



2021/0207(COD)

16.2.2022

AMENDMENTS

186 - 344

Draft report
Sunčana Glavak
(PE703.137v01-00)

Proposal for a Directive of the European Parliament and the Council amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and appropriately implementing a global market-based measure

Proposal for a directive
(COM(2021)0552 – C9-0319/2021 – 2021/0207(COD))

Amendment 186
Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2003/87/EC

Article 3 c – paragraph 7

Text proposed by the Commission

Amendment

7. By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights between an aerodrome located in an outermost region of a Member State and an aerodrome located in the same Member State outside that outermost region.’;

deleted

Or. cs

Amendment 187
Dolors Montserrat

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2003/87/EC

Article 3 c – paragraph 7

Text proposed by the Commission

Amendment

7. By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights between an aerodrome located in an outermost region of a Member State and an aerodrome located in the *same Member State* outside that outermost region.;

7. By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights between an aerodrome located in an outermost region of a Member State and an aerodrome located in the *EEA* outside that outermost region, *in Switzerland or in the United Kingdom*.

Amendment 188
Henna Virkkunen, Marian-Jean Marinescu

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

Text proposed by the Commission

7. By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place ***until 2030*** from flights ***between*** an aerodrome located in an outermost region ***of a Member State and an aerodrome located in the same Member State outside that outermost region.***;

Amendment

7. By way of derogation from Articles 12(3b), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place from flights ***to and from*** an aerodrome located in an outermost region, ***from flights between two different outermost regions and between islands inside outermost regions.***

Amendment 189
Pascal Canfin, Stéphane Bijoux

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

Text proposed by the Commission

7. By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights ***between*** an aerodrome located in an outermost region ***of a Member State and an aerodrome***

Amendment

7. By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights ***from and to*** an aerodrome located in an outermost region ***within the meaning of Article 349***

located in the same Member State outside that outermost region.’;

of the Treaty on the Functioning of the European Union.’;

Or. fr

Amendment 190

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive 2003/87/EC

Article 3 d – paragraph 1

Text proposed by the Commission

1. *In 2024, 25% of the **quantity of** allowances in respect of which free allocation would have taken place **as published** in accordance with Article 3c shall be auctioned.’,*

Amendment

1. *As from [the year following the entry into force of **this Directive**], all allowances in respect of which free allocation would have taken place **in that year, calculated from the publication** in accordance with Article 3c shall be auctioned.’,*

Or. en

Amendment 191

Dolors Montserrat

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive 2003/87/EC

Article 3 d – paragraph 1

Text proposed by the Commission

1. In 2024, **25%** of the quantity of allowances in respect of which free allocation would have taken place as published in accordance with Article 3c shall be auctioned.’,

Amendment

1. In 2024, **15%** of the quantity of allowances in respect of which free allocation would have taken place as published in accordance with Article 3c shall be auctioned.’,

Or. en

Amendment 192

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive 2003/87/EC

Article 3 d – paragraph 1

Text proposed by the Commission

1. In **2024**, 25% of the quantity of allowances in respect of which free allocation would have taken place as published in accordance with Article 3c shall be auctioned.’

Amendment

1. In **2027**, 25% of the quantity of allowances in respect of which free allocation would have taken place as published in accordance with Article 3c shall be auctioned.’

Or. en

Amendment 193

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive 2003/87/EC

Article 3 d – paragraph 1

Text proposed by the Commission

1. **In 2024**, 25% of the quantity of allowances in respect of which free allocation would have taken place **as published in accordance with Article 3c** shall be auctioned.’

Amendment

1. **From 1 January 2024, the entirety** of the quantity of allowances in respect of which free allocation would have taken place **in that year** shall be auctioned.’

Or. en

Justification

Immediate phase-out of free allowances after entering into force of the present Directive.

Amendment 194

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive 2003/87/EC
Article 3 d – paragraph 1

Text proposed by the Commission

1. ***In 2024, 25%*** of the quantity of allowances in respect of which free allocation would have taken place ***as published in accordance with Article 3c*** shall be auctioned.’

Amendment

1. ***As of 1 January 2024, all*** of the quantity of allowances in respect of which free allocation would have taken place ***in that year*** shall be auctioned.

Or. en

Justification

There is no reason to keep free allocation, since there is no extra EU competition on internal EU lines. Free allocation should therefore end with the entering into force of this Directive. This will allow for increased revenues to be invested in decarbonising aviation.

Amendment 195

Claudia Gamon, Nils Torvalds, Martin Hojsík, Emma Wiesner, Michal Wiezik

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive 2003/87/EC

Article 3 d – paragraph 1

Text proposed by the Commission

1. ***In 2024, 25%*** of the quantity of allowances in respect of which free allocation would have taken place ***as published in accordance with Article 3c*** shall be auctioned.’

Amendment

1. ***As from 1 January 2024, all*** of the quantity of allowances in respect of which free allocation would have taken place ***in that year*** shall be auctioned.

Or. en

Justification

From 2024, allowances shall fully be auctioned.

Amendment 196

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraphs 1 a to 1 d

Text proposed by the Commission

Amendment

(b) the following paragraph 1a, 1b, 1c and 1d are added: *deleted*

1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’

1.d. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in 2023. This calculation shall also take into account verified emissions from aviation activities reported in respect of flights that are only covered by the EU ETS from 1 January 2023. ’

Or. en

Justification

Immediate phase-out of free allowances after entering into force of the present Directive.

Amendment 197

Claudia Gamon, Nils Torvalds, Martin Hojsík, Emma Wiesner, Michal Wiezik

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraphs 1 a to 1 d

Text proposed by the Commission

Amendment

(b) the following paragraph 1a, 1b, 1c and 1d are added: *deleted*

1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’

1.d. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in 2023. This calculation shall also take into account verified emissions from aviation activities reported in respect of flights that are only covered by the EU ETS from 1 January 2023. ’

Or. en

Justification

From 2024, allowances shall fully be auctioned.

Amendment 198

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraphs 1 a to 1 d

Text proposed by the Commission

Amendment

(b) the following paragraph 1a, 1b, 1c and 1d are added: *deleted*

1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’

1.d. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in 2023. This calculation shall also take into account verified emissions from aviation activities reported in respect of flights that are only covered by the EU ETS from 1 January 2023. ’

Or. en

Justification

linked to immediate phase out of free allowances.

Amendment 199

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraphs 1 a to 1 d

Text proposed by the Commission

Amendment

(b) the following paragraph 1a, 1b, 1c and 1d are added: *deleted*

1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’

1.d. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in 2023. This calculation shall also take into account verified emissions from aviation activities reported in respect of flights that are only covered by the EU ETS from 1 January 2023. ’

Or. en

Amendment 200

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 a

Text proposed by the Commission

Amendment

1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

deleted

Or. en

Amendment 201
Dolors Montserrat

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

Text proposed by the Commission

Amendment

1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1a. From 2025 to 2029, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

Or. en

Amendment 202
Anna Zalewska

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

Text proposed by the Commission

Amendment

1a. In 2025, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in

1a. In 2028, [50]% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in

accordance with Article 3c shall be auctioned.

accordance with Article 3c shall be auctioned.

Or. en

Amendment 203

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 a

Text proposed by the Commission

1a. In **2025**, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

Amendment

1a. In **2028**, 50% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

Or. en

Amendment 204

Dolors Montserrat

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 b

Text proposed by the Commission

1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

Amendment

deleted

Or. en

Amendment 205
Bas Eickhout

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

Text proposed by the Commission

Amendment

1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned. **deleted**

Or. en

Amendment 206
Anna Zalewska

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

Text proposed by the Commission

Amendment

1b. In 2026, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

1b. In 2029, [75]% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

Or. en

Amendment 207
Henna Virkkunen, Marian-Jean Marinescu

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

Text proposed by the Commission

1b. In **2026**, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

Amendment

1b. In **2029**, 75% of the quantity of allowances in respect of which free allocation would have taken place in that year, calculated from the publication in accordance with Article 3c shall be auctioned.

Or. en

Amendment 208

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 c

Text proposed by the Commission

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,

Amendment

deleted

Or. en

Amendment 209

Andreas Glück, Jan Huitema

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 c

Text proposed by the Commission

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,

Amendment

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned, ***except for the quantity of allowances referred to in Article 3c(5a).*** ’,

Justification

The phase out of free allowances should exclude the allowances allocated for free for the uplifting of SAF.

Amendment 210

Sunčana Glavak, Inese Vaidere

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 c

Text proposed by the Commission

1c. As from 1 January **2027**, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,

Amendment

1c. As from 1 January **2026**, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned, ***except for the quantity of allowances referred to in Article 3c(5a).***

Amendment 211

Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 c

Text proposed by the Commission

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in ***that year*** shall be auctioned. ’,

Amendment

1c. As from 1 January 2027, all of the quantity of allowances in respect of which free allocation would have taken place in ***specific years*** shall be auctioned. ’,

Amendment 212
Dolors Montserrat

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
Directive 2003/87/EC
Article 3 d – paragraph 1 c

Text proposed by the Commission

1c. As from 1 January **2027**, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,

Amendment

1c. As from 1 January **2030**, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,

Or. en

Amendment 213
Anna Zalewska

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
Directive 2003/87/EC
Article 3 d – paragraph 1 c

Text proposed by the Commission

1c. As from 1 January **2027**, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,

Amendment

1c. As from 1 January **2030**, all of the quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,

Or. en

Amendment 214
Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
Directive 2003/87/EC
Article 3 d – paragraph 1 c

Text proposed by the Commission

1c. As from 1 January **2027**, all of the

Amendment

1c. As from 1 January **2030**, all of the

quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned. ’,

quantity of allowances in respect of which free allocation would have taken place in that year shall be auctioned.

Or. en

Amendment 215
Bas Eickhout

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

Text proposed by the Commission

Amendment

1d. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in 2023. This calculation shall also take into account verified emissions from aviation activities reported in respect of flights that are only covered by the EU ETS from 1 January 2023. ’,

deleted

Or. en

Amendment 216
Henna Virkkunen, Marian-Jean Marinescu

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

Text proposed by the Commission

Amendment

1.d. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in **2023**. This calculation shall also take into account verified emissions from aviation activities reported in respect of

1d. Allowances which are allocated for free shall be allocated to aircraft operators proportionately to their share of verified emissions from aviation activities reported in **2026**. This calculation shall also take into account verified emissions from aviation activities reported in respect of

flights that are only covered by the EU
ETS from 1 January **2023.**’,

flights that are only covered by the EU
ETS from 1 January **2026.**

Or. en

Amendment 217

Agnès Evren

Proposal for a directive

Article premier – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 d a (new)

Text proposed by the Commission

Amendment

1da. Upon entry into force of the revised Directive 2003/87/EC, emission allowances for flights to and from aerodromes in an outermost region shall continue to be allocated free of charge with a view to preserving the connectivity, territorial continuity and territorial services of the Union’s outermost regions.

Or. fr

Amendment 218

Agnès Evren

Proposal for a directive

Article 1– paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3 d – paragraph 1 d b (new)

Text proposed by the Commission

Amendment

1db. Upon entry into force of the revised Directive 2003/87/EC, emissions allowances shall continue to be allocated free of charge to aircraft operators for intra-European routes serving a connecting airport in the Union.

The Commission shall propose a list of routes eligible for this exemption,

qualified, for example, by a minimum rate, set by the Commission, of connecting passengers on the route, and it shall apply to all aircraft operators operating the route, with a view to ensuring fair competition between operators within the Union.

Or. fr

Amendment 219

Anna Zalewska

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive 2003/87/EC

Article 3 d – paragraph 2

Text proposed by the Commission

(c) paragraph 2 is *deleted*,

Amendment

(c) paragraph 2 is *replaced by the following*:

‘The Commission may adopt implementing acts, preceding close consultation with Member States, to establish revised rules of free allocation during the phase-out of free allowances foreseen by paragraphs 1, 1a, 1b, 1c and 1d of this Article in order to level the playing field for all aircraft operators. The total volume of free allowances for aircraft operators shall be determined on the basis of:

- the three-year average of the free allocation to the sector in the period [2021-2023] corresponding to the derogation (without international flights outside the EEA);*
- a linear reduction factor;*
- and others, where deemed appropriate by Member States or the Commission, which address specific problems which impede in the achievement of the targets or hinder the level playing field for all aircraft*

*operators;
in order to take account of current
operating volumes and economic trends.’;*

Or. en

Justification

The Commission proposal assumes a linear reduction of free allowances, prior to phasing-out all free allocation, which requires a temporary change to the allocation procedure. The data used for individual allocation is determined on the basis of 2010 emission data, or on a special reserve based on 2014 levels, that does not reflect the current functioning of the aviation sector. Therefore, in order to ensure a level playing field for operators operating in the intra-EEA market, the total volume of free allowances for aircraft operators should be determined on the basis of the three-year average of the free allocation to the sector in the period 2021-2023 corresponding to the derogation (without international flights outside the EEA), in order to take account of today's operating volumes and economic trends following the recent market collapse due to the COVID-19 pandemic.

Amendment 220

Jens Gieseke, Michael Gahler, Karolin Braunsberger-Reinhold

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive 2003/87/CE

Article 3 d – paragraph 2

Text proposed by the Commission

(c) paragraph 2 is **deleted**,

Amendment

(c) paragraph 2 is **replaced by the following**:

‘To avoid carbon leakage and distortion of competition, an adjustment mechanism shall be adopted for the proportion of EU ETS-costs on intra-EEA flights allocated to passengers transferring to a final destination outside the Union and vice versa. This adjustment mechanism is calculated as follows per aircraft operator:

In accordance with Annex IV and by 31 March of each year, aircraft operators operating flights where the Treaty applies, shall report to the national competent authority and the verifier for every city pair the annual fuel consumption on

individual connections and the ratio of the number of passengers with connecting flights into or out of the EEA ("transfer passengers") to the total number of passengers on this connection ("passengers");

The adjustment for each city pair equals: (number of transfer passengers / total number of passengers) x fuel consumption x emission factor;

The cumulative amount of this adjustment mechanism for all city pairs together shall be deducted from the total amount of verified emissions, of which the corresponding allowances are to be surrendered by the aircraft operator in that same period.';

Or. en

Justification

The EU ETS needs an equal treatment of intercontinental transfer passengers, regardless of whether passengers transfer in or outside Europe. This would prevent carbon leakage and would lift the severe distortion of competition between European and non-European airlines. Since the cap remains unaffected even if feeder passengers are treated equally, there is no change to the CO₂ reduction targets in the emissions trading system.

Amendment 221 **Anna Zalewska**

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point d
Directive 2003/87/EC
Article 3 d – paragraph 3

Text proposed by the Commission

The Commission is empowered to adopt ***delegated acts in accordance with Article 23*** to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with ***paragraphs 1, 1a, 1b, 1c and 1d*** of this Article, ***including the modalities for the transfer***

Amendment

The Commission is empowered to adopt ***implementing acts*** to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with ***paragraph 1*** of this Article,

of a share of revenue from such auctioning to the general budget of the Union.’

Or. en

Amendment 222

Marian-Jean Marinescu, Barbara Thaler, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point d

Directive 2003/87/EC

Article 3 d – paragraph 3

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with paragraphs 1, 1a, 1b, 1c and 1d of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with paragraphs 1, 1a, 1b, 1c and 1d of this Article, including the modalities for the transfer of a share of revenue from such auctioning, ***in accordance with Decision (EU, Euratom) 2020/2053***, to the general budget of the Union.

Or. en

Amendment 223

Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point d

Directive 2003/87/EC

Article 3 d – paragraph 3

Text proposed by the Commission

‘The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the

Amendment

‘The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the

auctioning by Member States of aviation allowances in accordance with paragraphs 1, 1a, 1b, 1c **and 1d** of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

auctioning by Member States of aviation allowances in accordance with paragraphs 1, 1a, 1b **and** 1c of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

Or. cs

Amendment 224
Silvia Modig

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point d
Directive 2003/87/EC
Article 3 d – paragraph 3

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with **paragraphs 1, 1a, 1b, 1c and 1d** of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with **paragraph 1** of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

Or. en

Amendment 225
Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point d
Directive 2003/87/EC
Article 3 d – paragraph 3

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning

the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with **paragraphs 1, 1a, 1b, 1c and 1d** of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with **paragraph 1** of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

Or. en

Justification

Paragraphs 1a, 1b, 1c and 1d are removed due to immediate phase-out.

