traffic of the outermost regions to 3rd countries.*

**Amendment 82**  
**John Bowis**

**Council common position – amending act**

**Annex I - point 1 - point (c)**

Directive 2003/87/EC

Annex I - paragraph 2 - table - new category - point (j)

*Council common position*

*Amendment*

***(j) flights, other than flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, **Heads of Government and Government*****

***(j) flights, other than flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family **and** Heads of State of an EU Member State, performed by a***

**Ministers, of an EU Member State,**  
performed by a commercial air transport  
operator operating, for three consecutive  
four-month periods, fewer than 243 flights  
per period, which, but for this point, would  
fall within this activity.

commercial air transport operator  
operating, for three consecutive four-month  
periods, fewer than 243 flights per period,  
which, but for this point, would fall within  
this activity.

Or. en

*Justification*

*The public sector, especially governments, should set a positive example. The proposed exclusion would be completely in contrast to the policy of most governments and to the expectation of the public.*

**Amendment 83**

**Georg Jarzembowski, Philip Bradbourn, Werner Langen, Thomas Ulmer**

**Council common position – amending act**

**Annex I - point 1 - point (c)**

Directive 2003/87/EC

Annex I - paragraph 2 - table - new category - point (j a) (new)

*Council common position*

*Amendment*

***(ja) Flights from third countries to the EU  
or from the EU to third countries where  
the third countries are not subject to the  
rules of the EU emissions trading system  
or of an equivalent system pursuant to  
Article 25 a.***

Or. de

*Justification*

*See justification for Article 25 a, paragraph 3 (new).*

**Amendment 84**

**Peter Liese, Georg Jarzembowski, Eija-Riitta Korhola, Holger Krahmer**

**Council common position – amending act**

**Annex I - point 2 - point (b)**

Directive 2003/87/EC

Annex IV - part B - point B - subparagraph 4

*Council common position*

For the purposes of calculating the payload:

- the number of passengers shall be the number of persons on-board excluding crew members,
- an aircraft operator may choose to apply either the actual or standard mass for passengers and checked baggage contained in its mass and balance documentation for the relevant flights or a default value of 110kg for each passenger and his checked baggage.

*Amendment*

For the purposes of calculating the payload:

- the number of passengers shall be the number of persons on-board excluding crew members,
- an aircraft operator may choose to apply either the actual or standard mass for passengers and checked baggage contained in its mass and balance documentation for the relevant flights or a default value of **100kg** for each passenger and his checked baggage.

Or. en

*Justification*

*The amendment intends to reestablish the Commission proposal and the Parliament's position in first reading which has been amended by the Council.*