



TEXTS ADOPTED

P8_TA(2017)0338

EU Emissions Trading System (EU ETS): continuing current limitations of scope for aviation activities and preparing to implement a global market-based measure from 2021 *I**

Amendments adopted by the European Parliament on 13 September 2017 on the proposal for a regulation of the European Parliament and of the Council amending Directive 2003/87/EC to continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021 (COM(2017)0054 – C8-0028/2017 – 2017/0017(COD))¹

(Ordinary legislative procedure: first reading)

Amendment 1

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Environmental protection is one of the most important challenges facing the Union.

Amendment 38

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) A binding target of at least a 40% domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990 was set by the European Council of 23-24 October 2014. The Council meeting on 6 March

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¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0258/2017).

2015 formally approved this contribution of the Union and its Member States as their Intended Nationally Determined Contribution under the Paris Agreement. The European Council conclusions of October 2014 foresaw that the target should be delivered collectively by the Union in the most cost-effective manner possible, with the reductions in the Emissions Trading System (ETS) and non-ETS sectors amounting to 43% and 30% by 2030 compared to 2005 respectively. All sectors of the economy should contribute to achieving these emission reductions.

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Amendment 2

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) A well-functioning, reformed EU ETS with an enhanced instrument to stabilise the market will be the main European instruments to achieve the 40% reduction target with a linear factor and free allocation beyond 2020. The auction share should be expressed as a percentage figure in the legislative act, to enhance planning certainty as regards investment decisions, to increase transparency, to minimise carbon leakage, and to render the overall system simpler and more easily understandable. Those provisions should be consistent with the Union's climate objectives and its commitments under the Paris Agreement, and aligned with the 2018 Facilitative Dialogue, the first global stocktake in 2023, and subsequent global stocktakes every five years thereafter, intended to inform successive Nationally

Amendment 39
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The Union and its Member States have been endeavouring to advance international agreement to reduce greenhouse gas impacts from aviation since 1997 and they have legislation in place since 2008 to limit the climate change impacts from aviation activities through the EU emissions trading system (EU ETS) that has been operating since 2005. In order to advance progress at the International Civil Aviation Organization (ICAO), the Union has twice adopted time-bound derogations to the EU ETS so as to limit compliance obligations to emissions from flights between aerodromes situated in the European Economic Area (EEA), with equal treatment on routes of aircraft operators wherever they are based. The most recent derogation from the EU ETS, Regulation (EU) No 421/2014 of the European Parliament and of the Council, limited compliance obligations to intra-EEA flights between 2013 and 2016, and envisaged potential changes to the scope of the system as regards activity to and from aerodromes situated outside the EEA from 1 January 2017 onwards following the review set out in that Regulation.

Amendment

(4) The Union and its Member States have been endeavouring to advance international agreement to reduce greenhouse gas impacts from aviation since 1997 and they have legislation in place since 2008 to limit the climate change impacts from aviation activities through the EU emissions trading system (EU ETS) that has been operating since 2005. ***The Court of Justice ruled in its judgment of 21 December 2011^{1a} that the inclusion of extra-EEA flights in the EU ETS does not violate international law. In addition, since 2004 and 2008 the Member States have recommitted themselves to implementing the Single European Sky concept, taking account of the growth in the volume of air traffic in the coming years. In order to achieve progress with air traffic management, the implementation of SESAR (Single European Sky ATM Research) needs to be speeded up, and innovative technologies must be supported under the Clean Sky project. The introduction, through the International Civil Aviation Organization (ICAO), of the global market-based measure should contribute to further progress on aviation emissions reduction.*** In order to advance progress at the International Civil Aviation Organization (ICAO), the Union has twice adopted time-bound derogations to the EU ETS so as to limit compliance obligations to emissions from flights between aerodromes situated in the European Economic Area (EEA), with equal treatment on routes

of aircraft operators wherever they are based. The most recent derogation from the EU ETS, Regulation (EU) No 421/2014 of the European Parliament and of the Council, limited compliance obligations to intra-EEA flights between 2013 and 2016, and envisaged potential changes to the scope of the system as regards activity to and from aerodromes situated outside the EEA from 1 January 2017 onwards following the review set out in that Regulation.

1^a Judgment of the Court of Justice of 21 December 2011, Air Transport Association of America and Others v. Secretary of State for Energy and Climate Change, C-366/10, ECLI:EU:C:2011:864.