Amendment 226

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point d

Directive 2003/87/EC

Article 3 d – paragraph 3

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with **paragraphs 1, 1a, 1b, 1c and 1d** of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the auctioning by Member States of aviation allowances in accordance with **paragraph 1** of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

Or. en

Amendment 227

Agnès Evren

Proposal for a directive

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

Directive 2003/87/EC

Article 3 d – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(da) the following paragraph is inserted:

(3a) The additional revenue generated by auctioning allowances to aircraft operators shall be used, as soon as the revised Directive 2003/87/EC enters into force, to bring about a rapid and efficient transition for the aviation sector.

All or part of the additional revenue shall be allocated to the EU Innovation Fund, as part of which an aviation programme must be set up with the aim of stimulating research and development, scaling up production and the use of sustainable aviation fuels and synthetic fuels, and fostering technological disruption in the aviation sector.

Or. fr

Amendment 228

Claudia Gamon, Martin Hojsík, Frédérique Ries, Michal Wiezik

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point e

Directive 2003/87/EC

Article 3 d – paragraph 4

Text proposed by the Commission

Amendment

4. **Member States shall determine the** use of revenues generated from the auctioning of allowances **covered by this Chapter**, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. **Member States shall use the revenues generated from the auctioning of allowances in accordance** with Article 10(3).;

4. **The** use of revenues generated from the auctioning of allowances **to aviation**, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union shall **be the following:**

(a) 50 % shall be made available to finance projects to reduce aviation's total

climate impact through the fund set up in Article 10a(8);

(b) 20 % of the revenues generated from international flights referred to in Article 3da(2) shall be used to contribute to UNFCCC Climate Funds, in particular the Green Climate Fund and the Adaptation Fund, to advance international action to mitigate the impact of climate change on the most vulnerable communities;

(c) Member States shall determine the use of the remaining revenues generated in line with Article 10(3).

An amount of the fund set up in Article 10a(8) equal to the revenues referred to in point (a) shall be used for the fast transition towards clean technologies in aviation, in particular those related to the uptake and deployment of zero-carbon aviation fuels as well as projects for implementing operational, aeronautics, airframe and engine innovation, to reduce total climate impacts.

Or. en

Justification

A part of the revenues from auctioning shall be placed in the Innovation Fund, where it shall be used to enhance the uptake of clean and sustainable aviation technologies. A part of revenues from auctioning allowances for flights to and from third countries shall be used to support international climate action.

Amendment 229

Andreas Glück, Jan Huitema

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point e

Directive 2003/87/EC

Article 3 d – paragraph 4

Text proposed by the Commission

4. Member States shall determine the use of revenues generated from the

Amendment

4. Member States shall determine the use of revenues generated from the

auctioning of allowances covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. Member States shall use the revenues generated from the auctioning of allowances in accordance with Article 10(3).;

auctioning of allowances covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. Member States shall use the revenues generated from the auctioning of allowances in accordance with Article 10(3). ***Revenues generated from the auctioning of allowances to aircraft operators shall be used to advance research and development in relation to aircraft efficiency, deployment of decarbonisation solutions and the environmental performance of the aviation sector.***;

Or. en

Justification

Further decarbonisation of the sector will not happen without significant advances in technology development and its uptake by the market, there is the need to earmark revenues from EU ETS allowances purchased by aircraft operators for R&D investment exclusively in the aviation sector.

Amendment 230 **Anna Zalewska**

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point e
Directive 2003/87/EC
Article 3 d – paragraph 4

Text proposed by the Commission

4. Member States shall determine the use of revenues generated from the auctioning of allowances covered by this Chapter, ***except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union.*** Member States shall use the revenues generated from the auctioning of allowances in accordance with Article 10(3).;

Amendment

4. Member States shall determine the use of revenues generated from the auctioning of allowances covered by this Chapter. Member States shall use the revenues generated from the auctioning of allowances in accordance with Article 10(3).;

Amendment 231

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point e

Directive 2003/87/EC

Article 3 d – paragraph 4

Text proposed by the Commission

4. ***Member States shall determine the use of revenues generated from the auctioning of allowances covered by this Chapter, except*** for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. Member States shall use the revenues generated from the auctioning of allowances in accordance with Article 10(3).;

Amendment

4. ***Without prejudice*** for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union, Member States shall use ***25% of*** the revenues generated from the auctioning of allowances ***covered by this Article*** in accordance with Article 10(3). ***The remaining 75 % of the revenues generated from the auctioning of allowances covered by this Article shall be allocated to the Aviation Fund pursuant to Article 3db.***

Amendment 232

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point e

Directive 2003/87/EC

Article 3 d – paragraph 4

Text proposed by the Commission

4. Member States shall determine the use of revenues generated from the auctioning of allowances covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union.

Amendment

4. Member States shall determine the use of revenues generated from the auctioning of allowances covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union

Member States shall use the revenues generated from the auctioning of allowances in accordance with Article 10(3).;

and the revenues transferred to the Aviation Transition Fund. Member States shall use the revenues generated from the auctioning of allowances in accordance with Article 10(3).

Or. en

Amendment 233

Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point e

Directive 2003/87/EC

Article 3 d – paragraph 4

Text proposed by the Commission

4. Member States shall determine the use of revenues generated from the auctioning of allowances covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. Member States shall use the revenues generated from the auctioning of allowances ***in accordance with*** Article 10(3).’;

Amendment

4. Member States shall determine the use of revenues generated from the auctioning of allowances covered by this Chapter, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget of the Union. Member States shall use the revenues generated from the auctioning of allowances ***exclusively for the purposes set out in*** Article 10(3).’;

Or. cs

Amendment 234

Silvia Modig

Proposal for a directive

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

Directive 2003/87/EC

Article 3 d a (new)

Text proposed by the Commission

Amendment

(2a) The following article is added:

‘Article 3da

Maintaining aviation's contribution to economy wide emissions reductions

1. In order to maintain economy wide emissions reductions consistent with the Union's and its Member States Nationally Determined Contribution for 2030, and by way of derogation to Article 25a, from 1st April 2025, aircraft operators shall surrender allowances for emissions on all flights departing from or arriving at an aerodrome located in the EEA, in the previous calendar year.

2. The total quantity of allowances to be allocated shall be increased to cover two thirds of verified emissions from additional departing and incoming flights in 2023, to account for the increased scope following the completion of the surrendering exercise in 2024. The linear reduction factor as detailed in Articles 9 and 28a shall continue to apply.

3. To ensure emissions are not priced twice for flights and to take due account of CORSIA offsetting obligations above a baseline set at 2019 level for the years 2021-2023 and set at the average of 2019-2020 level for the years 2024-2035, aircraft operators shall be reimbursed for the financial value of expenditure on credits used for CORSIA by them for extra-European routes. The Commission shall determine the methodology and mechanism to proceed to this reimbursement, which could require to convert the financial value of CORSIA credits into EU ETS allowances. The Commission shall consider the average price of EU ETS allowances as the average price of the last year in which auctions on the common auction platform took place.

4. The revenues generated from the auctioning of allowances covered by this Article, except for the revenues established as own resources in accordance with Article 311(3) of the Treaty and entered in the general budget

of the Union, shall be allocated the following:

(a) 75% of the revenues generated shall be used to contribute to UNFCCC Climate Funds, in particular the Green Climate Fund and the Adaptation Fund, to advance international action to mitigate the impact of climate change on the most vulnerable communities; and

(b) 25% of the revenues shall be allocated to the Aviation Fund as laid out in Article 3db.

5. The Commission shall engage with third countries with the aim of establishing bilateral agreements on measures to reduce greenhouse gas emissions from all flights departing from an aerodrome located in the EEA to a third country or arriving at an aerodrome located in the EEA from a third country. In the event of reaching a bilateral agreement with a third country, the Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by introducing proportionate reduction of the scope of application of the Union measures taken under this Article between the particular third country and the Member States.

6. The provisions of this Article will be subject to the review process as defined by Article 28b.’;

Or. en

Amendment 235

Claudia Gamon, Nils Torvalds, Martin Hojsík, Emma Wiesner, Michal Wiezik

Proposal for a directive

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

Directive 2003/87/EC

Article 3 d a (new)

(2a) The following article is added:

‘Article 3da

International aviation activities

1. By way of derogation from the relevant provisions in Article 11a, 12 and 25a, from 1 April 2025, each year aircraft operators shall surrender allowances for emissions on all flights departing from or arriving at an aerodrome located in the EEA, in the previous calendar year.

2. To take due account of CORSIA offsetting obligations above a baseline set at the 2019 level for the years 2021-2023 and at the average of the 2019-2020 level for 2024 onwards, aircraft operators shall be able to deduct the financial value of their expenditure on credits used for compliance with CORSIA for flights to or from countries that are listed in the implementing act adopted pursuant to Article 25a(3). Each year, operators shall publish and inform the European Commission about the CORSIA offsets paid the previous year for each route. The Commission shall establish the financial value of the offsets eligible for subtraction from the EU ETS surrender requirement for each route. The Commission shall adopt a delegated act in accordance with Article 23 to determine the methodology and mechanism for this subtraction. For this purpose, the Commission shall consider the price of EU ETS allowances to be the average price in the respective compliance year.

3. To account for the complete scope of aviation activities pursuant to paragraph 1 and 2, the total quantity of allowances to be allocated for aviation shall be increased by the levels of allocations for the additional departing and incoming flights in 2023, which would have been made if they were covered by the EU ETS in that year.

Allowances shall be cancelled equivalent to the CORSIA expenditure incurred on relevant routes. The linear reduction factor as laid down in Article 9 shall apply.’;

Or. en

Justification

Emissions from flights to and from third countries shall be covered by the ETS, but in order to apply CORSIA and avoid that emissions are priced twice, the CORSIA offsets shall be taken into account through the subtraction of the credit price paid under CORSIA from the ETS price on the relevant routes.

Amendment 236

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

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

Directive 2003/87/EC

Article 3 d a (new)

Text proposed by the Commission

Amendment

(2a) The following article is added:

‘Article 3da

Aviation Transitional Fund

1. A dedicated Aviation Transition Fund (“the Aviation Fund”) shall be proposed by the Commission through a dedicated act in order to support and accelerate projects, investments, innovations and first industrial application facilitating decarbonisation in the EU aviation sector.

2. The Aviation Fund shall constitute an integral part of the budget of the Union and shall be fully budgeted within the MFF ceilings. The budgetary envelope for this programme shall be expressed as an amount set at a level equivalent to 50% of the revenue expected from the auctioning of aviation allowances. The Aviation Fund shall be

managed centrally by the Commission.

3. The dedicated Aviation Fund shall support the transition to energy efficient and climate resilient EU aviation sector supporting development of innovative technologies for decarbonising the sector, production of sustainable aviation fuels (SAF) as defined in a Regulation on ensuring a level playing field for sustainable air transport including systems for collection of raw materials for SAFs, investments in research and development and first industrial application of technologies and designs reducing greenhouse gas emissions, research for new aircraft engines and technologies, aircraft operation and performance, and airports infrastructure.;

^{1a} Proposal for a Regulation of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport, https://eur-lex.europa.eu/procedure/EN/2021_205?uri=PROCEDURE:2021_205.

Or. en

Amendment 237

Silvia Modig

Proposal for a directive

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

Directive 2003/87/EC

Article 3 d b (new)

Text proposed by the Commission

Amendment

(2b) The following article is added:

‘Article 3db

Aviation Fund

1. A fund (‘the Aviation Fund’) shall be established for the period from 2024 to 2030 with the objective of supporting

projects and investments referred to in paragraph 3.

2. The Aviation Fund shall be managed centrally through a Union body and the governance structure of the Aviation Fund shall be similar to the governance structure of the Innovation Fund established under Article 10a(8) of this Directive. The Aviation Fund's governance structure and decision-making process shall be transparent and inclusive, in particular in relation to the setting of priority areas, criteria and grant allocation procedures. Stakeholders, such as individuals, civil society, social partners, academia, industry and policy makers, shall have an appropriate consultative role. All information on the projects and investments supported by the Aviation Fund and all other relevant information on the functioning of the Aviation Fund shall be made available to the public, in an easily accessible form.

3. Funds provided under the Aviation Fund shall be used to support projects and investments in relation to the following:

(a) deployment of e-kerosene that is produced from renewable energy, including through carbon contracts for difference aimed at bridging the price difference between low and zero-carbon fuels and conventional fuels. Special attention shall be given to projects capturing CO₂ from the atmosphere by utilising direct air capture and using it as feedstock to produce e-kerosene;

(b) increased operational flight efficiency with environmental benefits; and

(c) promotion of skill formation and reallocation of labour in order to contribute to a just transition that leaves no one behind, in particular in regions most affected by the transition of jobs in the aviation sector, in close coordination

with the social partners.

All investment supported by the Aviation Fund shall be made public and shall be consistent with the aims of this Directive. Furthermore, the intellectual property rights and patents of technologies discovered and developed with the support of the funds allocated from the Aviation Fund shall remain in the public domain.

4. All funding provided under the Aviation Fund shall be carried out in accordance with:

(a) The “do no significant harm” principle as set out in the Article 17 of the Regulation (EU) 2020/852 of the European Parliament and of the Council;

(b) Minimum safeguards as set out in the Article 18 of the Regulation (EU) 2020/852 of the European Parliament and of the Council; and

(c) The European Pillar of Social Rights.

Support under the Aviation Fund shall only be granted to companies that have not been found guilty or are under prosecution or investigation for money laundering, terrorism financing, tax avoidance, tax fraud, tax evasion or human rights violations in its operations or supply chains.

5. The Commission shall engage with third countries with regard to exploring options as to how they could also make use of the Aviation Fund.

6. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the implementation of this Article. In implementing the Aviation Fund, the Commission shall take all the appropriate measures in accordance with Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council to ensure the protection of funds in relation to measures and investments

supported by the Aviation Fund, in the event of failure to respect the rule of law in the Member States. To that end, the Commission shall provide an effective and efficient internal control system and shall seek recovery of amounts wrongly paid or incorrectly used.’;

Or. en

Amendment 238

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

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

Directive 2003/87/EC

Article 3 d b (new)

Text proposed by the Commission

Amendment

(2b) The following article is added:

‘Article 3db

1. An aircraft operator shall receive allowances allocated for free proportional with the use of sustainable aviation fuels, including renewable fuels of non-biological origin. For each type of sustainable aviation fuel reported, the amount of allowances received shall correspond to the amount of allowances, which the aircraft operator would have been required to surrender for the same volume of fossil kerosene, multiplied according to Paragraph 2 of this Article.

2. The amount of free allocations by an aircraft operator shall be multiplied as follows, depending on the type of sustainable aviation fuel reported:

(a) By factor of 2 for conventional biofuels

(b) By a factor of 4 for biofuels produced from feedstock listed in Annex IX Part A of the Renewable Energy Directive.

(c) By a factor of 2 for biofuels produced from feedstock listed in Annex IX Part B of the Renewable Energy Directive.

(d) By a factor of 6 for renewable fuel of non-biological origin, as defined under the Renewable Energy Directive.

By 31 December 2035, the multipliers shall be revised following technological developments.

3. An aircraft operator shall also receive free allocations proportional with the use of best available aircraft technology in the previous year.

4. The aircraft models eligible as best available aircraft technology shall be those defined with respect to the performance against the New Type ICAO CO₂ standard in a delegated act developed under the Taxonomy Regulation. Until the Commission adopts such a delegated act, the performance thresholds defined in the report of the Platform on Sustainable Finance[2] shall apply.

5. An aircraft operator shall report its share of flights using best available aircraft technology – in relation to their total emissions in a given year to the competent authorities. These shall request that the reported data is substantiated and verify the data.

6. To reduce administrative burden on authorities and operators, the latter may choose not to report this share, resulting on no free allowances for the use of best available aircraft technology.

