

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Transport and Tourism*

**2006/0304(COD)**

21.9.2007

## **OPINION**

of the Committee on Transport and Tourism

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

on the proposal for a European Parliament and Council directive amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (COM(2006)0818 – C6-0011/2207 – 2006/0304(COD))

Draftsman (\*): Georg Jarzembowski

(\*): Procedure with associated committees - Rule 47 of the Rules of Procedure

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## **SHORT JUSTIFICATION**

### **I. Brief description of the Commission proposal**

The main elements of the Commission proposal are as follows:

- from 2011, all flights between Community airports are to be subject to the Community's existing emissions trading system and from 2012 so are third-country flights from third countries which depart from or arrive at a Community airport;
- the aggregate quantity of the allowances is to be determined on the basis of 'historical aviation emissions' in the years 2004 to 2006;
- initially, the greater part of the aggregate quantity is to be allocated free of charge on the basis of tonne-kilometre data, the remainder is to be auctioned by means of a procedure which has yet to be defined;
- government flights and military, customs and police flights are to be excluded from incorporation into the emissions trading scheme.

### **II. Public hearing by the Transport Committee**

On 27 June 2007 a public hearing was held with the following experts:

- Mrs Marianne Klingbeil, DG Environment, European Commission,
- Mr Ulrich Schulte-Strathaus, Association of European Airlines,
- Mr Andrew B. Steinberg, Deputy Secretary of Transportation of the USA for Aviation and International Relations,
- Mr François Gayet, European Aerospace and Defence Association,
- Mr Dieter Kaden, Deutsche Flugsicherung (air traffic control organisation),
- Mr Sven Harmeling, Germanwatch,
- and Mr Mike Ambrose, Director-General of the Association of European Regional Airlines, who presented a new impact assessment.

### **III. Opinion of the draftsman**

Your draftsman proposes 40 amendments, which arise from the public hearing and from discussions with other experts in the area concerned. They also take into account the impact assessment presented, which emphatically demonstrates that the effects of introducing emissions trading for aviation activities which would arise from the Commission proposal submitted would place a considerable burden on airlines and ultimately on consumers. It should also be kept in mind that overall emissions from aviation make up only a maximum of 3% of overall carbon dioxide emissions.

As draftsman for the Committee on Transport and Tourism I have been guided in preparing my opinion by the following two basic considerations:

- a. In its resolution of 4 July 2006 the European Parliament recognised that 'emissions trading has the potential to play a role as part of a comprehensive package of measures to address the climate impact of aviation, provided it is appropriately designed'.

b. the inclusion of aviation activities in emissions trading should be done in such a way as to ensure it is in line with the Lisbon Strategy of the European Union and also with the objectives both of the European Environmental Policy and the Sustainable European Transport and Tourism Policy.

The following fundamental changes followed from this:

#### 1. on the scope

As Parliament rightly decided in 2006, the inclusion of aviation activities in emissions trading should be introduced at the same time for flights within the European Union and for flights to or from a third country, inter alia to prevent distortion of competition between airlines and airports.

Your draftsman proposes that 1 January 2012 be taken as the starting date, since this date firstly takes account of the beginning of the post-Kyoto period and secondly affords the Member States, third countries and the airlines the time needed to make all necessary preparations.

He also points out that contrary to the announcements by third countries, in particular the USA, the inclusion in the European emissions trading scheme of aircraft from third countries which depart from or arrive at Community airports is legally admissible.

#### 2. on the fixing of the total quantity of the allowances to be issued

Your draftsman follows the argument of the European Commission that the first exercise to fix the total quantity of the allowances to be issued to airlines should be free of charge. It is therefore logical to take the more recent period 2007 - 2009 into account as the basis for assessment and to take 110% of the sum of these historical aviation emissions as the basis for the year 2012.

#### 3. on the methods of allocation of allowances

Since the initial allocation of allowances to existing airlines should be free of charge, it is only necessary to provide for an auction of 20% of allowances for new airlines.

Furthermore, the allocation of allowances should be based on aircraft capacity ('available tonne kilometre - ATK') rather than on the concrete number of passengers and quantity of freight carried by an aircraft ('revenue tonne kilometre - RTK'). A fundamental objective of the European Union is to maintain and strengthen the territorial cohesion of the Union. Only by calculating aircraft capacity can the risk be ruled out that a regular air service - even with aircraft which are not full to capacity - to remote areas, islands and outermost regions will be disproportionately burdened and that the short- and medium-haul flights within the EU will be made disproportionately more expensive.

## AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

Amendment 1  
RECITAL 8 A (new)

***(8a) In addition to the emissions trading instrument, there is considerable potential for reducing aviation emissions through technological and operational improvements, and developments in aircraft operation and at airports in particular; such developments should be promoted more than they have been in the past.***

*Justification*

*A comprehensible and credible emission reduction strategy should not only refer to emissions trading, but also include all technological and operational options, especially since these offer greater potential for cuts.*

Amendment 2  
RECITAL 8 B (new)

***(8b) Research and technology development is the key to innovation and improved performance. The Community should continue to give strong support to the work of ACARE (Advisory Council for Aeronautical Research in Europe), and more particularly its Strategic Research Agenda (SRA), which sets emissions reduction targets for the air transport industry of 50% for carbon dioxide per***

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<sup>1</sup> OJ C ... /Not yet published in OJ.

**passenger kilometre and 80% for nitrogen oxide by 2020.**

*Justification*

*A sound aviation climate change policy should not comprise economic instruments alone. Many existing instruments are already being used to mitigate the environmental impact of aviation and hence to influence its contribution to climate change. A properly designed and implemented ETS may complement the large battery of existing tried, tested and efficient tools. Whilst the Commission itself refers to "a comprehensive package of measures", it fails to mention the other elements of that package.*

Amendment 3  
RECITAL 8 C (new)

***(8c) More efficient air traffic management could, by itself, cut fuel consumption by up to 12 % and thereby contribute to the lowering of CO<sub>2</sub> emissions. Consequently, the Single European Sky and the SESAR projects should be implemented as quickly and as efficiently as possible. It is, in particular, the task of the Member States and the Community Institutions, in close consultation with the airspace users concerned, to take swift and firm action to establish functional airspace blocks, flexible airspace blocks and flexible airspace use. In this respect, support should be given to the AIRE initiative (Atlantic Interoperability Initiative to Reduce Emissions) agreed between the EU and the US Federal Aviation Administration.***

*Justification*

*Including aviation in the ETS is part of an overall European policy to reduce CO<sub>2</sub> emissions in general and those in the aviation sector in particular. The two complementary aspects of the policy of including aviation in the ETS system are the 'Clean Sky' technological initiative and the Single European Sky project, together with improved air traffic management through the SESAR project. The AIRE initiative is also to be welcomed, since its benefits in curbing CO<sub>2</sub> emissions will extend beyond the European Union, given that it is a joint initiative with the United States.*

Amendment 4  
RECITAL 8 D (new)

***(8d) Research and technology is the key to innovation and to achieving further cuts in aviation emissions. Aircraft and engine manufacturers, and fuel producers, are urged to research and implement changes in their respective fields which will significantly contribute to reducing the climate impact of aviation. Community Institutions should continue their support for the "Clean Sky" Joint Technology Initiative (JTI) in the 7th Framework Programme for Research (FP7) which aims to radically reduce the impact of air transport on the environment.***

*Justification*

*Substantial cuts in emissions can also be achieved by changes in aircraft design - for example in the materials used - and in engine construction, as well as by the use of alternative fuels.*

Amendment 5  
RECITAL 9 A (new)

***(9a) Emissions trading can be seen from every angle as the most appropriate instrument for reducing the climate impact of aviation. Its application to aviation will make it unnecessary to introduce further measures, such as charges and taxes, whose environmental benefits are not clearly proven but whose negative economic effects are considerable.***

*Justification*

*In thus assessing emissions trading as the most suitable measure to take, the European Institutions are following the analysis done by the International Civil Aviation Organisation (ICAO).*

Amendment 6  
RECITAL 9 B (new)

***(9b) Following the adoption of this Directive, the Commission should monitor the progress achieved by the aviation industry in reducing its climate impact. If the inclusion of aviation activities in the***

***Community scheme is found not to be sufficient to reverse the current upward trend in emissions, the Commission should propose additional measures to be part of a comprehensive package addressing the climate impact of aviation.***

*Justification*

*The proposal to include aviation activities in the EU ETS aims to reduce the impact of the sector on climate. The impact assessment shows that emissions from aviation will continue to grow in the future. As the European Commission mentions in the Proposal, "if this continues, there is a risk that growth in the Community's share of international aviation emissions could by 2012 offset more than a quarter of the environmental benefits of the reductions required by the Community's target under the Kyoto Protocol." Given this, the Commission should monitor the progress achieved with this Proposal in reversing.*

Amendment 7  
RECITAL 11

***(11) From 2011, emissions from flights between airports in the Community should be included in the Community scheme.***

From 2012, emissions from all flights arriving at and departing from Community airports should be included. ***The Community scheme can thereby serve as a model for the expansion of the scheme worldwide.*** If a third country adopts measures for reducing the climate impact of flights to a Community airport departing from that country which are at least equivalent to the requirements of this Directive, the scope of the Community scheme ***should*** be amended to exclude flights ***arriving in the Community*** from that country.