Amendment 4

Proposal for a regulation Recital 5

Text proposed by the Commission

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

Amendment

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

implementing the ICAO scheme, in order to promote momentum in ICAO and facilitate the operationalisation of the ICAO scheme. As a result of the extension of the derogation, the amount of allowances to be auctioned and issued for free, including from the special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

Amendment 5

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

special reserve, should be the same as would correspond to 2016, and should be proportional to the reduction of the surrender obligation.

Amendment

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

Amendment 6

Proposal for a regulation Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Revenues generated from the auctioning of allowances, or their equivalent in financial value, should be used to tackle climate change in the Union and in third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and in third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in the fields of aeronautics, air transport and sustainable alternative aviation fuels, to reduce emissions through low-emissions transport, and to cover the costs of administering the EU ETS. Special consideration should be given to Member

States which use those revenues for co-financing research and innovation programmes or initiatives under the Ninth Research Framework Programme (FP9). Transparency on the use of revenues generated from the auctioning of allowances under Directive 2003/87/EC is fundamental to underpinning Union commitments.

Amendment 7

Proposal for a regulation Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) Emission offsets under the global market-based measure comprise one element in ICAO's basket of measures to achieve the aspirational goal of carbon neutral growth from 2020 (CNG 2020) and should be complemented by advances in airframe and propulsion technologies. Continued funding for research strategies and programmes such as the Clean Sky Joint Technology Initiatives, Galileo, SESAR and Horizon 2020 will be essential to technological innovation and operational improvements in order to go beyond CNG 2020 and achieve sector-wide absolute emission reductions. Furthermore, it is important that Union legislation, such as Single European Sky, aimed at preventing the fragmentation of European airspace and consequently an increase in aviation CO₂ emissions, is speedily and fully implemented by the Member States.

Amendment 8

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) Given that key features of the global market-based measure have yet to

(6) Given that key features of the global market-based measure have yet to

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

be developed and that its implementation depends on domestic legislation by *participating* States and regions, *the Commission should report regularly to the European Parliament and to the Council on progress in the ICAO negotiations, in particular on relevant instruments adopted through ICAO, the actions taken by third countries to implement the global market-based measure to apply to emissions for the period 2021-2035, efforts to establish ambitious and binding measures to achieve the aviation industry's long-term goal of halving aviation CO₂ emissions relative to 2005 levels by 2050, and other relevant international developments (e.g. rules under UNFCCC and the Paris Agreement on carbon markets and accounting). Once there is clarity about the nature and content of the ICAO instruments, and in advance of the start of ICAO's global market-based measure, the Commission should present a report in which it should consider how to implement these instruments and make them consistent with Union law through a revision of the EU ETS. That report should further consider the rules applicable to intra-EEA flights, as appropriate. That report should be accompanied by a proposal as appropriate to the European Parliament and the Council consistent with ensuring the contribution of aviation to the Union's 2030 economy-wide greenhouse gas reduction commitment.*

Amendment 9

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In order to ensure that existing and future Union domestic climate standards are respected, and without prejudice to the review as referred to in Article 28b of Directive 2003/87/EC, CORSIA should be implemented in, and

made consistent with, Union law through the EU ETS.

Amendment 41
Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) *Several legislative acts have been adopted at Union level which aim at preventing the fragmentation of European airspace in order to enhance the flow of air traffic and control of airspace usage, thereby reducing emissions. Within the Union, the CORSIA scheme should be viewed as part of the ICAO's so-called "basket of measures", alongside full implementation by Member States of Single European Sky legislation, SESAR, the use of GNSS for satellite-based navigation, and Joint Technology Initiatives such as Clean Sky I and Clean Sky II. . The Commission should also report to the European Parliament and to the Council on actions for the implementation of the GMBM taken by Member States to reduce greenhouse gas emissions from aviation, including information, with regard to the use of revenues, submitted by Member States in accordance with Article 17 of Regulation (EU) No 525/2013.*

Amendment 10
Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) *Although the technical rules for the ICAO global market-based measure are yet to be adopted by the ICAO*

Council, it is important that regulatory authorities and aircraft operators have information about monitoring, reporting and verification (MRV) requirements and emissions units eligible under the ICAO scheme as early as possible in order to facilitate preparation for the implementation of the ICAO scheme and the monitoring of CO₂ emissions from 1 January 2019. Such MRV requirements should have a level of stringency that is consistent with the requirements for monitoring and reporting greenhouse gas emissions under Commission Regulation (EU) No 601/2012, and should ensure that the emissions reports submitted are verified in accordance with Commission Regulation (EU) No 600/2012.