7. Each year 20 million of the total quantity of allowances referred in to Article 3c paragraph 5 shall be reserved to be allocated for free in respect of aircraft operators that uplift sustainable alternative fuels as defined in a Regulation on ensuring a level playing field for sustainable air transport and use best available aircraft technology defined

with respect to the performance against the New Type ICAO CO2 standard.’;

Or. en

Amendment 239

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1- point 2 c (new)

Directive 2003/87/EC

Article 3 d c (new)

Text proposed by the Commission

Amendment

(2c) The following article is inserted:

“Article 3dc

Reporting and review

By 31 December of the second year following the entry into force of this Directive, the Commission shall assess Union’s competitiveness, changes in the labour market, transport freight rates, household purchasing power and the magnitude of carbon leakage among others by means of a comprehensive impact assessment of the Fit for 55 package. Following its result, the Commission shall determine whether it is justified to revise this Directive, and, where appropriate, it shall submit a legislative proposal for that purpose in order to reach global greenhouse gas emissions reduction and preserve a level-playing field. ”

Or. en

Amendment 240

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

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

Directive 2003/87/EC

Article 3 e

(2a) Article 3e is replaced by the following:

'Integration of the EU ETS and CORSIA

1. By way of derogation from Article 25a, paragraphs (4), (5) and (6), from 1 April 2025, aircraft operators shall surrender allowances for emissions from all flights departing from or arriving at an aerodrome located in the EEA in the previous calendar year.

The provisions of this Article do not apply for emissions from flights departing from an aerodrome located in the EEA and arriving at an aerodrome located in the EEA, in Switzerland or in the United Kingdom. For emissions from flights departing from an aerodrome located in the EEA and arriving at an aerodrome located in the EEA, in Switzerland or in the United Kingdom, aircraft operators shall surrender allowances in accordance with Articles 3d and 3c.

2. The total quantity of allowances to be allocated to aviation, in accordance with Article 3c, shall be increased in 2023 to cover two thirds of verified emissions from the flights covered by this Article, to account for the increased scope following the completion of the surrendering exercise in 2024. The linear reduction factor specified in Articles 9 and 28a shall continue to apply.

3. To ensure that emissions are not priced twice for departing and incoming flights and to take due account of CORSIA's offsetting obligations above a baseline set at 2019 levels for the years 2021-2023 and set at the average of 2019-2020 levels for the years 2024-2035, aircraft operators shall be reimbursed for the financial value of expenditure on credits which they had used under CORSIA for extra-EU routes. The Commission is empowered to adopt

delegated acts in accordance with Article 23 to supplement this Directive in order to determine the methodology and mechanism for carrying out such reimbursement, which could require converting the financial value of CORSIA credits into EU ETS allowances. The Commission shall consider the average price of EU ETS allowances as the average price of the last year in which auctions on the common auction platform took place. To the extent that the financial value corresponds to EU ETS allowances, a corresponding quantity of allowances shall be cancelled rather than auctioned so as to preserve the level of the cap.

4. The use of EU ETS revenues linked to flights covered by this Article shall be as follows:

(a) 50 % shall be used to finance projects through the Innovation Fund in line with Article 10a – paragraph 8 – subparagraph 2 a (new) to reduce aviation’s total climate impact and related social impacts, including through the use of prizes to reward zero emissions technologies as provided for in Commission Delegated Regulation (EU) 2019/856^{1a};

(b) 25 % of the revenues generated shall be used to contribute to UNFCCC climate funds, in particular the Green Climate Fund and the Adaptation Fund, to advance international action to mitigate the impact of climate change on the most vulnerable communities;

(c) 25 % of revenues generated shall be used as determined by Member States in line with Article 10(3), including promoting projects aimed at ensuring a just transition for workers in aviation.

^{1a} Commission Delegated Regulation (EU) 2019/856 of 26 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the

Council with regard to the operation of the Innovation Fund (OJ L 140, 28.5.2019, p.8).’

Or. en

Justification

Text in Article 3e of the basic act is replaced in order to ensure the extension of scope of the ETS to extra-EU flights in conjunction with CORSIA, whereby aircraft operators are required to surrender allowances under the ETS for which they should be reimbursed for the financial value of expenditure on credits which they had used under CORSIA for extra-EU routes. Revenues should be intended for investments in decarbonisation of the aviation sector through the Innovation Fund, for supporting climate funds under the UNFCCC, and for purposes determined by Member States.

Amendment 241
Bas Eickhout

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

Present text

Amendment

(3a) *Article 3e is replaced by the following:*

"Integration of the EU Emissions Trading System and CORSIA

1. *With a view to contributing to the fulfilment of the Union's climate targets and international commitments, and by way of derogation to Article 25a, from 30 April 2025, aircraft operators shall surrender allowances for emissions on flights other than flights departing from an aerodrome located in the EEA and arriving at an aerodrome located in the EEA, in Switzerland or in the United Kingdom in the previous calendar year. For emissions from flights departing from an aerodrome located in the EEA and arriving at an aerodrome located in the EEA, in Switzerland or in the United Kingdom, aircraft operators shall*

surrender allowances in accordance with Article 3d and 3c.

2. The total quantity of allowances to be allocated shall be increased to cover two thirds of verified emissions from additional departing and incoming flights in 2023, to account for the increased scope following the completion of the surrendering exercise in 2024. The linear reduction factor as detailed in Articles 9 and 28a shall continue to apply.

3. To ensure emissions are not priced twice for departing and incoming flights and to take due account of CORSIA offsetting obligations above a baseline set at 2019 level for the years 2021-2023 and set at the average of 2019-2020 level for the years 2024-2035, aircraft operators shall be reimbursed for the financial value of expenditure on credits used for CORSIA by them for extra-European routes. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive in order to determine the methodology and mechanism to proceed to this reimbursement, which could require converting the financial value of CORSIA credits into EU ETS allowances. The Commission shall consider the average price of EU ETS allowances as the average price of the last year in which auctions on the common auction platform took place.

4. The use of revenues linked to flights covered by this Article in the EU ETS shall be the following:

(a) 50 % shall be used to finance the Innovation Fund priorities listed in 10a.8;

(b) 25 % of the revenues generated shall be used to contribute to UNFCCC Climate Funds, in particular the Green Climate Fund and the Adaptation Fund, to advance international action to mitigate the impact of climate change on the most vulnerable communities;

(c) Member States shall determine the use of the remaining 25 % of generated revenues in line with Article 10(3).

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02003L0087-20200101&from=EN#tocId35>)

Justification

The return to full-scope EU ETS leads to the lowest net global emissions, the least external costs and highest benefits in terms of EU27 employment. By combining this with the commitment towards CORSIA and allowing for a subtraction of its financial value from ETS allowances, the EU will not only drive climate mitigation and investments, but also climate ambition at the global level

Amendment 242

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2003/87/EC

Article 3 f

Text proposed by the Commission

Amendment

(3) *Articles 3e and 3f are* deleted;

(3) *Article 3f is* deleted;

Or. en

Amendment 243

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2003/87/EC

Article 3 f

Text proposed by the Commission

Amendment

(3) *Articles 3e and 3f are* deleted;

(3) *Article 3f is* deleted;

Or. en

Justification

Text in Article 3e is replaced in order to determine the integration of the ETS and CORSIA.

Amendment 244

Andreas Glück, Jan Huitema

Proposal for a directive

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

Directive 2003/87/EC

Article 3 f a (new)

Text proposed by the Commission

Amendment

(3a) The following article is inserted:

‘Article 3fa

Allocation and issue of allowances to aircraft operators for uplifting sustainable aviation fuels.

1. As from [the date of entry into force of this Directive], the total quantity of allowances referred to in Article 3c(5a) shall be allocated free of charge for the uplifting of sustainable aviation fuels.

2. Each aircraft operator may apply for an allocation of allowances that are to be allocated free of charge for each year until 2030 based on the uplifting of the fuels referred to in paragraph 1 from [the date of entry into force of this Directive].

(a) The quantity of allowances shall be proportionate to the total greenhouse gas emissions saved according to the treatment of those fuels under Directive (EU) 2018/2001 and the implementing acts referred to in Article 14(1) of the EU ETS Directive.

(b) For a transitional period until the implementing acts referred to in Article 14(1) enter into force synthetic aviation fuels shall be rated with zero emissions for the aircraft operators using them.

3. The Commission shall publish the costs difference between the kerosene and

SAF on a yearly basis. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive concerning the detailed arrangements for the allocation of aviation allowances for free for uplifting sustainable aviation fuels by covering the price difference per tonne of CO₂ saved from using those fuels instead of kerosene.

4. The Commission shall evaluate by 2027 whether the reserve of 20 million of free allowances referred to in Article 3c (5a) should be maintained beyond 2030.’;

Or. en

Justification

The ETS directive should serve also as an incentive to solutions that can decarbonise the aviation sector. Allowing for allowances to be allocated for free for the uplifting of sustainable aviation fuels represents a reward for their use. Covering the price difference between the use of kerosene and these fuels for saving a tonne of CO₂ emissions would push for a boost of these fuels production and a smooth development of their market.

Amendment 245

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

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

Directive 2003/87/EC

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(3a) In Article 5, the following paragraph is added:

‘The Commission shall undertake to present, by [1 year after the entry into force of this Directive], and in line with its communication on the application of the “one in, one out” principle, proposals offsetting the regulatory burdens introduced by this Directive, through the revision or abolishment of provisions in other Union legislative acts that generate compliance costs in the sectors to which Directive 2003/87/EC applies.’;

Amendment 246
Radan Kanev

Proposal for a directive
Article 1 – paragraph 1 – point 4 a (new)
Directive 2003/87/EC
Article 7

Text proposed by the Commission

Amendment

(4a) *Article 7 is amended as follows:*

‘By way of derogation from Articles 12(2a), 14(3) and Article 16, Member States shall consider the requirements set out in those provisions to be satisfied and shall take no action against aircraft operators in respect of emissions taking place until 2030 from flights between an aerodrome located in an outermost region of a Member State and any aerodrome located in the Union outside that outermost region.’;

Or. en

Amendment 247
Radan Kanev

Proposal for a directive
Article 1 – paragraph 1 – point 4 b (new)
Directive 2003/87/EC
Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(4b) *In Article 7, the following subparagraph is added:*

‘The derogation under this Article applies also for emissions from flights of more than 600 km between a destination, which is not accessible via high-speed railway and any aerodrome located in the Union.’;

Or. en

Amendment 248
Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 4 a (new)
Directive 2003/87/EC
Article 10 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

(4a) In Article 10(1), the following subparagraph is inserted after the third subparagraph:

‘In addition, 4% of the total quantity of allowances between [year following the entry into force of the Directive] and 2030 and equivalent of 1.5% of the total quantity of allowances from the amount above 400 million allowances set aside in Market Stability Reserve for the purpose of Modernisation Fund shall be auctioned for the Modernisation Fund. The beneficiary Member States for this amount of allowances shall be the Member States with a GDP per capita at market prices below 65% of the Union average during the period 2016 to 2018. The funds corresponding to this quantity of allowances shall be distributed in accordance with Part B of Annex IIb. In addition, the equivalent of 1,5% of the total quantity of allowances between ... [year following the entry into force of the Directive] and 2030 from the amount above 400 million allowances set aside in Market Stability Reserve for the purpose of Innovation Fund shall be made available for the Innovation Fund established under Article 10a(8).’;

Or. en

Justification

There is a need of strengthening of the Modernisation Fund and Innovation Fund for the purpose of investments in alternative fuels infrastructure (see corresponding am to Directive 2003/87/EC Article 10d – paragraph 2 – point fa (new)) and breakthrough technologies in EU aviation sector. The additional funding should be made available from the amount above

400 million allowances held in Market Stability Reserve, which is set aside to increase Modernisation Fund, Innovation Fund and to prevent triggering of cross-sectoral correction factor.

Amendment 249

Andreas Glück, Jan Huitema

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2003/87/EC

Article 10 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(4a) In Article 10(3), the following subparagraph is inserted after the second subparagraph:

‘Revenues generated from the auctioning of allowances to aircraft operators shall be used to advance research and development in relation to aircraft efficiency, deployment of decarbonisation solutions, and the environmental performance of the aviation sector.’;

Or. en

Justification

Further decarbonisation of the sector will not happen without significant advances in technology development and its uptake by the market, there is the need to earmark revenues from EU ETS allowances purchased by aircraft operators for R&D investment exclusively in the aviation sector.

Amendment 250

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 4 – paragraph 1 – point 4 b (new)

Directive 2003/87/EC

Article 10 – paragraph 3 – subparagraph 3

Present text

Amendment

(4b) In Article 10(3), the third subparagraph is replaced by the

Member States shall **inform** the Commission **as to** the use of revenues and the actions taken pursuant to this paragraph **in their reports submitted under** Decision No 280/2004/EC.

following:

‘Member States shall annually report to the Commission on the use of revenues and the actions taken pursuant to this paragraph and in line with Decision No 280/2004/EC. The Commission shall subsequently make that information publicly available together with recommendations on how to improve such usage.’;

Or. en

Amendment 251

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2003/87/EC

Article 10 – paragraph 3 – subparagraph 3

Present text

Amendment

Member States shall inform the Commission as to the use of revenues and the actions taken pursuant to this paragraph in their reports submitted **under Decision No 280/2004/EC**.

(4a) In Article 10(3), the third subparagraph is replaced by the following:

"Member States shall inform the Commission as to the use of revenues and the actions taken pursuant to this paragraph in their reports submitted in accordance with Regulation (EU) 2018/1999. Subsequently, the Commission shall make this information public each year."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>)

Justification

The purpose of this amendment is to enhance transparency in the expenditure of revenues from the ETS by the Member States.

Amendment 252

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2003/87/EC

Article 10 a – paragraph 8 – subparagraphs 1 and 2

Present text

Amendment

(4a) In Article 10a(8), the first and second subparagraphs are replaced by the following:

‘8. 365 million allowances from the quantity which could otherwise be allocated for free pursuant to this Article, and 85 million allowances from the quantity which could otherwise be auctioned pursuant to Article 10, as well as the allowances resulting from the reduction of free allocation referred to in Article 10a(1a), shall be made available to a Fund with the objective of supporting innovation in and deployment of low-carbon technologies and processes, and contribute to zero pollution objectives (the ‘Innovation Fund’). Allowances that are not issued to aircraft operators due to the closure of aircraft operators and which are not necessary to cover any shortfall in surrenders by those operators, shall also be used for innovation support as referred to in the first subparagraph. In addition, 50 million unallocated allowances from the market stability reserve shall supplement any remaining revenues from the 300 million allowances available in the period from 2013 to 2020 under Commission Decision 2010/670/EU^{1a}, and shall be used in a timely manner for innovation and deployment support as referred to in the first subparagraph. Furthermore, the external assigned revenues referred to in a Regulation on the use of renewable and low-carbon fuels in maritime transport shall be allocated to the Innovation Fund and implemented in line with this paragraph.

The Innovation Fund shall facilitate the green transition of the aviation sector through earmarking of a significant

amount corresponding to the proceeds of the auctioning in this sector to induce innovation and technological development, assist with the first industrial application, develop further support mechanisms and create necessary infrastructure, including development and deployment of sustainable aviation fuels.

^{1a} Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the system for greenhouse gas emission allowance trading within the Union established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010, p. 39).

Or. en

Amendment 253

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2003/87/EC

Article 10 a – paragraph 8 – subparagraph 2

Present text

In addition, 50 million unallocated allowances from the market stability reserve shall supplement any remaining revenues from the 300 million allowances available in the period from 2013 to 2020 under Commission Decision 2010/670/EU (5), and shall be used in a timely manner for innovation support as referred to in the first subparagraph.