(11) From 2012, emissions from all flights arriving at and departing from Community airports should be included. If a third country adopts measures for reducing the climate impact of flights to a Community airport departing from that country which are at least equivalent to the requirements of this Directive, the scope of the Community scheme ***should*** be amended to exclude ***the flights from that country, provided that equal treatment for the European airlines, and the airlines of the third country in question, is guaranteed.***

*Justification*

*The European Parliament decided in 2006 that the emissions trading scheme must be introduced on the same date for European airlines and third-country airlines. This date should be 2012 since on the one hand it will enable the introduction of the measure to proceed smoothly in the European Union and on the other hand it will afford a good opportunity for third countries to introduce equivalent schemes by that date. In consequence, the scope of the Community scheme should be changed. Account should be taken of the decisions which the ICAO is expected to take at its conference in September 2007.*

Amendment 8  
RECITAL 12

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

(12) Aviation has an impact on the global climate through releases of carbon dioxide, nitrogen oxides, water vapour and sulphate and soot particles. The Intergovernmental Panel on Climate Change has estimated that the total impact of **all emissions from a sector** currently is higher than the effect of its past carbon dioxide emissions alone **and has recommended not using a factor to quantify these effects**. Recent Community research indicates that the total impact of aviation could be around two times higher than the impact of carbon dioxide alone. However, none of these estimates takes into account the highly uncertain cirrus cloud effects. In accordance with Article 174(2) of the Treaty, Community environment policy must be based on the precautionary principle and therefore all impacts of aviation should be addressed to the extent possible. Pending scientific progress to identify suitable metrics for comparing the different impacts, a pragmatic and precautionary approach is required. Emissions of nitrogen oxides will be addressed in other legislation to be presented by the Commission.

*Justification*

*Aviation should be treated in the same way as other sectors and the latest report of the Intergovernmental Panel from 2007 should be taken into account.*

Amendment 9  
RECITAL 13

(13) In order to avoid distortions of competition, a harmonised allocation methodology should be specified. To ensure access to the market for new aircraft operators, a proportion of allowances will be allocated **by auction** in accordance with rules to be developed by the Commission. Aircraft operators that cease operations **should continue to be issued with allowances until** the end of the period for which free allowances have already been

(13) In order to avoid distortions of competition, a harmonised allocation methodology should be specified, **meaning specifically the proportion of allowances allocated for free, the proportion subject to auction and the proportion to be kept as a reserve**. To ensure access to the market for new aircraft operators, a proportion of allowances will **not** be allocated, **but kept as a reserve**, in accordance with rules to be developed by the Commission. Aircraft

allocated.

operators that cease operations *before* the end of the period for which free allowances have already been allocated *should surrender their unused allowances, which should also be kept in reserve.*

#### *Justification*

*More precise wording. It is the first occurrence of the terms "auction" and "reserve", ensuring a more comprehensive lecture of the following recitals. The method of the reserve is in use in many Member States, therefore there is no reason for not being used for the aviation sector. Unused allowances from aircraft operators ceasing activities could be also used for ensuring access on the market for new comers.*

#### Amendment 10 RECITAL 13 A (new)

***(13a) The aviation industry's contribution to the global reduction in CO<sub>2</sub> emissions requires an effort similar to that required of other comparable sectors in the Member States. For each commitment period under the EU scheme in which aviation is to be included, and on the basis of the reference period used for aviation during the commitment period concerned, the target assigned to aviation should be set on the basis of the average effort required of all stationary source sectors in each Member State.***

#### *Justification*

*The effort made by each sector is measured by the ratio between its needs for the commitment period and the target assigned to it. It is not represented by the level reached by the sector in question at a given date. The objectives set for aviation must be somewhere in the vicinity of the average for all the sectors in all states and its value will depend on the reference period chosen for the commitment period in question. That is why the threshold percentages should be reviewed for each commitment period.*

#### Amendment 11 RECITAL 18

***(18) The European Organisation for the Safety of Air Navigation (Eurocontrol),*** may possess information which could assist Member States or the Commission in discharging their obligations under this

***(18) Dedicated organisations*** may possess ***air traffic*** information which could assist Member States or the Commission in discharging their obligations under this Directive.

Directive.