Amendment 11

Proposal for a regulation Recital 6 d (new)

Text proposed by the Commission

Amendment

(6d) While the confidentiality of the technical work in ICAO should be acknowledged, it is also important that ICAO member states, aircraft operators and civil society continue to be engaged in the ICAO's work to implement the global market-based measure and that the ICAO reaches out to all stakeholders to inform them about progress and decisions in a timely manner. In order to achieve that, it might be necessary to revise the non-disclosure protocols for Members and Observers of the ICAO Committee on Aviation Environmental Protection (CAEP).

Amendment 12

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) In order to adopt non-legislative

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

Amendment 13

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

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

Amendment

(7a) While the long-term goal should be to have a single global reduction scheme for tackling carbon emissions from aviation by the second phase of the ICAO scheme in 2024, in the event that the ICAO global market-based measure is insufficient to achieve the Union's climate objectives and commitments under the Paris Agreement, other carbon mitigation options should also be explored.

Amendment 14

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

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

Amendment 15

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

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

^{1a} ***Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008, amending Directive***

2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.1.2009, p. 3).

Amendment 16

Proposal for a regulation

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

Directive 2003/87/EC

Article 3c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

“3a. The total quantity of allowances to be allocated to aircraft operators in 2021 shall be 10 % lower than the average allocation for the period from 1 January 2014 to 31 December 2016, and then decrease annually at the same rate as that of the total cap for the EU ETS referred to in the second subparagraph of Article 9 so as to bring the cap for the aviation sector more in line with the other EU ETS sectors by 2030.

For aviation activities to and from aerodromes located in countries outside the EEA, the quantity of allowances to be allocated from 2021 onwards may be adjusted taking into account the ICAO global market-based measure to be implemented from 2021 to offset international aviation emissions above 2020 levels.”

Amendment 36

Proposal for a regulation

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

Directive 2003/87/EC

Article 3d – paragraph 2

Present text

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

Amendment

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

2. "From 1 January **2021**, **50** % of allowances shall be auctioned. This percentage may be increased as part of the general review of this Directive."

Amendment 18

Proposal for a regulation

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

Directive 2003/87/EC

Article 3d – paragraph 3 – subparagraph 1

Text proposed by the Commission

‘A Regulation shall be adopted containing detailed provisions for the auctioning by Member States of allowances not required to be issued free of charge in accordance with paragraphs 1 and 2 of this Article or Article 3f(8). The number of allowances to be auctioned in each period by each Member State shall be proportionate to its share of the total attributed aviation emissions for all Member States for the reference year reported pursuant to Article 14(3) and verified pursuant to Article 15. For the period referred to in Article 3c(1), the reference year shall be 2010 and for each subsequent period referred to in Article 3c the reference year shall be the calendar year ending 24 months before the start of the period to which the auction relates.’

Amendment

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

‘The Commission is empowered to adopt delegated acts in accordance with Article [23] to supplement this Directive by laying down detailed arrangements for the auctioning by Member States of allowances not required to be issued free of charge in accordance with paragraphs 1 and 2 of this Article or Article 3f(8). The number of allowances to be auctioned in each period by each Member State shall be proportionate to its share of the total attributed aviation emissions for all Member States for the reference year reported pursuant to Article 14(3) and verified pursuant to Article 15. For the period referred to in Article 3c(1), the reference year shall be 2010 and for each subsequent period referred to in Article 3c the reference year shall be the calendar year ending 24 months before the start of the period to which the auction relates.’

Amendment 19

Proposal for a regulation

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

Directive 2003/87/EC

Article 3d – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

(-1c) In Article 3d(3), the second subparagraph is deleted.

Amendment 42

Proposal for a regulation

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

Directive 2003/87/EC

Article 3 d – paragraph 4 – subparagraph 1

Present text

Amendment

'It shall be for Member States to determine the use to be made of revenues generated from the auctioning of allowances. Those revenues should be used to tackle climate change in the Union and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Community scheme. The proceeds of auctioning should also be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund, and measures to avoid deforestation. '

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

'All revenues generated from the auctioning of allowances shall be used to tackle climate change in the Union and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the Union and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Union scheme and to fund common projects to reduce greenhouse gas emissions from the aviation sector, such as the SESAR Joint Undertaking and the Clean Sky Joint Technology Initiatives and any initiatives enabling the widespread use of GNSS for satellite-based navigation and interoperable capabilities within all Member States, in particular those improving air navigation infrastructure, the provision of air navigation services and the use of airspace. The proceeds of auctioning

may also be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund, and measures to avoid deforestation. *Special consideration shall be given to Member States which use revenues for co-financing research and innovation programmes or initiatives under the Ninth Research Framework Programme (FP9). . Transparency on the use of revenues generated from the auctioning of allowances under this Directive is fundamental to underpinning Union commitments."*