Amendment

(4a) In Article 10a, the second subparagraph is replaced by the following:

"The Innovation Fund shall support the decarbonisation of the aviation sector. In particular, revenues resulting from the end of free allowances and from penalties in the aviation sector flowing into the Innovation Fund shall be used for investments in innovation and new technologies in the aviation sector, including:

- (a) deployment of monitoring and reporting technologies for CO₂ and non-CO₂ emissions;*
- (b) improvement of operational solutions to mitigate CO₂ and non-CO₂ emissions;*
- (c) deployment of sustainable aviation fuels, such as RFNBOs from renewable hydrogen and Direct Air Capture, including through carbon contracts for difference aimed at bridging the price difference between zero-emissions fuels and conventional fuels;*
- (d) deployment of new zero-emissions propulsion technologies, such as battery- and turbo-electric technologies, as well as hydrogen combustion in turbines and fuel cells that power electric motors. ";*

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20200101>)

Justification

This amendment does not aim to replace the entire paragraph of the corresponding main ETS proposal. This amendment has to be seen as the replacement only of the mention of the aviation sector in that paragraph of the main ETS proposal, and it is introduced without prejudice to the negotiations within the main ETS proposal on the other parts of the paragraph. The amendment aims to strengthen the reference to aviation, replacing the word 'may' with 'shall' and providing a list of priority areas within the aviation sector to be supported by the Innovation Fund.

Amendment 254

Deirdre Clune

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2003/87/EC

Article 10 a – paragraph 8 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(4a) In Article 10a(8), the following subparagraph is inserted after the second

subparagraph:

‘All the revenues generated by the auctioning of allowances for the aviation sector, of the Innovation Fund shall be earmarked for projects to support innovation and new technologies in the aviation sector, in particular those related to operational, aeronautics, airframe and engine innovation, and clean and sustainable aviation fuels, to reduce greenhouse gas emissions. Revenues shall be proportionally allocated to aircraft operators in line with each company contribution to the Innovation Fund. Member States shall publish in an accessible fashion all information related to projects financed through from EU ETS from aviation and provide estimates of carbon savings as a result of the funding. Resources from the Innovation Fund shall be allocated to scale up SAF, and to reduce the cost of supplying SAF to Union airports, where the difference between the average cost of SAF and the real cost of SAF supplied in site is more than the difference between the average cost of jet fuel and the real cost of jet fuel supplied in site’;

Or. en

Amendment 255

Sunčana Glavak, Inese Vaidere

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2003/87/EC

Article 10 a – paragraph 8 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(4a) *In Article 10a (8), the following subparagraph is inserted after the second subparagraph:*

"A significant amount of the Innovation Fund shall be earmarked for projects to

support innovation and new technologies in the aviation sector, in particular to reduce greenhouse gas emissions, for example in the areas of clean and sustainable aviation fuels, operational, aeronautics, airframe and engine innovation, and concerning airport infrastructure and electric aircraft, including through innovation prizes.”

Or. en

((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>))

Justification

It is important to ensure that the aviation sector gets support through the Innovation Fund in order to help reduce the sectors emissions.

Amendment 256

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 4 b (new)

Directive 2003/87/EC

Article 10 a – paragraph 8 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(4b) In Article 10a(8), the following subparagraph is inserted after the second subparagraph:

'The amount of revenues from auctioning of allowances and penalties from the aviation sector allocated to the Innovation Fund shall fund investment in innovation and new technologies for the decarbonisation of the aviation sector, in particular for:

(a) improvement of operational, aeronautics and airframe solutions;

(b) deployment of new propulsion technologies, like battery- and turbo-electric technologies, as well as hydrogen combustion in turbines and fuel cells that

power electric motors;

(c) deployment of sustainable aviation fuels, such as renewable fuels of non-biological origin (RFNBO) from renewable hydrogen and direct air capture (DAC), including through carbon contracts for difference aimed at bridging the price difference between zero-emissions fuels and conventional fuels;

(d) deployment of monitoring and reporting technologies for CO₂ and non-CO₂ emissions;

(e) research on the non-CO₂ impacts of aviation, including formation of contrails and cirrus clouds.

The revenues shall also support quality social dialogue among relevant stakeholders in the aviation sector, as well as training, re-skilling, up-skilling for workers, and other measures to mitigate unemployment risks.

The decision-making process, in particular in relation to the setting of priority areas, criteria and grant allocation procedures, shall be transparent and inclusive and shall take into consideration the adequate involvement of stakeholders, including the industry, SMEs, non-governmental organisations, social partners, entrepreneurial initiatives, research organisations, higher education establishments and universities representing a wide geographical and competence base across the Member States.

All information on the projects and investments supported by the Innovation Fund and all other relevant information on its functioning shall be made available to the public.';

Or. en

Justification

New subparagraph in Article 10a (8) ensures revenues aggregated through surrender of allowances of the aircraft operators is channelled back to the aviation sector to specified activities intended to reduce the climate impact of the sector concerned. It also ensures funds distribution is inclusive and involves all relevant stakeholders, as well as contributes to addressing social impacts of the transition to decarbonized aviation sector.

Amendment 257

Anna Zalewska

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2003/87/EC

Article 10 a – paragraph 8 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

(4a) In Article 10a(8), the following subparagraph is inserted after the third paragraph:

"The Innovation Fund shall also earmark money for projects to support innovation and new technologies in the modal shift from aviation to electrified railways, including high speed rail, and electrified buses, which have significant potential to help reduce greenhouse gas emissions.";

Or. en

Amendment 258

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Subject to paragraphs 2 and 3 of this Article, aircraft operators ***that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State shall be able to use*** the following units ***to comply with their***

1. Subject to paragraphs 2 and 3 of this Article, aircraft operators ***may subtract the financial value of*** the following units ***from EU ETS allowances*** in respect of emissions from flights to and from countries that are listed in the implementing act adopted pursuant to

obligations as laid down in Article 12 in respect of emissions from flights to and from countries that are listed in the implementing act adopted pursuant to Article 25a(3):

Article 25a(3):

Or. en

Justification

Allowing for full scope ETS with CORSIA without double coverage for the same emissions.

Amendment 259

Marian-Jean Marinescu, Barbara Thaler, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) credits authorised by parties participating in the mechanism established under Article 6(4) of the Paris Agreement; ***deleted***

Or. en

Amendment 260

Marian-Jean Marinescu, Barbara Thaler, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) credits authorised by parties agreements pursuant to paragraph 5; ***deleted***

Or. en

Amendment 261

Marian-Jean Marinescu, Barbara Thaler, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) credits issued in respect of Union level projects pursuant to Article 24a. *deleted*

Or. en

Amendment 262

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 2

Text proposed by the Commission

Amendment

2. Units referred to in paragraph 1, points (a) and (b), may be used if the following conditions have been met: *deleted*

(a) they originate from a country that is a party to the Paris Agreement at the time of use;

(b) they originate from a country that is listed in the implementing act adopted pursuant to Article 25a(3) as participating in Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). This condition shall not apply in respect of emissions before 2027, nor shall it apply in respect of Least Developed Countries and Small Island Developing States, as defined by the United Nations, except for those countries whose GDP per capita equals or exceeds the Union average.

Or. en

Amendment 263

Marian-Jean Marinescu, Barbara Thaler, Henna Virkkunen, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 2 – introductory part

Text proposed by the Commission

2. Units referred to in paragraph 1, ***points (a) and (b)***, may be used if the following conditions have been met:

Amendment

2. Units referred to in paragraph 1 may be used if the following conditions have been met:

Or. en

Amendment 264

Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 2 – point b

Text proposed by the Commission

(b) they originate from a country that is listed in the implementing act adopted pursuant to Article 25a(3) as participating in Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). This condition shall not apply in respect of emissions ***before 2027***, nor shall it apply in respect of Least Developed Countries and Small Island Developing States, as defined by the United Nations, except for those countries whose GDP per capita equals or exceeds the Union average.

Amendment

(b) they originate from a country that is listed in the implementing act adopted pursuant to Article 25a(3) as participating in Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). This condition shall not apply in respect of emissions ***up to 31 December 2026***, nor shall it apply in respect of Least Developed Countries and Small Island Developing States, as defined by the United Nations, except for those countries whose GDP per capita equals or exceeds the Union average.

Or. cs

Amendment 265

Marian-Jean Marinescu, Barbara Thaler, Henna Virkkunen, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 2 – point b

Text proposed by the Commission

(b) they originate from a country that is listed in the implementing act adopted pursuant to **Article 25a**(3) as participating in Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). ***This condition shall not apply in respect of emissions before 2027, nor shall it apply in respect of Least Developed Countries and Small Island Developing States, as defined by the United Nations, except for those countries whose GDP per capita equals or exceeds the Union average.***

Amendment

(b) they originate from a country that is listed in the implementing act adopted pursuant to **Article 25a**(3) as participating in ***offsetting under*** Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) ***unless the country is exempt from mandatory offsetting in accordance with the exemptions laid down in Annex 16, Volume IV ('CORSIA SARPs') to the Convention on the International Civil Aviation Organization ('Chicago Convention').***

Or. en

Amendment 266

Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 3 – subparagraph 1

Text proposed by the Commission

Units referred to in paragraph 1, points (a), (b) and (c), may be used if arrangements are in place for authorisation by the participating parties, timely adjustments are made to the reporting of anthropogenic emissions by sources and removals by sinks covered by the nationally determined contributions of the participating parties, and that double counting and a net increase in global emissions are avoided.

Amendment

(Does not affect English version.)

Amendment 267

Marian-Jean Marinescu, Barbara Thaler, Henna Virkkunen, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 3 – subparagraph 1

Text proposed by the Commission

Units referred to in paragraph 1, **points (a), (b) and (c)**, may be used if arrangements are in place for authorisation by the participating parties, timely adjustments are made to the reporting of anthropogenic emissions by sources and removals by sinks covered by the nationally determined contributions of the participating parties, and that double counting and a net increase in global emissions are avoided.

Amendment

Units referred to in paragraph 1 may be used if arrangements are in place for authorisation by the participating parties, timely adjustments are made to the reporting of anthropogenic emissions by sources and removals by sinks covered by the nationally determined contributions of the participating parties, and that double counting and a net increase in global emissions are avoided.

Or. en

Amendment 268

Marian-Jean Marinescu, Barbara Thaler, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11 a – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission **shall** adopt implementing acts laying down more detailed requirements for the arrangements referred to in the first subparagraph, which may include reporting and registry requirements, and for listing the states or programmes which apply these arrangements. Arrangements shall take account of flexibilities accorded to Least Developed Countries and Small Island

Amendment

The Commission **may** adopt implementing acts laying down more detailed requirements for the arrangements referred to in the first subparagraph, which may include reporting and registry requirements, and for listing the states or programmes which apply these arrangements. Arrangements shall take account of flexibilities accorded to Least Developed Countries and Small Island

Developing States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).’,

Developing States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).’,

Or. en

Amendment 269

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d

Directive 2003/87/EC

Article 11 a – paragraph 8

Text proposed by the Commission

8. The Commission shall adopt an implementing act listing credits which, have been considered eligible by the ICAO Council, ***and that fulfil the conditions laid down in paragraphs 2 and 3.*** The Commission shall amend that list as appropriate. That implementing act shall be adopted in accordance with the examination procedure referred to in ***Article 22a(2).***;

Amendment

8. The Commission shall adopt an implementing act listing credits which, have been considered eligible by the ICAO Council. The Commission shall amend that list as appropriate. That implementing act shall be adopted in accordance with the examination procedure referred to in ***Article 22a(2).***;

Or. en

Amendment 270

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point -a (new)

Directive 2003/87/EC

Article 12 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(-a) The following paragraph is inserted:

"2b. As long as there are no Union measures in place to take into account and effectively reduce the climate impact of non-CO2 emissions generated by

aircraft operators carrying out an aviation activity listed in Annex I, for the purposes of the paragraph 3(b), the amount of carbon dioxide from fossil fuel which an allowance permits an aircraft operator to emit shall be divided by an impact factor of 2. "

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20200101>)

Justification

Climate impacts from aviation activities are at least twice as much as those of CO₂ alone. Since 2008, Parliament has been calling for action, but until today, no significant action has been taken to reduce non-CO₂ warming. This Directive should therefore incentivise mitigation action and at the same time monitor, report and verify non-CO₂ emissions so that mitigating measures will be strengthened over time.

Amendment 271

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point-a (new)

Directive 2003/87/EC

Article 12 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(-a) The following paragraph is inserted:

'2b. As long as there are no Union measures in place to take into account and effectively reduce the climate impact of non-CO₂ emissions generated by aircraft operators carrying out an aviation activity listed in Annex I, for the purposes of the paragraph 3(b), the amount of carbon dioxide from fossil fuel which an allowance permits an aircraft operator to emit shall be divided by an impact factor of 2.'

Or. en

Justification

This insertion in the basic ETS act provides for a de facto multiplier applying to airlines that do not participate in the pilot MRV scheme from Article 14 as determined in amendment 36.

Amendment 272

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point -a (new)

Directive 2003/87/EC

Article 12 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(-a) The following paragraph is inserted:

‘2b. As long as there are no Union measures which reduce the total climate impact of aviation below twice that of the impact of carbon dioxide alone from aircraft carrying out an aviation activity listed in Annex I, for the purposes of paragraph 2a and by way of derogation from Article 3a, the amount of fossil fuel carbon dioxide which an allowance permits an aircraft operator to emit shall be divided by an impact factor of 2.’

Or. en

Justification

Amendment done to this Article under the general ETS revision must be taken into account when deciding the final placement of this paragraph.

Amendment 273

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point -a a (new)

Directive 2003/87/EC

Article 12 – paragraph 2 c (new)

(-aa) The following paragraph is inserted:

‘2c. By way of derogation from paragraph 2a, from 2024 onwards each aircraft operator shall surrender three times the number of allowances that is equal to its total emissions during the preceding calendar year, as verified in accordance with Article 15, for flights on routes where train journeys of two and a half hours or less exist as an alternative.

The Commission shall adopt an implementing act listing the flight routes referred in the first subparagraph of this paragraph by 1 June 2023. The list shall be updated annually.’

Or. en

Justification

Amendment done to this Article under the general ETS revision must be taken into account when deciding the final placement of this paragraph.

Amendment 274

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point -a b (new)

Directive 2003/87/EC

Article 12 – paragraph 4

Present text

4. Member States shall take the necessary steps to ensure that allowances will be cancelled at any time at the request of the person holding them. In the event of closure of electricity generation capacity in their territory due to additional national measures, Member States may cancel

Amendment

(-ab) Paragraph 4 is replaced by the following:

"4. Member States shall take the necessary steps to ensure that allowances will be cancelled at any time at the request of the person holding them. Member States may also voluntarily cancel allowances in the following cases:

allowances from the total quantity of allowances to be auctioned by them referred to in Article 10(2) up to an amount corresponding to the average verified emissions of the installation concerned over a period of five years preceding the closure. The Member State concerned shall inform the Commission of such intended cancellation in accordance with the delegated acts adopted pursuant to Article 10(4).

(a) In the event of closure of electricity generation capacity in their territory due to additional national measures Member States may cancel allowances from the total quantity of allowances to be auctioned by them referred to in Article 10(2) up to an amount corresponding to the average verified emissions of the installation concerned over a period of five years preceding the closure;

(b) In the event of reduced demand as a result of national measures such as the withdrawal of subsidies for airport expansion, airports closure, closure of routes for example due to bans on short-haul flights, or incentives to shift travel away from air, Member States may cancel allowances from the total quantity of allowances to be auctioned by them referred to in Article 3d up to the amount corresponding to the additional emissions that would have happened in the absence of such national measures.

The Member State concerned shall inform the Commission of such intended cancellation in accordance with the delegated acts adopted pursuant to Article 10(4). "

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>)

Amendment 275

Marian-Jean Marinescu, Barbara Thaler, Henna Virkkunen, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2003/87/EC

Article 12 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission

6. In accordance with the methodology laid down in the delegated act referred to in paragraph 7, Member States shall calculate the offsetting each year for the preceding calendar year within the meaning of ICAO's International Standards and Recommended Practices on Environmental Protection for Carbon Offsetting and Reduction Scheme for International Aviation, ***other than those which apply in respect of flights departing from an aerodrome located in the EEA which arrive at an aerodrome located in the EEA, in Switzerland or in the United Kingdom***, and by 30 November each year inform the aircraft operators that fulfil all of the following conditions of the level of offsetting:

Amendment

6. In accordance with the methodology laid down in the delegated act referred to in paragraph 7, Member States shall calculate the offsetting each year for the preceding calendar year within the meaning of ICAO's International Standards and Recommended Practices on Environmental Protection for Carbon Offsetting and Reduction Scheme for International Aviation, and by 30 November each year inform the aircraft operators that fulfil all of the following conditions of the level of offsetting:

Or. en

Amendment 276

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2003/87/EC

Article 12 – paragraph 6 – subparagraph 1 – point b

Text proposed by the Commission

(b) they produce annual CO₂ emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same

Amendment

(b) they produce annual CO₂ emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by Annex I ***to this Directive and by Article 2(3) and (4) of Commission***

Member State (including outermost regions of the same Member State), from 1 January **2019**.