*Justification*

*Eurocontrol is able to provide air traffic information to Member States, but it is not the only one body capable of doing so. For example, civil aviation administrations receive air traffic information from airports and pass it on to the ICAO. No organisation can exempt a Member State from its obligations. No organisation other than the aircraft operators has information on emissions.*

Amendment 12  
RECITAL 21

(21) In particular power should be conferred on the Commission to adopt measures for the auctioning of allowances not required to be issued for free and to amend the aviation activities listed in Annex I where a third country introduces measures to reduce the climate change impact of aviation. Since those measures are of general scope and are designed to amend non-essential elements of this Directive and to supplement this Directive by the addition or modification of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(21) In particular power should be conferred on the Commission to adopt measures for the auctioning of allowances not required to be issued for free, ***to establish the rules for the allocation of allowances from the European reserve for new aircraft operators*** and to amend the aviation activities listed in Annex I where a third country introduces measures to reduce the climate change impact of aviation. Since those measures are of general scope and are designed to amend non-essential elements of this Directive and to supplement this Directive by the addition or modification of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

*Justification*

*More precise wording, in accordance to the amendment at the recital 13.*

Amendment 13  
ARTICLE (1), POINT 2, POINT (B)  
Article 3, point o) (Directive 2003/87/EC)

(o) 'aircraft operator' means the person who operates an aircraft at the time it performs an aviation activity listed in Annex I or, where ***the operator*** is not known ***or is not identified by the owner of the aircraft***, the owner of the aircraft;

(o) 'aircraft operator' means the person ***or body identified by its ICAO code*** which operates an aircraft at the time it performs an aviation activity listed in Annex I or, where the ***ICAO code*** is not known, ***the holder of the Air Operator's Certificate (AOC) or*** the owner of the aircraft;

*Justification*

*Details of the aircraft operator alone do not serve to identify a person or a body.*

Amendment 14

ARTICLE 1, POINT 2, POINT (B)

Article 3, point (r) (Directive 2003/87/EC)

(r) 'historical aviation emissions' means the mean average of the annual emissions in the calendar years **2004**, **2005** and **2006** from aircraft performing an aviation activity listed in Annex I.”

(r) 'historical aviation emissions' means the mean average of the annual emissions in the calendar years **2007**, **2008** and **2009** from aircraft performing an aviation activity listed in Annex I.”

*Justification*

*The years 2007 to 2009 should be taken as the reference period, firstly to provide a realistic and recent basis, especially for the new Member States, for the initial introduction of emissions trading, and secondly to guarantee a harmonised and verifiable set of data as a basis.*

Amendment 15

ARTICLE 1, POINT 3

Article 3 b, paragraph 1 (Directive 2003/87/EC)

1. For the period from 1 January **2011** to 31 December 2012, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to **100%** of the sum of the historical aviation emissions in relation to each year.

1. For the period from 1 January **2012** to 31 December 2012, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to **110 %** of the sum of the historical aviation emissions in relation to each year.

*Justification*

*The higher percentage in paragraph 1 should allow a moderate increase in air traffic without additional costs, to the benefit of citizens' mobility, freight transport and tourism.*

Amendment 16

ARTICLE 1, POINT 3

Article 3 b, paragraph 2 (Directive 2003/87/EC)

2. For the period referred to in Article 11(2) beginning on 1 January 2013, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to **100%** of the historical aviation emissions

2. For the period referred to in Article 11(2) beginning on 1 January 2013, **and for each subsequent period**, the total quantity of allowances to be allocated to aircraft operators shall be equivalent to **110 %** of the

multiplied by the number of years in the period.

historical aviation emissions multiplied by the number of years in the period.

*Justification*

*The higher percentage in paragraph 2 should allow a moderate increase in air traffic without additional costs, to the benefit of citizens' mobility, freight transport and tourism.*

Amendment 17

ARTICLE 1, POINT 3

Article 3 b, paragraph 3 a (new) (Directive 2003/87/EC)

***3a. For the period referred to in Article 11(2) and in each subsequent period, a reserve shall be set up to provide access to allowances for new market participants. The size of the reserve shall be based on the expected number of new aircraft operators and the expected tonne-kilometres, multiplied by both the benchmark and the number of years in the period.***

*Justification*

*A reserve established on an EU-wide basis should be available for new airlines or for those increasing their capacity.*

Amendment 18

ARTICLE 1, POINT 3

Article 3 c, paragraph 1 (Directive 2003/87/EC)

1. In the period referred to in Article 3b(1), a percentage of allowances shall be auctioned. ***The percentage shall correspond to the average percentage proposed by the Member States including auctioning in their national allocation plans under Chapter III for the relevant period.***

1. In the period referred to in Article 3b(1), a percentage of ***20 % of the*** allowances shall be auctioned. ***The other allowances shall be allocated free of charge.***

*Justification*

*The percentage of allocations to be auctioned should be clearly defined at the outset for all concerned. Since the auctioning of allowances is essentially intended to facilitate market access for new aircraft operators, the percentage should be fixed at 20 per cent.*

Amendment 19  
ARTICLE 1, POINT 3  
Article 3 c, paragraph 2 (Directive 2003/87/EC)

2. For future periods, the percentage to be auctioned ***shall take into account*** the general review of this Directive.