Amendment 21

Proposal for a regulation

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

Directive 2003/87/EC

Article 12 – paragraph 3

Present text

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

Amendment 47

Proposal for a regulation

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

Directive 2003/87/EC

Article 12 – paragraph -3a (new)

Text proposed by the Commission

Amendment

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

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

(-1f) In Article 12, the following paragraph is inserted before paragraph 3a:

“(-3a) In order to protect the environmental integrity of the EU ETS, aviation operators and other operators in the EU ETS may not use allowances that are issued from 1 January 2018 onwards by a Member State in respect of which there are obligations lapsing for aviation operators and other operators. The legal act referred to in Article 19 shall implement this paragraph.”

Amendment 22

Proposal for a regulation

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

Directive 2003/87/EC

Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(-1g) In Article 21, the following paragraph is added:

“(2a) The report referred to in paragraph 2 shall, using data provided through the cooperation referred to in Article 18b, include a list of aircraft operators subject to the requirements of this Directive who have not opened a registry account.”

Amendment 23

Proposal for a regulation

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

Directive 2003/87/EC

Article 28a – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

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

Amendment 24

Proposal for a regulation

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

Directive 2003/87/EC

Article 28a – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 25

Proposal for a regulation

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

Directive 2003/87/EC

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

Text proposed by the Commission

Amendment

ia. the following point is inserted:

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

Amendment 26

Proposal for a regulation

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

Directive 2003/87/EC

Article 28a – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 27

Proposal for a regulation

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

Directive 2003/87/EC

Article 28a – paragraph 2 – subparagraph 3

Text proposed by the Commission

ii. the third subparagraph is *deleted*.

Amendment

ii. the third subparagraph is *replaced by the following*:

“As regards activity in the period from 1 January 2017 to 31 December 2020, Member States shall publish the number of aviation allowances allocated to each aircraft operator, by 1 September 2018.”

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point c

Directive 2003/87/EC

Article 28a – paragraph 4

Text proposed by the Commission

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

Amendment

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

Article.

in points (a) and (b) of paragraph 1 of this Article.

Amendment 29

Proposal for a regulation

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

Directive 2003/87/EC

Article 28a – paragraph 8

Text proposed by the Commission

Amendment

(da) paragraph 8 is deleted.

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28b – paragraph 1

Text proposed by the Commission

Amendment

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

1. The Commission shall, ***by 1 January 2019 and regularly thereafter***, report to the European Parliament and the Council on the relevant ICAO standards ***and recommended practices (SARPs), ICAO Council-approved recommendations relevant to the global market-based measure*** or other legal instruments as well as on domestic measures taken by third countries to implement the global market-based measure to be applied to emissions from 2021, ***the implications of reservations by third countries*** and on other relevant international developments. ***The Commission shall also provide regular updates to the European Parliament and the Council on the establishment of a global registry and the development of the SARPs in accordance with the ICAO's standards-making procedures. In line with the UNFCCC's 'Global stocktake', it 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.

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28b – paragraph 2

Text proposed by the Commission

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

Amendment

2. *By 1 March 2020, the Commission shall report to the European Parliament and the Council on the adequacy of those ICAO instruments and options* for those ICAO instruments to be implemented in Union law through a revision of this Directive. The report shall also consider the rules applicable in respect of flights within the European Economic Area (EEA), as appropriate. *The report 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, level of participation, enforceability, transparency, penalties for non-compliance, processes for public input, quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability and rules on the use of biofuels. In addition, the report shall consider whether the delegated act adopted under Article 28c(2) needs to be revised.*

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28b – paragraph 3

Text proposed by the Commission

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

Amendment

3. The report ***referred to in paragraph 2 of this Article shall*** be accompanied by proposals, as appropriate, to the European Parliament and the Council to amend, delete, extend or replace the derogations provided for in Article 28a, consistent with the Union economy-wide greenhouse gas emission reduction commitment for 2030 ***with the aim of ensuring full environmental integrity and effectiveness of Union climate action and reducing any ambiguity in advance of CORSIA becoming operational.***

Amendment 34

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 2003/87/EC

Article 28c – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 35

Proposal for a regulation

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

Directive 2003/87/EC

Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(2a) In Article 30, the following

paragraph is added:

“(4a) By 1 January 2020, the Commission shall present an updated analysis of the non-CO₂ effects of aviation, accompanied, if appropriate, by a legislative proposal on how best to address those effects.”