Delegated Regulation(EU) 2019/1603^{1a}, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January **2021**.

^{1a} Commission Delegated Regulation (EU) 2019/1603 of 18 July 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards measures adopted by the International Civil Aviation Organisation for the monitoring, reporting and verification of aviation emissions for the purpose of implementing a global market-based measure (Text with EEA relevance.)OJ L 250, 30.9.2019, p. 10–13

Or. en

Amendment 277

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2003/87/EC

Article 12 – paragraph 6 – subparagraph 1 – point b

Text proposed by the Commission

(b) they produce annual CO₂ emissions greater than 10 000 tonnes from the use of aircrafts ***with a maximum certified take-off mass greater than 5 700 kg*** conducting flights covered by Annex I, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019.

Amendment

(b) they produce annual CO₂ emissions greater than 10 000 tonnes from the use of aircrafts conducting flights covered by Annex I, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019.

Or. en

Amendment 278
Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2003/87/EC

Article 12 – paragraph 6 – subparagraph 1 – point b

Text proposed by the Commission

(b) they produce annual CO₂ emissions **greater than** 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass **greater than** 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019.

Amendment

(b) they produce annual CO₂ emissions **of** 10 000 tonnes **or more** from the use of aircrafts with a maximum certified take-off mass greater **of** 5 700 kg **or more** conducting flights covered by Annex I, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019.

Or. cs

Amendment 279
Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2003/87/EC

Article 12 – paragraph 6 – subparagraph 2 – point i

Text proposed by the Commission

(i) **state** flights;

Amendment

(i) flights **operated by state aircraft (for military, police or customs purposes)**;

Or. cs

Amendment 280
Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2003/87/EC

Article 12 – paragraph 6 – subparagraph 2 – point iii

Text proposed by the Commission

Amendment

(iii) medical flights;

(iii) *(Does not affect English version.)*

Or. cs

Amendment 281

Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2003/87/EC

Article 12 – paragraph 6 – subparagraph 2 – point iv

Text proposed by the Commission

Amendment

(iv) *military flights;*

deleted

Or. cs

Amendment 282

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point a

Directive 2003/87/EC

Article 12 – paragraph 6 – subparagraph 2 – point (iv)

Text proposed by the Commission

Amendment

(iv) *military flights;*

deleted

Or. en

Amendment 283

Marian-Jean Marinescu, Barbara Thaler, Henna Virkkunen, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2003/87/EC

Article 12 – paragraph 7

Text proposed by the Commission

7. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by laying down the methodology for calculating offsetting responsibilities for *aircraft* operators.

Amendment

7. ***Member States shall, for the purposes of the application of CORSIA SARPs, calculate, for each of the aircraft operators referred to in paragraph 8, the amount of CO₂ emissions required to be offset for the preceding year (OR_y) as follows:***

$$OR_y = OE_y * SGF_y$$

Where:

OE_y = airplane operator's CO₂ emissions in the preceding year y from flights between States included in the document 'CORSIA States for Chapter 3 State pairs' verified in accordance with Commission Delegated Regulation (EU) 2019/1603

SGF_y = Sector's Growth Factor for year y as defined in ICAO document "CORSIA Annual Sector's Growth Factor (SGF)" for the given year y.

The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by laying down ***changes to*** the methodology for calculating offsetting responsibilities for ***aeroplane*** operators ***in accordance with CORSIA SARPs.***

Or. en

Amendment 284

Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2003/87/EC

Article 12 – paragraph 7

Text proposed by the Commission

7. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by

Amendment

7. The Commission is empowered to adopt delegated acts in accordance with Article 23 to supplement this Directive by

laying down the methodology for calculating offsetting *responsibilities* for aircraft operators.

laying down the methodology for calculating offsetting *obligations* for aircraft operators.

Or. cs

Amendment 285

Marian-Jean Marinescu, Barbara Thaler, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2003/87/EC

Article 12 – paragraph 8

Text proposed by the Commission

8. In respect of flights to, from and between the countries that are listed in the implementing act adopted pursuant to Article 25a(3), aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, shall cancel units referred to in Article 11a only in respect of the quantity notified by that Member State in respect of the relevant calendar year. The cancelation shall take place by 31 January 2025 for emissions in the period 2021 to 2023, by 31 January 2028 for emissions in the period 2024 to 2026, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2034 for emissions in the period 2030 to 2032 and by 31 January 2037 for emissions in the period 2033 to 2035,;

Amendment

8. In respect of flights to, from and between the countries that are listed in the implementing act adopted pursuant to Article 25a(3), ***and international flights between aerodromes located in the EEA, in Switzerland or in the United Kingdom,*** aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, shall cancel units referred to in Article 11a only in respect of the quantity notified by that Member State in respect of the relevant calendar year. The cancelation shall take place by 31 January 2025 for emissions in the period 2021 to 2023, by 31 January 2028 for emissions in the period 2024 to 2026, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2031 for emissions in the period 2027 to 2029, by 31 January 2034 for emissions in the period 2030 to 2032 and by 31 January 2037 for emissions in the period 2033 to 2035;

Or. en

Amendment 286

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2003/87/EC

Article 12 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. By 1 January 2027, the Commission shall present a report to the European Parliament and the Council on the application of this Directive amending Directive 2003/87/EC and its impact on the aviation internal market of the Union, in particular the social impacts related to employment conditions, workers' needs for training, re-skilling, and up-skilling, as well as the impact on the use and costs of air travel for passengers, disaggregated by different income groups.

Or. en

Amendment 287

Claudia Gamon, Nils Torvalds, Frédérique Ries, Emma Wiesner

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2003/87/EC

Article 14 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(6a) Article 14(1), the following subparagraph is added after the first subparagraph:

'Those implementing acts shall apply the sustainability and greenhouse gas emission saving criteria for the use of biomass established by Directive (EU) 2018/2001 of the European Parliament and of the Council, with any necessary adjustments for application under this Directive, for this biomass to be zero-rated. They shall also specify how to account for emissions from renewable

fuels of non-biological origin and recycled carbon fuels, ensuring that these emissions are accounted for and that double counting is avoided. Until these implementing acts are adopted, emissions from renewable fuels of non-biological origin and recycled carbon fuels produced using hydrogen from renewable sources are zero.'

Or. en

(32003L0087)

Justification

The last sentence is added to the proposed Commission text in COM(2021) 551. The current proposal is lacking of clarity regarding of the counting of emissions from the use of RFNBOs and RCFs from renewable sources, as well as to when an implementing act will be adopted. Clarity is needed with a view to the mandatory use from 2025 and various voluntary commitments. As a provisional rule, emissions from these fuels shall be counted zero until the Commission has adopted an implementing act.

Amendment 288

Andreas Glück, Jan Huitema

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2003/87/EC

Article 14 – paragraph 1– subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(6a) *Article 14(1), the following subparagraph is added after the first subparagraph:*

"Those implementing acts shall apply the sustainability and greenhouse gas emissions saving criteria for the use of biomass established by Directive (EU) 2018/2001^{1a} of the European Parliament and the Council, with any necessary adjustments for application under this Directive, for this biomass to be zero-rated. They shall specify how to account for storage of emissions from a mix of zero-rated sources and sources that are

not zero-rated. They shall also specify how to account for emissions from synthetic aviation fuels and recycled carbon fuels, ensuring that these emissions are accounted for and that double counting is avoided.”

^{1a} Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources.

Or. en

(02003L0087)

Justification

The amendment introduces an alignment of this Article with the new provision in Article 3e subparagraph 2b.

Amendment 289

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2003/87/EC

Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(6a) *In Article 14, the following paragraph is added:*

‘3a. *All emissions data related to aircraft operators communicated to Member States and the Commission, including data communicated in accordance with Article 7 of Commission Delegated Regulation (EU) 2019/1603 shall be reported and published by the Commission, per aircraft operator and per airport pair in a user-friendly manner. The data for each year shall be published without delay. The data shall include at least the following:*

(a) *emissions data broken down by aircraft operator and by airport pairs;*

(b) aircraft type, fuel consumption per fuel type and per airport pair for each aircraft operator;

(c) for each aerodrome pair, the ICAO designator of the two aerodromes; distance (great circle distance + 95 km) in km; total number of flights per airport pair in the reporting period;

(d) total number of passenger per airport pair per aircraft operator, total number of available seats per airport pair per aircraft operator and total mass of freight and mail (tonnes) during the reporting period per airport pair;

(e) the amount of offsetting, calculated in accordance with Article 12(7);

(f) the amount and type of eligible fuels used to comply with part or all of their offsetting; and

(g) the amount and type of carbon credits used to comply with part or all of their offsetting.’;

Or. en

Amendment 290

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2003/87/EC

Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(6a) In Article 14, the following paragraph is added:

‘3a. All emissions data related to aircraft operators communicated to Member States and the Commission, including data communicated in accordance with Article 7 of Commission Delegated Regulation (EU) 2019/1603,

shall be reported and published by the Commission, per aircraft operator and per airport pair in a user-friendly manner. The data for each year shall be published without delay. Those data shall include at least the following:

- (a) emissions data broken down by aircraft operator and by airport pairs;*
- (b) load factors, aircraft type, fuel type and fuel consumption per airport pair for each aircraft operator;*
- (c) the amount of offsetting, calculated in accordance with Article 12(7);*
- (d) the amount and type of eligible fuels used to comply with part or all of their offsetting;*
- (e) the amount and type of carbon credits used to comply with part or all of their offsetting.’;*

Or. en

Justification

This amendment is intended to increase transparency and accuracy of reporting emissions related data by aircraft operators to the Member States and the Commission.

Amendment 291

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2003/87/EC

Article 14 – paragraph 3 a (new)

Present text

Amendment

(6a) In Article 14, the following paragraph is added:

"3a. All emissions data related to aircraft operators communicated to Member States and the Commission, including data communicated in

accordance with Article 7 of Commission Delegated Regulation (EU) 2019/1603 shall be reported and published by the Commission, per aircraft operator and per airport pair in a user-friendly manner. The data for each year shall be published without delay. Those data shall include at least the following:

- (a) emissions data broken down by aircraft operator and by airport pairs;*
- (b) aircraft type and fuel consumption per fuel type by airport pair for each aircraft operator;*
- (c) information on a quarterly basis on fuel composition, including on sulphur and aromatics content, by airport pair for each aircraft operator;*
- (d) for each airport pair, the: ICAO designator of the two aerodromes; distance (great circle distance + 95 km) in km; total number of flights per airport pair in the reporting period;*
- (e) total number of passengers per airport pair per aircraft operator, total number of available seats per airport pair per aircraft operator and total mass of freight and mail (tonnes) during the reporting period per airport pair;*
- (f) the amount of offsetting, calculated in accordance with Article 12(7);*
- (g) the amount and type of eligible fuels used to comply with part or all of their offsetting;*
- (h) the amount and type of carbon credits used to comply with part or all of their offsetting.*

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02003L0087-20200101&from=EN#tocId35>)

Justification

In line with the provisions of the Aarhus Convention on access to information on environmental matters and in order to ensure full transparency on aviation emissions, Member States and the European Commission should publish the emissions data reported by airlines under the ETS and under their CORSIA reports, in an aggregated way per airline, but also by city pair and reporting the aircraft type, fuel type and fuel consumption used for flights.

Amendment 292

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 6 b (new)

Directive 2003/87/EC

Article 14 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(6c) In Article 14, the following paragraph is added:

'3b. By ... [6 months after the entry into force of this Directive], the Commission, in cooperation with EASA and EEA, shall adopt a delegated act in accordance with Article 23 to supplement this Directive in order to establish a pilot monitoring, reporting and verification (MRV) scheme with the objective of establishing a MRV methodology adapted to the specificities of non-CO₂ emissions and their climate impact and to develop a robust CO₂ equivalence calculation for non-CO₂ effects. The pilot MRV scheme shall ensure that at least the following data at cruising altitude are monitored, reported and verified:

- (a) fuel flow-mass of aircraft;***
- (b) ambient humidity;***
- (c) latitude, longitude and altitude;***
- (d) humidity and temperature;***
- (e) emission indices for CO₂, H₂O and NO_x;***
- (f) CO₂ equivalents per flight.***

All data reported through the pilot MRV scheme shall be published, aggregated on

an airport pair level annually per aircraft operator. Data collected through the pilot MRV scheme shall be submitted to EASA, the EEA and the European Parliament annually.

Aircraft operators may decide to adhere to the pilot MRV scheme. Those aircraft operators that adhere to the MRV pilot scheme shall be exempted from the payment of the multiplier referred to in Article 12(2a).

By ... [30 months after the entry into force of this Directive], the Commission shall present a report to the European Parliament and the Council on the results of the pilot MRV scheme, accompanied, where appropriate, by a legislative proposal to amend this Directive with a view to introducing MRV requirements for non-CO₂ aviation emissions and to expanding the scope of the EU ETS to non-CO₂ aviation emissions while specifying the amount of EU ETS allowances required to cover the CO₂ equivalent per flight calculated under the pilot MRV scheme in order for the extended EU ETS for non-CO₂ aviation emissions to be operational by 2026.

Once the scope of the EU ETS has been extended to cover non-CO₂ aviation emissions, the aircraft operators shall no longer be required to surrender two allowances to cover their non-CO₂ effects. The participating aircraft operators shall surrender the amount of allowances required to cover the CO₂ equivalents of their non-CO₂ effects, as determined by the Commission in accordance with this paragraph.';

Or. en

Justification

The new paragraph in Article 14 of the basic ETS act sets out the requirements for a pilot MRV scheme exempting participating airlines from the application of the multiplier. It ensures transparency of reported data and prepares the ground for a carbon pricing

mechanism for non-CO2 emissions.

Amendment 293

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 6 b (new)

Directive 2003/87/EC

Article 14 – paragraph 3 b (new)

Present text

The acts referred to in paragraph 1 may include requirements on the use of automated systems and data exchange formats to harmonise communication on the monitoring plan, the annual emission report and the verification activities between the operator, the verifier and competent authorities.

Amendment

(6b) In Article 14, the following paragraph is added:

"3b. By [6 months after the entry into force of this Directive], the Commission, in cooperation with EASA and EEA, shall establish a pilot Monitoring, Reporting and Verification (MRV) scheme with the objective to establish a solid MRV methodology adapted to the specificities of non-CO2 emissions and their climate impact and to develop a robust CO2 equivalence calculation for non-CO2 effects. Aircraft operators adhering to these schemes shall be exempted from the payment of the multiplier referred to in Article 12(2a new). The pilot MRV should ensure that on a per flight basis at least the following fuel flow flight data is monitored, reported and verified:

- Fuel flow**
- Mass of aircraft**
- Ambient humidity**
- Latitude, longitude and altitude**
- Humidity and temperature**
- Emission indices for CO2, H2O and NOx**
- CO2 equivalents per flight**

All data reported through the pilot MRV shall be published aggregated on an airport pair level annually per aircraft operator. Data collected through the pilot

MRV shall be submitted to EASA, the EEA and the European Parliament annually. Aircraft operators that do not participate in the pilot scheme shall be required to surrender two allowances for each tonne of CO₂ emitted subject to the multiplier as referred to in Article 12(2a new).

By [24 months after the entry into force], the Commission shall present a report to the Parliament and the Council on the results of the MRV pilot project and specifying the amount of EU ETS allowances required to cover for the CO₂ equivalent per flight calculated under its pilot MRV. The report shall be accompanied by a legislative proposal to amend the present Directive to introduce MRV requirements for non-CO₂ aviation emissions as well as to expand the scope of the EU ETS to non-CO₂ aviation emissions, in order for a carbon pricing mechanism to be introduced from 2025.