22. For future periods, the percentage to be auctioned ***referred to in paragraph 1 may be amended in*** the general review of this Directive.

*Justification*

*The percentage of allocations to be auctioned may be amended in the general review of this Directive, but does not have to be.*

Amendment 20  
ARTICLE 1, POINT 3  
Article 3 c, paragraph 3, subparagraph 1 (Directive 2003/87/EC)

3. The Commission shall adopt a Regulation 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. 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 3b(1), the reference year shall be 2010 and for each subsequent period referred to in Article 3b the reference year shall be the calendar year ending 24 months before the start of the period to which the auction relates.***

3. The Commission shall adopt a Regulation containing detailed provisions for the auctioning by Member States of allowances not required to be issued free of charge.

*Justification*

*See justification for the amendments to Article 3c, paragraphs 1 and 2*

Amendment 21  
ARTICLE 1, POINT 3  
Article 3 c, paragraph 3 a (new) (Directive 2003/87/EC)

***3a. The Regulation shall also contain detailed provisions for the setting up of the***

***European allowance reserve. The percentage of allowances to be kept as a reserve for the benefit of potential new aircraft operators in each period shall be established by the Commission taking into account the market prediction studies issued by the appropriate bodies.***

*Justification*

*In accordance to the modification suggested by the amendment to the recital 13 and passim.*

Amendment 22

ARTICLE 1, POINT 3

Article 3 c, paragraph 4 (Directive 2003/87/EC)

4. Revenues generated from the auctioning of allowances in accordance with paragraph 3 shall be used to mitigate greenhouse gas emissions, ***to adapt to the impacts of climate change, to fund research and development for mitigation and adaptation, and to cover the costs of the administering Member State in relation to this Directive. Member States shall inform the Commission of measures taken pursuant to this paragraph.***

4. Revenues generated from the auctioning of allowances in accordance with paragraph 3 shall be used ***through a new EU budget line specifically to fund research and development***, to mitigate greenhouse gas emissions ***and to counter the negative impacts of climate change, focusing particularly on those parts of the world which are most adversely effected by global warming – particularly in Africa and in the less developed countries more generally.***

*Justification*

*Auction revenue should as much as possible be used to mitigate CO2 emissions and especially to help combat the negative effect on those parts of the world who are facing the greatest impact.*

Amendment 23

ARTICLE 1, POINT 3

Article 3 d, paragraph 3, point (c a) (new) (Directive 2003/87/EC)

***(ca) the percentage of allowances for the setting up of the European reserve for new aircraft operators, for each period, as referred to in Article 3b.***

*Justification*

*In accordance to the modification suggested by the amendments to the recital 13, and passim.*

Amendment 24

ARTICLE 1, POINT 3  
Article 3d, paragraph 5 (Directive 2003/87/EC)

5. By 28 February **2011** and by 28 February in each subsequent year, the competent authority of the administering Member State shall issue to each aircraft operator the number of allowances allocated to that aircraft operator for that year.

5. By 28 February **2012** and by 28 February in each subsequent year, the competent authority of the administering Member State shall issue to each aircraft operator the number of allowances allocated to that aircraft operator for that year.

*Justification*

*Adaptation to the amendment in Article 3b*

Amendment 25  
ARTICLE 1, POINT 6  
Article 11a, paragraph 1a, subparagraph 1 (Directive 2003/87/EC)

“1a. Subject to paragraph 3, during each period referred to in Article 3b, Member States shall allow each aircraft operator to use CERs and ERUs from project activities up to a percentage of the number of allowances it is required to surrender pursuant to Article 12(2a); this percentage being the average of the percentages specified by Member States for the period in accordance with paragraph 1.

“1a. Subject to paragraph 3, during each period referred to in Article 3b, Member States shall allow each aircraft operator to use CERs and ERUs from project activities up to a percentage of the number of allowances it is required to surrender pursuant to Article 12(2a); this percentage being **double** the average of the percentages specified by Member States for the period in accordance with paragraph 1.