Once a non-CO₂ carbon pricing mechanism is phased in, participating aircraft operators shall no longer be required to surrender two allowances to cover for their non-CO₂ effects, but shall surrender the amount of allowances required to cover for the CO₂ equivalents of their non-CO₂ effects, as determined by the Commission in Article 14 (4d).

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02003L0087-20200101&from=EN#tocId35>)

Justification

Climate impacts from aviation activities are at least twice as much as those of CO₂ alone. Since 2008, Parliament has been calling for action, but until today, no significant action has been taken to reduce non-CO₂ warming. This Directive should therefore incentivise mitigation action and at the same time monitor, report and verify non-CO₂ emissions so that mitigating measures will be strengthened over time.

Amendment 294
Sunčana Glavak

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2003/87/EC

Article 14 – paragraph 1 – subparagraph 1

Present text

The Commission shall adopt implementing acts concerning the detailed arrangements for the monitoring and reporting of emissions and, where relevant, activity data, from the activities listed in Annex I, for the monitoring and reporting of tonne-kilometre data for the purpose of an application under Article 3e or 3f, which shall be based on the principles for monitoring and reporting set out in Annex IV and the requirements set out in paragraph 2 of this Article. Those implementing acts shall also specify the global warming potential of each greenhouse gas in the requirements for monitoring *and* reporting emissions for that gas.

Amendment

(6a) Article 14(1), the first subparagraph is replaced by the following :

"The Commission shall adopt implementing acts concerning the detailed arrangements for the monitoring and reporting of emissions and, where relevant, activity data, from the activities listed in Annex I, for the monitoring and reporting of tonne-kilometre data for the purpose of an application under Article 3e or 3f, which shall be based on the principles for monitoring and reporting set out in Annex IV and the requirements set out in paragraph 2 of this Article. Those implementing acts shall also specify the global warming potential of each greenhouse gas *and non-CO2 effects* in the requirements for monitoring, reporting *and verification of the* emissions for that gas. *Based on the monitoring and reporting of all emissions, the Commission shall present concrete actions to mitigate the non-CO2 emissions by 2028.*

Or. en

(((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>)))

Amendment 295
Anna Zalewska

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 18 a – paragraph 3 – point a

Present text

Amendment

(a) before 1 February **2009**, publish a list of aircraft operators which performed an aviation activity listed in Annex I on or after 1 January **2006** specifying the administering Member State for each aircraft operator in accordance with paragraph 1; and

(7) In Article 18a(3), **points (a) and (b) are** replaced by the following:

‘(a) before 1 February **2024**, publish a list of aircraft operators which performed an aviation activity listed in Annex I on or after 1 January **2021** specifying the administering Member State for each aircraft operator in accordance with paragraph 1; and’

Or. en

Amendment 296

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 18 a – paragraph 3 – point b

Text proposed by the Commission

(b) as from **2024**, at least every two years, update the list to include aircraft operators which have subsequently performed an aviation activity listed in Annex I.;

Amendment

(b) as from **[the year of entry into force of this Directive]**, at least every two years, update the list to include aircraft operators which have subsequently performed an aviation activity listed in Annex I.;

Or. en

Amendment 297

Stanislav Polčák

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2003/87/EC

Article 18 a – paragraph 3 – point b

Text proposed by the Commission

(b) as from 2024, at least every two

Amendment

(b) as from 2024, **and subsequently** at

years, update the list to include aircraft operators which have subsequently performed an aviation activity listed in Annex I.’;

least every two years, update the list to include aircraft operators which have subsequently performed an aviation activity listed in Annex I.’;

Or. cs

Amendment 298

Anna Zalewska

Proposal for a directive

Article 1 – paragraph 1 – point 7 a (new) Directive 2003/87/EC

Article 18 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(7a) In Article 18a, the following paragraph is inserted:

‘4a. For the purposes of paragraph 1, ‘base year’ means, in relation to an aircraft operator which started operating in the Union after 1 January 2021, the first calendar year of operation, and in all other cases, the calendar year starting on 1 January 2021.’;

Or. en

Justification

There is no reason to keep on the list aircraft operators that permanently ceased aviation activities. This action will enable the list to be refreshed according to most recent data.

Amendment 299

Henna Virkkunen, Marian-Jean Marinescu, Sunčana Glavak

Proposal for a directive

Article – paragraph 1 – point 7 a (new)

Directive 2003/87/EC

Article 21 – title

Present text

Amendment

Reporting by Member States

(7a) In Article 21, the title is replaced by the following:

‘Reporting by Member States *and the Commission*’

Amendment 300

Henna Virkkunen, Marian-Jean Marinescu, Sunčana Glavak

Proposal for a directive

Article – paragraph 1 – point 7 b (new)

Directive 2003/87/EC

Article 21 – paragraph 4 a (new)

Present text

Amendment

(7b) In Article 21, the following paragraph is added:

‘4a. The Commission shall monitor and evaluate the implementation of this Directive, possible trends and adverse impacts as regards, inter alia, the Union’s competitiveness and companies seeking to avoid being bound by the requirements of this Directive through annual reports analysing market distortions, scale of carbon and business leakage and deterioration of level playing field. If appropriate, the Commission shall propose measures to prevent possible adverse impacts. By 31 December of the year following the entry into force of this Directive, the Commission shall assess Union’s competitiveness, changes in prices of allowances, developments in the labour market, transport freight rates, household purchasing power and the magnitude of carbon and business leakage per economic sector among others by means of a comprehensive impact assessment of the Fit for 55 package.^{1a} Following its result, the Commission shall determine whether it is justified to revise this Directive, and, where appropriate, it shall submit a legislative proposal for that purpose in order to reach global greenhouse gas emissions reduction and preserve a level-playing field.’;

Amendment 301

Henna Virkkunen, Marian-Jean Marinescu, Sunčana Glavak

Proposal for a directive

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

Directive 2003/87/EC

Article 21 a (new)

Text proposed by the Commission

Amendment

(7a) The following article is inserted:

‘Article 21a

The Commission shall consider possible amendments to this Directive with regards to regulatory simplification. The Commission and the competent authorities shall continuously adapt to best practice administrative procedures and take all measures to simplify the enforcement of this Directive, keeping administrative burdens to a minimum. The Commission shall present, by [1 year before the entry into force of this Directive], and in line with its communication on the application of the “one in, one out” principle¹, proposals offsetting the regulatory burdens introduced by this Directive, through the revision or abolishment of provisions in other EU legislative acts that generate compliance costs in the affected sectors.’;

Amendment 302

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 8 – point a

Directive 2003/87/EC

Article 23 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c shall be conferred on the Commission for an indeterminate period of time from 8 April 2018.

Amendment

2. The power to adopt delegated acts referred to in Articles 3d(3), **3da(5), 3db(6)** 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c shall be conferred on the Commission for an indeterminate period of time from 8 April 2018.

Or. en

Amendment 303

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 8 – point a

Directive 2003/87/EC

Article 23 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’,

Amendment

3. The delegation of power referred to in Articles 3d(3), **3da(5), 3db(6)**, 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’,

Or. en

Amendment 304

Andreas Glück, Jan Huitema

Proposal for a directive

Article 1 – paragraph 1 – point 8 – point a

Directive 2003/87/EC

Article 23 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’,

Amendment

3. The delegation of power referred to in Articles 3d(3), **3e**, 10(4), 10a(1) and (8), 10b(5), 12(7), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.’,

Or. en

Amendment 305

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 8 – point b

Directive 2003/87/EC

Article 23 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 3d(3), 10(4), 10a(1) and (8), 10b(5), 12(6), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will

Amendment

6. A delegated act adopted pursuant to Articles 3d(3), **3da(5), 3db(6)** 10(4), 10a(1) and (8), 10b(5), 12(6), third subparagraph, 19(3), Article 22, Articles 24(3), 24a(1), 25a(1) and Article 28c shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the

not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.;

Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.;

Or. en

Amendment 306

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 2

Present text

2. The Union and its Member States shall continue to seek an agreement on global measures to reduce greenhouse gas emissions from aviation. In the light of any such agreement, the Commission shall consider whether amendments to this Directive as it applies to aircraft operators are necessary.

Amendment

"2. The Union and its Member States shall continue to seek an agreement on global measures to reduce greenhouse gas emissions from aviation ***that is aligned with the objectives of Regulation (EU) 2021/1119 and the Paris Agreement, while reflecting equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances. The European Scientific Advisory Board on Climate Change established in Article 3 of Regulation (EU) 2021/1119, supported by the European Union Aviation Safety Agency, shall assess the compatibility of the*** any such agreement ***with the objectives the Paris Agreement and Regulation (EU) 2021/1119, and its general environmental integrity. The report shall be made public, in an easily accessible form. Based on the report,*** the Commission shall consider whether amendments to this Directive as it applies to aircraft operators are necessary."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>)

Amendment 307

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are considered to be applying CORSIA for the purposes of this Directive, with a baseline of 2019 for 2021 to 2023 and a baseline 2019-2020 for each year thereafter. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Amendment

3. The Commission shall adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are considered to be applying CORSIA for the purposes of this Directive, with a baseline of 2019 for 2021 to 2023 and a baseline 2019-2020 for each year thereafter. ***Aircraft operators surrendering allowances under the EU ETS for emissions on routes to the countries listed in this implementing act shall be reimbursed for the financial value of expenditure on credits used for Corsia on the same routes, in accordance with Article 3e.*** That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Or. en

Amendment 308

Andreas Glück, Jan Huitema

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are considered to be applying CORSIA for the purposes of this Directive, with a baseline of 2019 for

Amendment

3. ***At least once a year,*** the Commission shall adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are considered to be applying CORSIA for the purposes of this

2021 to 2023 and a baseline 2019-2020 for each year thereafter. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Directive, with a baseline of 2019 for 2021 to 2023 and a baseline 2019-2020 for each year thereafter. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2). ***From 2027, the Commission shall also publish a list of aircraft operators from countries which are not considered to be applying CORSIA for flights to or from other third countries for the purposes of this Directive.***

Or. en

Justification

In the absence of a wide spectrum of hard measures available to the Commission in the event of non-compliance with CORSIA by a 3rd country, creating a list of carriers registered in non-compliant states is an excellent soft measure to influence customer choice and achieve level playing field.

Amendment 309

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are ***considered to be*** applying CORSIA for the purposes of this Directive, with a baseline of 2019 ***for 2021*** to 2023 and a baseline ***2019-2020*** for each year thereafter. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Amendment

3. ***As of 1 January 2027***, the Commission shall adopt ***on an annual basis***, an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are ***not applying CORSIA, and which are*** applying CORSIA for the purposes of this Directive, with a baseline of 2019 ***for 2021*** to 2023 and a baseline ***decided by the ICAO Council*** for each year thereafter. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Or. en

Amendment 310
Anna Zalewska

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2003/87/EC
Article 25 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. As from 1 January 2027, when participation in CORSIA will become mandatory for all ICAO Member States, the Commission shall publish a list of aircraft operators from countries that are not considered to be applying CORSIA for flights to or from other third countries for the purposes of this Directive.

Or. en

Justification

In the event of divergence with CORSIA by a third country, establishing a publicly available list of carriers registered in non-compliant ICAO Member States will empower consumers to make more sustainable choices and facilitate a level playing field for operators.

Amendment 311
Marian-Jean Marinescu, Barbara Thaler, Henna Virkkunen, Markus Ferber

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2003/87/EC
Article 25 a – paragraph 4

Text proposed by the Commission

Amendment

4. In respect of emissions from flights to or from countries that are listed in the implementing act adopted pursuant to paragraph 3, aircraft operators that hold an air operator certificate issued by a country or that is registered in a country that is listed therein shall not be required to cancel units in respect of those emissions.

4. In respect of emissions from flights to or from countries that are listed in the implementing act adopted pursuant to paragraph 3, aircraft operators that hold an air operator certificate issued by a country or that is registered in a country that is listed therein, ***or is exempt from mandatory offsetting in accordance with the exemptions laid down in CORSIA SARPs***, shall not be required to cancel

units in respect of those emissions.

Or. en

Amendment 312

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 6

Text proposed by the Commission

6. In respect of emissions from flights to and from Least Developed Countries and Small Island Developing States as defined by the United Nations, other than those listed in the implementing act adopted pursuant to paragraph 3, aircraft operators shall not be required to cancel units.

Amendment

6. In respect of emissions from flights to and from Least Developed Countries and Small Island Developing States as defined by the United Nations, other than those ***countries whose GDP per capita equals or exceeds the Union average and those countries*** listed in the implementing act adopted pursuant to paragraph 3, aircraft operators shall not be required to cancel units.

Or. en

Amendment 313

Marian-Jean Marinescu, Barbara Thaler, Henna Virkkunen, Markus Ferber

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 6

Text proposed by the Commission

6. In respect of emissions from flights to and from ***Least Developed Countries and Small Island Developing States as defined by the United Nations***, other than those listed in the implementing act adopted pursuant to paragraph 3, aircraft operators shall not be required to cancel units.

Amendment

6. In respect of emissions from flights to and from countries ***that are exempt from mandatory offsetting in accordance with the exemptions laid down in CORSIA SARPs***, other than those listed in the implementing act adopted pursuant to paragraph 3, aircraft operators shall not be required to cancel units.

Amendment 314

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 7

Text proposed by the Commission

Amendment

7. *Where the Commission determines that there is a significant distortion of competition which is detrimental to aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, the Commission shall be empowered to adopt implementing acts to exempt those aircraft operators from surrender requirements as laid down in Article 12(8) in respect of emissions from flights to and from such countries. The distortion of competition may be caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in a manner equal to all aircraft operators. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).* ***deleted***

Or. en

Justification

The climate mitigation potential of CORSIA is dependent on the quality of the offsets. Until now, none of the offsetting programmes approved under CORSIA meet all of the required criteria. The EU should therefore not allow for derogations to the standards set in this regulation.

Amendment 315

Andreas Glück, Jan Huitema

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 7

Text proposed by the Commission

7. ***Where the Commission determines that there is a significant distortion of competition which is detrimental to aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, the Commission shall be empowered to adopt implementing acts to exempt those aircraft operators from surrender requirements as laid down in Article 12(8) in respect of emissions from flights to and from such countries. The distortion of competition may be caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in a manner equal to all aircraft operators. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).***

Amendment

7. ***From 2027, on a yearly basis or whenever evidence is presented, the Commission shall assess whether there is a significant distortion of competition due to a non-compliance with, or a less stringent application in its domestic law of, CORSIA by a third country, or when it is determined, on the basis of available facts, that a threat of injury which results from such non-compliance or such a less stringent application and is detrimental to aircraft operators that hold an air operator certificate issued by a Member State exist. The distortion of competition or threat of injury may be caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in the same manner for all aircraft operators. Where the assessment confirms that distortion of competition or a threat of injury exist and result from non-compliance with or a less stringent application of CORSIA by a third country, the Commission shall take measures of a temporary nature to exempt aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State from surrender requirements as laid down in Article 12(8) and/or to apply EU ETS in respect of emissions from flights to and from the EEA operated by aircraft operators from a non-compliant third country. The measures of a temporary nature shall apply no longer than 9 months or until the determines that the distortion of competition or threat of injury no longer exist or when a third***

country *complies with* CORSIA in a *satisfactory* manner *or* CORSIA *is enforced in the same* manner *for* all aircraft operators. *At the end of the nine-month period, the Commission shall either extend the duration of those measures, or modify or revoke them, by means of an* implementing *act* adopted *by the Commission* in accordance with the examination procedure referred to in Article 22a(2).

Or. en

Justification

Fair competition and level playing field must be ensured, especially under the ETS directive. For this reason, the Commission should be enabled to take immediate temporary measures in case of significant distortion of competition caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in a manner equal to all aircraft operators. The temporary measures can result not only in an exemption to the EU aircraft operators facing the distortion of competition from surrender requirements as laid down in Article 12(8) in respect of emissions from flights to and from such countries but also in an application of EU ETS to aircraft operators from a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in respect of emissions from flights to and from the EEA.

Amendment 316

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 7

Text proposed by the Commission

7. Where the Commission determines that there is a significant distortion of competition which is detrimental to aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, the Commission shall ***be empowered to adopt implementing acts to*** exempt those aircraft operators from surrender requirements as laid down in Article 12(8) in respect of

Amendment

7. Where the Commission determines that there is a significant distortion of competition which is detrimental to aircraft operators that hold an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, the Commission shall exempt those aircraft operators from surrender requirements as laid down in Article 12(8) in respect of emissions from flights to and from such

emissions from flights to and from such countries. The distortion of competition may be caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in a manner equal to all aircraft operators. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

countries ***and/or put in place other carbon mitigation options***. The distortion of competition may be caused by a third country applying CORSIA in a less stringent manner in its domestic law, or failing to enforce CORSIA provisions in a manner equal to all aircraft operators, ***or any other risk in relation to the market distortion***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Or. en

Amendment 317
Dolors Montserrat

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2003/87/EC
Article 25 a – paragraph 7 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall continuously monitor and assess the distortions of competition and report to the European Parliament and the Council. The Commission will take into account the list of countries applying CORSIA, the different regulatory measures, the prices of allowances for aircraft operators, the geographical situation of EU airports and their vulnerability to unfair competition from third countries, the increase in flight prices and the impact on EU tourism destinations. In view of the overall competitiveness of the EU aviation sector and the risk of carbon leakage, the Commission shall consider a revision of this Directive to level the playing field vis a vis third countries, including through the extension of the emission trading system to flights from and to airports located in third countries.

Or. en

Amendment 318
Bas Eickhout

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2003/87/EC
Article 25 a – paragraph 8

Text proposed by the Commission

Amendment

8. *Where an aircraft operator that holds an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, operates flights between two different countries listed in the implementing act adopted pursuant to paragraph 3, including flights that take place between Switzerland, the United Kingdom and countries listed in the implementing act adopted pursuant to paragraph 3, and those countries allow aircraft operators to use other units than those on the list adopted pursuant to Article 11a(8), the Commission shall be empowered to adopt implementing acts allowing those aircraft operators to use unit types additional to that list or not to be bound by the conditions of Article 11a(2) and (3) in respect of emissions from such flights. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).;* *deleted*

Or. en

Justification

The climate mitigation potential of CORSIA is dependent on the quality of the offsets. Until now, none of the offsetting programmes approved under CORSIA meet all of the required criteria. The EU should therefore not allow for derogations to the standards set in this regulation.

Amendment 319

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25 a – paragraph 8

Text proposed by the Commission

8. Where an aircraft operator that holds an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, operates flights between two different countries listed in the implementing act adopted pursuant to paragraph 3, including flights that take place between Switzerland, the United Kingdom and countries listed in the implementing act adopted pursuant to paragraph 3, and those countries allow aircraft operators to use other units than those on the list adopted pursuant to Article 11a(8), the Commission shall be empowered to adopt implementing acts allowing those aircraft operators to use unit types additional to that list or not to be bound by the conditions of Article 11a(2) **and (3)** in respect of emissions from such flights. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).;

Amendment

8. Where an aircraft operator that holds an air operator certificate issued by a Member State or is registered in a Member State, including in the outermost regions, dependencies and territories of that Member State, operates flights between two different countries listed in the implementing act adopted pursuant to paragraph 3, including flights that take place between Switzerland, the United Kingdom and countries listed in the implementing act adopted pursuant to paragraph 3, and those countries allow aircraft operators to use other units than those on the list adopted pursuant to Article 11a(8), the Commission shall be empowered to adopt implementing acts allowing those aircraft operators to use unit types additional to that list or not to be bound by the conditions of Article 11a(2) in respect of emissions from such flights. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).;

Or. en

Amendment 320

Bas Eickhout

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 2003/87/EC

Article 28 b

Article 28b

Reporting and review by the Commission concerning the implementation of the ICAO's global market-based measure

1. Before **1 January 2019 and regularly** thereafter, the Commission shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to emissions from 2021, in particular with regard to:

- (i) the relevant ICAO instruments, including Standards and Recommended Practices;
- (ii) ICAO Council-approved recommendations relevant to the global market-based measure;
- (iii) the establishment of a global registry;
- (iv) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021;
- (v) the implications of reservations by third countries; and
- (vi) other relevant international developments and applicable instruments.

In line with the UNFCCC's global stocktake, the Commission shall also report on efforts to meet the aviation sector's aspirational long-term emissions reduction goal of halving aviation CO₂ emissions relative to 2005 levels by 2050.

2. Within 12 months of the adoption by the ICAO of the relevant instruments, and before the global market-based measure becomes operational, the

(9a) Article 28b is replaced by the following:

"Article 28b

Reporting and review by the Commission concerning the implementation of the ICAO's global market-based measure

1. Before **2027 and every two years** thereafter, the Commission shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to emissions from 2021, in particular with regard to:

- (i) the relevant ICAO instruments, including Standards and Recommended Practices;
- (ii) ICAO Council-approved recommendations relevant to the global market-based measure ***including changes to baselines;***
- (iii) the establishment of a global registry;
- (iv) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021;
- (v) the implications of reservations by third countries; and
- (vi) other relevant international developments and applicable instruments.

2. Within 12 months of the adoption by the 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. The Commission shall, in that report, also consider the rules applicable in respect of flights within the EEA, as appropriate. It shall also examine the ambition and overall environmental integrity of the global market-based measure, including its general ambition in relation to targets under the Paris Agreement, the level of participation, its enforceability, transparency, the penalties for non-compliance, the processes for public input, the quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability as well as rules on the use of biofuels. In addition, the report shall consider whether the provisions adopted under Article 28c(2) need to be revised.

3. The Commission shall accompany the report referred to in paragraph 2 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, *delete*, extend or replace the *derogations* provided for in *Article 28a*, that is consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 with the aim of preserving the environmental integrity and effectiveness of Union climate action.

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. The Commission shall, in that report, also consider the rules applicable in respect of flights within the EEA, as appropriate. It shall also examine the ambition and overall environmental integrity of the global market-based measure, including its general ambition in relation to targets under the Paris Agreement, the level of participation, its enforceability, transparency, the penalties for non-compliance, the processes for public input, the quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability as well as rules on the use of biofuels. In addition, the report shall consider whether the provisions adopted under Article 28c(2) need to be revised.

3. The Commission shall accompany the report referred to in paragraph 2 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, extend or replace the *measures* provided for in *Article 3e*, that is consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 *and achievement of climate neutrality by 2050 at the latest* with the aim of preserving the environmental integrity and effectiveness of Union climate action."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02003L0087-20200101&from=EN#tocId35>)

Amendment 321

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Present text

Article 28b

Reporting and review by the Commission concerning the implementation of the ICAO's global market-based measure

1. Before **1 January 2019 and regularly** thereafter, the Commission shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to emissions from 2021, in particular with regard to: (i) the relevant ICAO instruments, including Standards and Recommended Practices; (ii) ICAO Council-approved recommendations relevant to the global market-based measure; (iii) the establishment of a global registry; (iv) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021; (v) the implications of reservations by third countries; and (vi) other relevant international developments and applicable instruments.

In line with the UNFCCC's global stocktake, the Commission shall also report on efforts to meet the aviation sector's aspirational long-term emissions reduction goal of halving aviation CO₂ emissions relative to 2005 levels by 2050.

2. Within 12 months of the adoption by the 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.

Amendment

(9a) Article 28b is replaced by the following:

"Article 28b

Reporting and review by the Commission concerning the implementation of the ICAO's global market-based measure

1. Before **2027 and every two years** thereafter, the Commission shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to emissions from 2021, in particular with regard to: (i) the relevant ICAO instruments, including Standards and Recommended Practices; (ii) ICAO Council-approved recommendations relevant to the global market-based measure, ***including changes to baselines***; (iii) the establishment of a global registry; (iv) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021; (v) the implications of reservations by third countries; and (vi) other relevant international developments and applicable instruments.

2. Within 12 months of the adoption by the 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.

The Commission shall, in that report, also consider the rules applicable in respect of flights within the EEA, as appropriate. It shall also examine the ambition and overall environmental integrity of the global market-based measure, including its general ambition in relation to targets under the Paris Agreement, the level of participation, its enforceability, transparency, the penalties for non-compliance, the processes for public input, the quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability as well as rules on the use of biofuels. In addition, the report shall consider whether the provisions adopted under Article 28c(2) need to be revised.

3. The Commission shall accompany the report referred to in paragraph 2 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, *delete*, extend or replace the *derogations* provided for in Article 28a, that is consistent with the *Union* economy-wide greenhouse gas emission reduction commitment for 2030 with the aim of preserving the environmental integrity and effectiveness of Union climate action.

The Commission shall, in that report, also consider the rules applicable in respect of flights within the EEA, as appropriate. It shall also examine the ambition and overall environmental integrity of the global market-based measure, including its general ambition in relation to targets under the Paris Agreement, the level of participation, its enforceability, transparency, the penalties for non-compliance, the processes for public input, the quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability as well as rules on the use of biofuels. In addition, the report shall consider whether the provisions adopted under Article 28c(2) need to be revised.

3. The Commission shall accompany the report referred to in paragraph 2 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, extend or replace the *measures* provided for in Article 3e, that is consistent with the *Union's* economy-wide greenhouse gas emission reduction commitment for 2030 *and achievement of climate neutrality by 2050 at the latest* with the aim of preserving the environmental integrity and effectiveness of Union climate action.

3a. In line with the global stocktake of the Paris Agreement, the Commission shall also report on efforts to update the aviation sector's aspirational long-term emissions reduction goal of halving aviation CO₂ emissions relative to 2005 levels by 2050 with a view to bringing it in line with emissions reduction targets under the Paris Agreement, as well as on efforts to achieve an ambitious long-term global aspirational goal for international aviation under ICAO.

3b. With a view to improving the CORSIA scheme, the Union and its Member States shall actively promote in ICAO and through bilateral and

multilateral green diplomacy improvements with regards to CORSIA's environmental integrity, including the sustainability criteria for offsets, its enforcement and encourage wider international participation to the scheme. The Union and its Member States shall also promote in ICAO additional climate and environmental measures, greater transparency and the establishment of an ambitious long-term reduction goal that is in line with the Paris Agreement."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>)

Justification

The Union and its Member States should actively engage in climate diplomacy in order to ensure a well-functioning global emissions reduction scheme under ICAO and provide for the adequate level of ambition of the aviation sector in order to keep within the temperature goals of the Paris Agreement. ICAO, Assembly, 39th Session, Working Paper 155 Revision No. 1, Industry Views on a Global Market-Based Measure for International Aviation, at para 1.1.

Amendment 322

Claudia Gamon, Martin Hojsík, Emma Wiesner, Michal Wiezik

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 2003/87/EC

Article 28 b

Present text

Article 28b

Reporting and review by the Commission concerning the implementation of the ICAO's global market-based measure

1. Before 1 January **2019 and regularly** thereafter, the Commission shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to

Amendment

(9a) Article 28b is replaced by the following:

"Article 28b

"Reporting and review by the Commission concerning the implementation of the ICAO's global market-based measure

1. Before 1 January **2027 and every two years** thereafter, the Commission shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to

emissions from 2021, in particular with regard to: (i) the relevant ICAO instruments, including Standards and Recommended Practices; (ii) ICAO Council-approved recommendations relevant to the global market-based measure; (iii) the establishment of a global registry; (iv) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021; (v) the implications of reservations by third countries; and (vi) other relevant international developments and applicable instruments.

In line with the UNFCCC's global stocktake, the Commission shall also report on efforts to meet the aviation sector's aspirational long-term emissions reduction goal of halving aviation CO₂ emissions relative to 2005 levels by 2050.

2. Within 12 months of the adoption by the 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. The Commission shall, in that report, also consider the rules applicable in respect of flights within the EEA, as appropriate. It shall also examine the ambition and overall environmental integrity of the global market-based measure, including its general ambition in relation to targets under the Paris Agreement, the level of participation, its enforceability, transparency, the penalties for non-compliance, the processes for public input, the quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability as well as rules on the use of biofuels. In addition, the report shall consider whether the provisions adopted under Article 28c(2) need to be

emissions from 2021, in particular with regard to: (i) the relevant ICAO instruments, including standards and recommended practices; (ii) ICAO Council-approved recommendations relevant to the global market-based measure ***including any possible changes to baselines***; (iii) the establishment of a global registry; (iv) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021; (v) the implications of reservations by third countries; and (vi) other relevant international developments and applicable instruments.

2. By 2027, the European Commission shall present this report to the European Parliament and to the Council in which it shall assess the environmental integrity of ICAO's global market-based measure, including its general ambition in relation to targets under the Paris Agreement, the level of participation, its enforceability, transparency, the penalties for non-compliance, the processes for public input, the quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability as well as rules on the use of biofuels.

revised.

3. The Commission shall *accompany the report referred to in paragraph 2 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, delete, extend or replace the derogations provided for in Article 28a, that is consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 with the aim of preserving the environmental integrity and effectiveness of Union climate action.*

3. *In line with the UNFCCC's global stock take, the Commission shall also report on efforts to meet the aviation sector's aspirational long-term emissions reduction goal of reducing aviation emissions to zero by 2050."*

Or. en

(32003L0087)

Amendment 323

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 2003/87/EC

Article 28 b – paragraph 1

Present text

1. Before 1 January **2019 and regularly** thereafter, the Commission shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to emissions from 2021, in particular with regard to: (i) the relevant ICAO instruments, including Standards and Recommended Practices; (ii) ICAO Council-approved recommendations relevant to the global market-based measure; (iii) the establishment of a global registry; (iv) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021; **(v) the** implications

Amendment

(9a) In Article 28b, paragraph 1 is replaced by the following:

"1. Before 1 January **2027 and every two years** thereafter, the Commission, **supported by the European Scientific Advisory Board on Climate Change established in Article 3 of Regulation (EU) 2021/1119**, shall report to the European Parliament and to the Council on progress in the ICAO negotiations to implement the global market-based measure to be applied to emissions from 2021, in particular with regard to: (i) the relevant ICAO instruments, including Standards and Recommended Practices; (ii) ICAO Council-approved recommendations relevant to the global market-based measure **including changes to baselines**; (iii) the establishment of a

of reservations by third countries; **and (vi)** other relevant international developments and applicable instruments.

global registry; (iv) **enforceability, transparency, the penalties for non-compliance and the processes for public input of CORSIA**; (v) domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021; (vi) **the level of participation, including** implications of reservations by third countries; (vii) other relevant international developments and applicable instruments; (viii) **environmental effects, including those effecting biodiversity, of ICAO's rules on the use of biofuels**; (ix) **the quality and environmental integrity of offsetting credits under CORSIA**; (x) **human rights compliance and implications to biodiversity of carbon offsetting under CORSIA**; and (xi) **the ambition and overall environmental integrity of global-market based measures, including its general ambition in relation to targets under the Paris Agreement**.

In line with the UNFCCC's global stocktake, the Commission shall also report on efforts to meet the aviation sector's aspirational long-term emissions reduction goal of **halving** aviation **CO2** emissions **relative to 2005 levels** by 2050.