*Justification*

*Adaptation to the special circumstances applying to aviation*

Amendment 26  
ARTICLE 1, POINT 10  
Article 14, paragraph 3, point (ii) (Directive 2003/87/EC)

(ii) the words “from that installation during each calendar year” are replaced by “during each calendar year from the installation, or, from 1 January **2010**, the aircraft, which it operates”.

(ii) the words “from that installation during each calendar year” are replaced by “during each calendar year from the installation, or, from 1 January **2011**, the aircraft, which it operates”.

*Justification*

*Adaptation to the amendment in Article 3b*

Amendment 27  
ARTICLE 1, POINT 13  
Article 18a, paragraph 3 (Directive 2003/87/EC)

3. For the purposes of paragraph 1, 'base year' means, in relation to an operator which started operating in the Community after 1 January **2006**, the first calendar year of operation; and in all other cases, the calendar year starting on 1 January **2006**.

3. For the purposes of paragraph 1, 'base year' means, in relation to an operator which started operating in the Community after 1 January **2008**, the first calendar year of operation; and in all other cases, the calendar year starting on 1 January **2008**.

*Justification*

*Adaptation to the amendment in Article 3, subparagraph (b), point (r) and in Article 3b*

Amendment 28  
ARTICLE 1, POINT 13  
Article 18 b (Directive 2003/87/EC)

For the purposes of carrying out its obligations under Articles 3b(4) and 18a, the Commission may request the assistance of Eurocontrol and may conclude to that effect any appropriate agreements with that organisation."

For the purposes of carrying out its obligations under Articles 3b(4) and 18a, the Commission may request the assistance of Eurocontrol and ***shall designate a neutral organisation to which airlines will supply data directly.***"

*Justification*

*The airlines would prefer to supply the data concerning flights and consumption themselves; assistance by Eurocontrol is regarded as worthwhile in this connection.*

Amendment 29  
ARTICLE 1, POINT 16  
Article 25a, paragraph 1, subparagraph 1 (Directive 2003/87/EC)

Where a third country adopts measures for reducing the climate change impact of flights ***departing from that country which land in the Community*** which are at least equivalent to the requirements of this Directive, the Commission shall amend this Directive ***to provide for flights arriving from that country to be excluded from the aviation activities listed in Annex I with***

Where a third country adopts measures for reducing the climate change impact of flights which are at least equivalent to the requirements of this Directive, the Commission shall amend this Directive ***in order to avoid double charging and to ensure equal treatment.***

*effect from the next period referred to in Article 3b.*

*Justification*

*Where third countries introduce equivalent schemes, double charging must be avoided when the Directive is amended.*

Amendment 30

ANNEX, POINT 1, POINT (B)

Annex I, paragraph 2a (new) (Directive 2003/87/EC)

***“For the year 2011 only flights which both depart from and arrive in an airport situated in the territory of a Member State to which the Treaty applies shall be included in the activity of aviation. From 1 January 2012, all flights which arrive at or depart from an airport situated in the territory of a Member State to which the Treaty applies shall be included”.***

***“From 1 January 2012, all flights which arrive at or depart from an airport situated in the territory of a Member State to which the Treaty applies shall be included, with the exception of flights between an ultra-peripheral region and the European continental zone. For the purpose of equal treatment, air operators from the EU shall only be included if air operators from third countries providing air transport services in the given geographical area are also included.”***

*Justification*

*As the European Parliament already decided in 2006 by a large majority, the emissions trading scheme must be introduced on the same date for European airlines and third-country airlines, inter alia in order to avoid distortion of competition between airlines and airports. The choice of 2012 will on the one hand enable the introduction of the measure to proceed smoothly for all concerned in the European Union - particularly in the new EU Member States - and will on the other hand afford a realistic opportunity for third countries to introduce equivalent schemes by that date.*

Amendment 31

ANNEX, POINT 1, POINT (C)

Annex I, paragraph 2, table - new Category (a) (Directive 2003/87/EC)

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

***deleted***

*Justification*

*There is no apparent justification for special treatment of flights by Heads of State or Government, etc.*

Amendment 32

ANNEX, POINT 1, POINT (C)

Annex I, paragraph 2 b (new), table point (b) (Directive 2003/87/EC)

**(b) military flights performed by military aircraft and customs and police flights and search and rescue flights** authorised by the appropriate competent authority;

**(b) aircraft used in military, customs and police services, search and rescue and medical and disaster relief** authorised by the appropriate competent authority;

*Justification*

*This would ensure that the exemption covers aircraft chartered for use by the military and also in disaster relief.*

Amendment 33

ANNEX, POINT 1, POINT (C)

Annex I, table, point (c) (Directive 2003/87/EC)