In line with the UNFCCC's global stocktake, the Commission shall also report on efforts to meet the aviation sector's aspirational long-term emissions reduction goal of **reducing** aviation emissions **to zero** by 2050."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>)

Amendment 324 **Silvia Modig**

Proposal for a directive
Article 1 – paragraph 1 – point 9 b (new)
Directive 2003/87/EC
Article 28 b – paragraph 2

Text proposed by the Commission

Amendment

(9b) In Article 28b, paragraph 2 is deleted;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>)

Amendment 325

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 9 c (new)

Directive 2003/87/EC

Article 28 b – paragraph 3

Present text

3. The Commission shall accompany the report referred to in paragraph 2 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, delete, extend or replace the derogations provided for in Article **28a**, that is consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 **with the aim of preserving the environmental integrity and effectiveness of Union climate action.**

Amendment

(9c) In Article 28b, paragraph 3 is replaced by the following:

"3. The Commission shall accompany the report referred to in paragraph 1 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, delete, extend or replace the derogations provided for in Article **3da**, that is consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 , **the Union's climate-neutrality objective by 2050 at the latest and the aim to achieve negative emissions thereafter laid out in Article 2(1) of Regulation (EU) 2021/1119 and the Union's and its Member States commitments under the Paris Agreement, while reflecting the principles of equity and of common but differentiated responsibilities and respective capabilities of nations.**"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>)

Amendment 326

Sunčana Glavak, Inese Vaidere

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 2003/87/EC

Article 29

Present text

Amendment

Article 29

Report to ensure the better functioning of the carbon market

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

(9a) Article 29 is replaced by the following:

"Article 29

Report to ensure the better functioning of the carbon market

If, on the basis of the regular reports on the carbon market referred to in Article 10 (5), the Commission has evidence that the carbon market is not functioning properly, it shall submit a report to the European Parliament and to the Council. The report may be accompanied, if appropriate, by proposals aiming at increasing transparency of the carbon market and addressing measures to improve its functioning. ***If disorderly trading or abusive behaviour is identified in the market, the Commission shall include in those proposals specific measures to prevent financial speculation in European carbon markets and provide for their protection.***"

Or. en

((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20210101&qid=1641400487702>))

Amendment 327

Andreas Glück, Jan Huitema

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 2003/87/EC

Article 29 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(9a) In Article 29a, the following paragraph is added:

‘4a. In 2027 or whenever 100% of the quantity of allowances, with the exception of the allowances allocated for free as referred in to Article 3e, in respect of

which free allocation would have taken place in that year are auctioned, the Commission shall present a report to the European Parliament and to the Council in which it should consider whether the measures in this Article are still effective, respond to the needs of the market or whether they need to be amended.';

Or. en

Justification

To avoid high fluctuations in carbon price, as unfortunately seen in recent months due to the Green Deal legislation reforms, it is also time to consider a revision of current rules safeguarding the market against any future speculation. It is vital to avoid speculation from undermining the Green Deal ambitions.

Amendment 328

Claudia Gamon, Nils Torvalds, Martin Hojsík, Frédérique Ries, Emma Wiesner, Michal Wiezik

Proposal for a directive

Article 1 – paragraph 1 – point 9 b (new)

Directive 2003/87/EC

Article 30 – paragraph 4

Present text

4. Before 1 **January 2020**, the Commission shall present an updated analysis of the non-CO2 effects of aviation, accompanied, where appropriate, by a proposal **on how best to address** those effects.

Amendment

(9b) In Article 30, paragraph 4 is replaced by the following:

"4. Before 1 **January 2024**, the Commission shall present an updated analysis of the non-CO2 effects of aviation, accompanied, where appropriate, by a **legislative proposal to include them into the EU ETS for addressing** those effects."

Or. en

(32003L0087)

Amendment 329

Milan Brglez, Robert Hajšel, Tiemo Wölken, Cyrus Engerer, Jytte Guteland

Proposal for a directive

Article 1 – paragraph 1 – point 9 b (new)

Directive 2003/87/EC
Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(9b) In Article 30, the following paragraph is added :

4a. By 1 January 2026, the Commission shall present a report to the European Parliament and to the Council evaluating the environmental and climate impacts and the technical and economic viability of establishing specific requirements for the flight segment comprising regional and the lower-end of short-range flights to reduce such impacts, including the setting of higher minimum shares of sustainable aviation fuels to be referred to in a Union regulation on ensuring a level playing field for sustainable air transport as well as possibilities for alternative routing for such types of flights, and taking into account the alternative modes of public transport available to cover such services in a comparable time period.

Or. en

Amendment 330
Silvia Modig

Proposal for a directive
Article 1 – paragraph 1 – point 9 d (new)
Directive 2003/87/EC
Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(9d) In Article 30, the following paragraph is inserted:

4a. Before 1 January 2024, the Commission, supported by the European Scientific Advisory Board on Climate Change established in Article 3 of Regulation (EU) 2021/1119, shall present an analysis of global greenhouse gas emissions and other radiative forcing of

aviation activities on individual scale, particularly addressing the emissions caused by the air travel demand of frequent flyers and individual users of private aircrafts. The report shall be accompanied by a proposal on how to best address those effects to increase emission reduction efforts of the aviation sector under this Directive or other relevant Union legislation. The European Parliament, the Council and the Commission shall exchange views during the year of publish of the analysis and shall identify additional legislative and non-legislative measures and actions.

Or. en

Amendment 331

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 2003/87/EC

Article 30 a (new)

Text proposed by the Commission

Amendment

(9a) The following article is added :

Article 30a

Carbon adjustment measure

To avoid carbon leakage and distortion of competition, an adjustment measure should be adopted for the proportion of EU ETS-costs on intra-EEA flights allocated to passengers transferring to a final destination outside the Union and vice versa.

This adjustment measure is calculated as follows per aircraft operator:

a. In accordance with Annex IV and by 31 March of each year, aircraft operators operating flights where the Treaty applies, shall report to the national competent authority and the verifier for every city pair the annual fuel

consumption on individual connections and the ratio of the number of passengers with connecting flights into or out of the EEA("transfer passengers") to the total number of passengers on this connection ("passengers");

b. The adjustment for each city pair equals:(number of transfer passengers / total number of passengers) x fuel consumption x emission factor;

c. The cumulative amount of this adjustment for all city pairs together is deducted from the total amount of verified emissions for which the corresponding allowances are to be surrendered by an aircraft operator in that same period.

Or. en

Amendment 332

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 9 b (new)

Directive 2003/87/EC

Article 31 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(9b) In Article 31, the following paragraph is inserted:

2a. The Commission shall undertake to present, by [1 year after the entry into force of this Directive],and in line with its communication on the application of the “one in, one out”principle^{1a}, proposals offsetting the regulatory burdens in relation to Directive 2003/87/EC, through the revision or abolishment of provisions in other Union legislative acts that generate compliance costs in the affected sectors.

^{1a} EC press release on the working methods of the von der Leyen Commission, 4 December 2019

Amendment 333

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2003/87/EC

Annex I – table – Aviation – paragraph 1 a – point a

Text proposed by the Commission

(a) the aircraft operator holds an air operator certificate issued by a Member State or is registered in a Member State, ***including in the outermost regions***, dependencies and territories of that Member State;

Amendment

(a) the aircraft operator holds an air operator certificate issued by a Member State or is registered in a Member State, dependencies and territories of that Member State;

Or. en

Amendment 334

Silvia Modig

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2003/87/EC

Annex I – table – Aviation – paragraph 1 a – point b

Text proposed by the Commission

(b) they produce annual CO₂ emissions greater than 10 000 tonnes from the use of aircrafts ***with a maximum certified take-off mass greater than 5 700 kg*** conducting flights covered by Annex I, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019. For the purposes of this point, emissions from the following types of flights shall not be taken into account: (i) state flights; (ii) humanitarian flights; (iii) medical flights; (iv) ***military flights***; (v) firefighting flights..

Amendment

(b) they produce annual CO₂ emissions greater than 10 000 tonnes from the use of aircrafts conducting flights covered by Annex I, other than those departing and arriving in the same Member State (including outermost regions of the same Member State), from 1 January 2019. For the purposes of this point, emissions from the following types of flights shall not be taken into account: (i) state flights; (ii) humanitarian flights; (iii) medical flights; (iv) firefighting flights.

Amendment 335
Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive
Article 1 – paragraph 1 – point 10
 Directive 2003/87/EC
 Annex I – table – Aviation – paragraph 1 a – point b

Text proposed by the Commission

(b) they produce annual CO₂ emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same Member State **(including outermost regions of the same Member State)**, from 1 **January 2019**. For the purposes of this point, emissions from the following types of flights shall not be taken into account: (i) state flights; (ii) humanitarian flights; (iii) medical flights; (iv) military flights; (v) firefighting flights..

Amendment

(b) they produce annual CO₂ emissions greater than 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass greater than 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same Member State from 1 **January 2019**. For the purposes of this point, emissions from the following types of flights shall not be taken into account: (i) state flights; (ii) humanitarian flights; (iii) medical flights; (iv) military flights; (v) firefighting flights.

Amendment 336
Stanislav Polčák

Proposal for a directive
Article 1 – paragraph 1 – point 10
 Directive 2003/87/EC
 Annex I – table – aviation – paragraph 1 a – point b

Text proposed by the Commission

(b) they produce annual CO₂ emissions **greater than** 10 000 tonnes from the use of aircrafts with a maximum certified take-off mass **greater than** 5 700 kg conducting flights covered by Annex I, other than those departing and arriving in the same

Amendment

(b) they produce annual CO₂ emissions **of** 10 000 tonnes **or more** from the use of aircrafts with a maximum certified take-off mass **of** 5 700 kg **or more** conducting flights covered by Annex I, other than those departing and arriving in the same

Member State (including outermost regions of the same Member State), from 1 January 2019. For the purposes of this point, emissions from the following types of flights shall not be taken into account: (i) state **flights**; (ii) humanitarian flights; (iii) medical flights; (iv) **military flights**; (v) firefighting flights.’.

Member State (including outermost regions of the same Member State), from 1 January 2019. For the purposes of this point, emissions from the following types of flights shall not be taken into account: (i) **flights operated by state aircraft (for military, police or customs purposes)**; (ii) humanitarian flights; (iii) medical flights; (iv) firefighting flights.’.

Or. cs

Amendment 337
Sylvia Modig

Proposal for a directive
Article 1 – paragraph 1 – point 10 a (new)
Directive 2003/87/EC
Annex I – Aviation – paragraph 2 – point b

Present text

(b) **military flights performed by military aircraft and** customs and police flights;

Amendment

(10a) In Annex I, in the table, point (b) of the second paragraph of the entry ‘Aviation’ of the column ‘Activities’ is replaced by the following:

“(b) customs and police flights;

Or. en

Amendment 338
Sylvia Modig

Proposal for a directive
Article 1 – paragraph 1 – point 10 b (new)
Directive 2003/87/EC
Annex I – Aviation – paragraph 2 – point h

Text proposed by the Commission

Amendment

(10b) In Annex I, in the table, point (h) of the second paragraph of the entry

'Aviation' of the column 'Activities' is deleted;

Or. en

Amendment 339
Sylvia Modig

Proposal for a directive
Article 1 – paragraph 1 – point 10 c (new)
Directive 2003/87/EC
Annex I – Aviation – paragraph 2 – point j – indent 1

Present text

Amendment

(10c) In Annex I, in the table, the first indent of point (j) of the second paragraph of the entry 'Aviation' of the column 'Activities' is deleted;

Or. en

Amendment 340
Bas Eickhout

Proposal for a directive
Article 1 – paragraph 1 – point 10 a (new)
Directive 2003/87/EC
Annex I – table – Aviation – paragraph 2 – point b

Present text

Amendment

(10a) In Annex I, in the table, point (b) of the second paragraph of the entry 'Aviation' of the column 'Activities' is replaced by the following:

(b) *military flights performed by military aircraft and* customs and police flights;

(b) customs and police flights;

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20200101>)

Amendment 341
Bas Eickhout

Proposal for a directive
Article 1 – paragraph 1 – point 10 b (new)
Directive 2003/87/EC
Annex II

Present text

Amendment

Carbon dioxide (CO₂)
Methane (CH₄)
Nitrous Oxide (N₂O)
Hydrofluorocarbons (HFCs)
Perfluorocarbons (PFCs)
Sulphur Hexafluoride (SF₆)

(10b) Annex II is replaced by the following :

" Carbon dioxide (CO₂)
Methane (CH₄)
Nitrous Oxide (N₂O)
Hydrofluorocarbons
Perfluorocarbons (PFCs)
Sulphur Hexafluoride (SF₆)

Oxides of Nitrogen(NO_x), Soot Particles, Oxidised Sulphur Species, and Water Vapour from an aircraft performing an aviation activity listed in Annex I.

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0087-20200101>)

Justification

Climate impacts from aviation activities are at least twice as much as those of CO₂ alone. Since 2008, Parliament has been calling for action, but until today, no significant action has been taken to reduce non-CO₂ warming. This Directive should therefore incentivise mitigation action and at the same time monitor, report and verify non-CO₂ emissions so that mitigating measures will be strengthened over time.

Amendment 342
Claudia Gamon, Nils Torvalds, Martin Hojsík, Frédérique Ries, Emma Wiesner, Michal Wiezik

Proposal for a directive
Article 1 – paragraph 1 – point 10 a (new)

Present text

Calculation

Calculations of emissions shall be performed using the formula:

Activity data × Emission factor ×
Oxidation factor

Activity data (fuel used, production rate etc.) shall be monitored on the basis of supply data or measurement.

Accepted emission factors shall be used. Activity-specific emission factors are acceptable for all fuels. Default factors are acceptable for all fuels except non-commercial ones (waste fuels such as tyres and industrial process gases). Seam-specific defaults for coal, and EU-specific or producer country-specific defaults for natural gas shall be further elaborated. IPCC default values are acceptable for refinery products. The emission factor for biomass shall be zero.

If the emission factor does not take account of the fact that some of the carbon is not oxidised, then an additional oxidation factor shall be used. If activity-specific emission factors have been calculated and

Amendment

(10a) In Part A, the section “Calculation” is replaced by the following:

"Calculation

Calculations of emissions shall be performed using the formula:

Activity data × Emission factor ×
Oxidation factor

Activity data (fuel used, production rate etc.) shall be monitored on the basis of supply data or measurement.

Accepted emission factors shall be used. Activity-specific emission factors are acceptable for all fuels. Default factors are acceptable for all fuels except non-commercial ones (waste fuels such as tyres and industrial process gases). Seam-specific defaults for coal, and EU-specific or producer country-specific defaults for natural gas shall be further elaborated. IPCC default values are acceptable for refinery products. The emission ***factors for renewable fuels of non-biological origin and recycled carbon fuels produced using hydrogen from renewable sources are zero. This provision shall be replaced by the implementing acts referred to in Article 14. The emission*** factor for biomass ***that complies with the sustainability criteria and greenhouse gas emission saving criteria for the use of biomass established by Directive (EU) 2018/2001, with any necessary adjustments for application under this Directive, as set out in the implementing acts referred to in Article 14,*** shall be zero.

If the emission factor does not take account of the fact that some of the carbon is not oxidised, then an additional oxidation factor shall be used. If activity-specific emission factors have been calculated and

already take oxidation into account, then an oxidation factor need not be applied.

Default oxidation factors developed pursuant to Directive 96/61/EC shall be used, unless the operator can demonstrate that activity-specific factors are more accurate.

A separate calculation shall be made for each activity, installation and for each fuel.

already take oxidation into account, then an oxidation factor need not be applied.

Default oxidation factors developed pursuant to Directive 96/61/EC shall be used, unless the operator can demonstrate that activity-specific factors are more accurate.

A separate calculation shall be made for each activity, installation and for each fuel.

Or. en

(32003L0087)

Justification

Two sentences on RFNBOs and RCFs of this paragraph are added to the proposed Commission text in COM(2021) 551 on biomass. The current proposal is lacking of clarity regarding of the counting of emissions from the use of RFNBOs and RCFs from renewable sources, as well as to when an implementing act will be adopted. Clarity is needed with a view to the mandatory use from 2025 and various voluntary commitments. As a provisional rule, emissions from these fuels shall be counted zero until the Commission has adopted an implementing act.

Amendment 343

Anna Zalewska

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2023. They shall immediately communicate the text of those measures to the Commission.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2023 ***or, if the amended Directive enters into force after 1 January 2023, no later than 24 months after its publication.*** They shall immediately communicate the text of those measures to the Commission.

Or. en

Justification

If the revised directive is published after 1 January 2023, Member States should be given sufficient time to implement it – at least 12 months, but more realistically 24 months.

Amendment 344

Henna Virkkunen, Marian-Jean Marinescu

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December **2023**. They shall immediately communicate the text of those measures to the Commission.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December ***of the subsequent year to the year of entry into force of this Directive***. They shall immediately communicate the text of those measures to the Commission.

Or. en