**c) any flights performed exclusively under visual flight rules as defined in Annex 2 to the Convention on International Civil Aviation 1944**

**deleted**

*Justification*

*Giving exemption of flights performed under visual flight rules could encourage operations of this kind to the detriment of air safety. The existing exemption for light aircraft already covers most of the flights performed under visual flight rules.*

Amendment 34

ANNEX, POINT 1, POINT (C)

Annex I, paragraph 2, table - new Category (e) (Directive 2003/87/EC)

**(e) training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit flight crew where this is substantiated by an appropriate remark in the flight plan provided that the flight does not serve for the transport of passengers and/or cargo *or for the positioning or ferrying of the aircraft;***

**(e) training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit flight crew where this is substantiated by an appropriate remark in the flight plan provided that the flight does not serve for the transport of passengers and/or cargo;**

*Justification*

*Positioning and ferrying of aircraft should be equated with training flights.*

Amendment 35

ANNEX, POINT 1, POINT (C)

Annex I, paragraph 2, table - new Category (f) (Directive 2003/87/EC)

(f) flights performed exclusively for the purpose of checking *or* testing equipment ***used or intended to be used as ground aids to air navigation excluding positioning flights by the aircraft concerned;*** and

(f) flights performed exclusively for the purpose of checking, testing *or certifying aircraft or ground* equipment, ***and ferrying new aircraft;*** and

*Justification*

*Such flights should be equated with the flights referred to at (d) and (e).*

Amendment 36

ANNEX, POINT 1, POINT (C)

Annex I, paragraph 2, table - new Category (g) (Directive 2003/87/EC)

(g) flights performed by aircraft with a certified maximum take-off weight of less than **5 700kg**.

(g) flights performed by aircraft with a certified maximum take-off weight of less than **20 000 kg**.

*Justification*

*The threshold value should be increased to revert to the value originally planned by the Commission, since such aircraft produce less than 1% of aviation emissions and since their inclusion in the emissions trading scheme would cause a disproportionately heavy administrative burden for these small aircraft operators.*

Amendment 37

ANNEX, POINT 2, POINT (B)

Annex IV, Part B, section 'Monitoring of tonne-kilometre data for the purpose of Article 3d', paragraph 1 (Directive 2003/87/EC)

For the purpose of applying for an allocation of allowances in accordance with Article 3d(1), the amount of aviation activity shall be calculated in tonne-kilometres using the following formula:

For the purpose of applying for an allocation of allowances in accordance with Article 3d(1), the amount of aviation activity shall be calculated in ***available*** tonne-kilometres using the following formula:

*Justification*

*In order to maintain and strengthen territorial cohesion in the European Union, the basis for the calculation model should not be the aircraft payload ('revenue tonne kilometre - RTK') but the aircraft capacity ('available tonne kilometre - ATK'). There would otherwise be a risk that in particular air services to remote areas, islands and outermost regions will be disproportionately burdened. The same is true of short- and medium-haul flights within the EU.*

Amendment 38

ANNEX, POINT 2, POINT (B)

Annex IV, Part B, section 'Monitoring of tonne-kilometre data for the purpose of Article 3d', paragraph 2 (Directive 2003/87/EC)

tonne kilometres = distance x payload

**available** tonne kilometres = distance x payload

*Justification*

*In order to maintain and strengthen territorial cohesion in the European Union, the basis for the calculation model should not be the aircraft payload ('revenue tonne kilometre - RTK') but the aircraft capacity ('available tonne kilometre - ATK'). There would otherwise be a risk that in particular air services to remote areas, islands and outermost regions will be disproportionately burdened. The same is true of short- and medium-haul flights within the EU.*

Amendment 39

ANNEX, POINT 2, POINT (B)

Annex IV, Part B, section 'Monitoring of tonne-kilometre data for the purpose of Article 3d', paragraph 5 (Directive 2003/87/EC)

"payload" means the total mass of freight, mail and passengers **carried**.

"payload" means the total mass of freight, mail and passengers **which an aircraft is capable of carrying**.

*Justification*

*In order to maintain and strengthen territorial cohesion in the European Union, the basis for the calculation model should not be the aircraft payload ('revenue tonne kilometre - RTK') but the aircraft capacity ('available tonne kilometre - ATK'). There would otherwise be a risk that in particular air services to remote areas, islands and outermost regions will be disproportionately burdened. The same is true of short- and medium-haul flights within the EU.*

Amendment 40

ANNEX, POINT 1, POINT (B)

Annex IV, Part B, section 'Monitoring of tonne-kilometre data for the purpose of Article 3d', paragraph 6, indent 1 (Directive 2003/87/EC)

– the number of passengers shall be the number of **persons** onboard excluding crew members;

– the number of passengers shall be the number of **seats** onboard excluding crew members;

*Justification*

*In order to maintain and strengthen territorial cohesion in the European Union, the basis for the calculation model should not be the aircraft payload ('revenue tonne kilometre - RTK') but the aircraft capacity ('available tonne kilometre - ATK'). There would otherwise be a risk that in particular air services to remote areas, islands and outermost regions will be disproportionately burdened. The same is true of short- and medium-haul flights within the EU.*

Amendment 41

ANNEX, POINT 2, POINT (B)

Annex IV, Part B, section 'Reporting of tonne-kilometre data for the purpose of Article 3d', paragraph B, indent 1 (Directive 2003/87/EC)

– **Number of flights by airport pair;**

**deleted**

*Justification*

*Reporting requirements should be limited to those which are objectively necessary.*

Amendment 42

ANNEX, POINT 2, POINT (B)

Annex IV, Part B, section 'Monitoring of tonne-kilometre data for the purpose of Article 3d', paragraph B, indent 2 (Directive 2003/87/EC)

– **Number of passenger-kilometres by airport pair;**

**deleted**

*Justification*

*Reporting requirements should be limited to those which are objectively necessary.*

Amendment 43

ANNEX, POINT 2, POINT (B)  
Annex IV, Part B, section 'Monitoring of tonne-kilometre data for the purpose of Article 3d',  
paragraph B, indent 3 (Directive 2003/87/EC)

– ***Number of tonne-kilometres by airport pair;*** ***deleted***

*Justification*

*Reporting requirements should be limited to those which are objectively necessary.*

Amendment 44  
ANNEX, POINT 3, POINT (B)  
Annex V, Part B, section 'Additional provisions for the verification of aviation emission reports', paragraph 14, subparagraph 2 (new) (Directive 2003/87/EC)

\* ***(2) Community Institutions and the Member States shall ensure that the methods to be used by verifiers are harmonised before the Directive is applied, and that they are applied uniformly in practice.***

*Justification*

*The work of the national verifiers should be carried out uniformly, inter alia in order to avoid distortion of competition between airlines.*

Amendment 45  
ANNEX, POINT 3, POINT (B)  
Annex V, Part B, section 'Additional provisions for the verification of tonne-kilometre data submitted for the purposes of Article 3d(1)', paragraph 17 (new) (Directive 2003/87/EC)

***(17) Community Institutions and the Member States shall ensure that the methods to be used by verifiers are harmonised before the Directive is applied, and that they are applied uniformly in practice.***

*Justification*

*The work of the national verifiers should be carried out uniformly, inter alia in order to avoid distortion of competition between airlines.*

## PROCEDURE

<b>Title</b>	Amendment of Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community			
<b>References</b>	COM(2006)0818 - C6-0011/2007 - 2006/0304(COD)			
<b>Committee responsible</b>	ENVI			
<b>Opinion by</b> Date announced in plenary	TRAN 1.2.2007			
<b>Enhanced cooperation - date announced in plenary</b>	24.5.2007			
<b>Drafts(wo)man</b> Date appointed	Georg Jarzembowski 31.1.2007			
<b>Discussed in committee</b>	5.6.2007	27.6.2007	27.8.2007	27.8.2007
	11.9.2007			
<b>Date adopted</b>	11.9.2007			
<b>Result of final vote</b>	+: -: 0:	25 5 11		
<b>Members present for the final vote</b>	Michael Cramer, Luis de Grandes Pascual, Arūnas Degutis, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Georg Jarzembowski, Stanisław Jałowiecki, Timothy Kirkhope, Dieter-Lebrecht Koch, Jaromír Kohlíček, Sepp Kusstatscher, Bogusław Liberadzki, Eva Lichtenberger, Marian-Jean Marinescu, Robert Navarro, Josu Ortuondo Larrea, Paweł Bartłomiej Piskorski, Luís Queiró, Reinhard Rack, Luca Romagnoli, Gilles Savary, Brian Simpson, Renate Sommer, Dirk Sterckx, Silvia-Adriana Țicău, Yannick Vaugrenard, Lars Wohlin, Roberts Zīle			
<b>Substitute(s) present for the final vote</b>	Zsolt László Becsey, Johannes Blokland, Jeanine Hennis-Plasschaert, Elisabeth Jeggle, Anne E. Jensen, Antonio López-Istúriz White, Helmuth Markov, Willem Schuth, Catherine Stihler, Ari Vatanen			
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Ralf Walter			