



2021/0207(COD)

4.3.2022

COMPROMISE AMENDMENTS

1 - 13

Draft report
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(PE703.137v01-00)

Proposal for a Directive of the European Parliament and of 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))

Compromise Amendment 1 RECITALS ON CLIMATE AMBITION
EPP, S&D, RE, Greens, ECR, The Left

Compromise amendment replacing Amendments 1, 2, 3, 4, 5, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 47, 53, 54, 55, 57, 58, 59, 60, 63, 64, 65, 69, 162, 167, TRAN 2, TRAN 5

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The Paris Agreement, adopted in December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC) entered into force in November 2016 (“the Paris Agreement”)¹². The parties to the Paris Agreement have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels. In order to achieve the objectives of the Paris Agreement, all sectors of the economy need to contribute to achieving emission reductions, including international aviation.

Amendment

(2) ***Protection of the environment is one of the most important challenges facing the Union and the rest of the world.*** The Paris Agreement, adopted in December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC) entered into force in November 2016 (“the Paris Agreement”)¹². The parties to the Paris Agreement have agreed to hold the increase in the global average temperature well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels, ***inter alia reflecting equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.*** ***Given that experts’ estimations, announced during the 2021 United Nations Climate Change Conference (COP26), held in Glasgow from 31 October to 13 November 2021, indicate that the world is on a path to experiencing an average temperature increase of between 1,8°C and 2,4°C, the Parties agreed in their conclusions of COP 26 that keeping the increase in the global average temperature to 1,5°C above pre-industrial levels would significantly reduce the risks and impacts of climate change, and committed to strengthen their 2030 targets by the end of 2022 in order to accelerate climate action in this critical decade and to insure that parties are on track to limit global warming to 1,5 °C.*** In order to achieve the objectives of the Paris Agreement, all sectors of the economy

need to contribute to achieving emission reductions, including international aviation.

Or. en

Proposal for a directive
Recital 2a

Text proposed by the Commission

Amendment

(2a) Aviation accounts for 2-3 % of global CO₂ emissions. In the Union, CO₂ emissions from aviation account for 3,7 % of total CO₂ emissions. The aviation sector generates 15,7 % of the emissions, not accounting for non-CO₂ emissions, from transport, making it the second biggest source of transport greenhouse gas emissions after road transport. In 2018, Eurocontrol projected an annual increase in European aviation emissions of 53% by 2040 compared to 2017.

The need for action to reduce emissions is becoming increasingly urgent, as stated by the Intergovernmental Panel on Climate Change (IPCC), in its latest reports of 7 August 2021 entitled 'Climate change 2021: The Physical Science Basis' and of 28 February 2022 entitled 'Climate Change 2022: Impacts, Adaptation and Vulnerability'. The IPCC stated, with very high confidence, that climate change is a threat to human well-being and planetary health any further delay in concerted anticipatory global action on adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all. It provides new estimates of the chances of crossing the global warming level of 1,5°C in the coming decades, and finds that unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming to close to 1,5°C or even 2°C will be beyond reach. The Union should therefore address this urgency by stepping up its efforts and establishing itself as an international leader in the

fight against climate change.

Or. en

Proposal for a directive
Recital 2b

Text proposed by the Commission

Amendment

(2b) Before the COVID-19 crisis, ICAO had estimated that, by 2040, international aviation emissions could rise by up to 150 % compared to 2020. While the COVID-19 pandemic caused a temporary reduction of aviation traffic, existing pre-COVID-19 pandemic projections point to an annual increase in aviation emissions at global and Union level by 150 % by 2040, compared to 2020, and by 53 % by 2040, compared to 2017, respectively.

Or. en

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) The Union has enshrined into legislation the target of economy-wide climate neutrality by 2050 *in* Regulation (EU) 2021/1119 of the European Parliament and of the Council¹⁷. That Regulation also establishes a binding Union domestic reduction commitment of net greenhouse gas emissions (emissions after deduction of removals) by at least 55% below 1990 levels by 2030.

(7) The Union has enshrined into legislation the target of economy-wide climate neutrality by 2050 **at the latest, and the aim to achieve negative emissions thereafter as laid down in Article 2(1) of** Regulation (EU) 2021/1119 of the European Parliament and of the Council¹⁷. That Regulation also establishes **in Article 4(1)** a binding Union domestic reduction commitment of net greenhouse gas emissions (emissions after deduction of removals) by at least 55% below 1990 levels by 2030.

Or. en

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) This amendment to Directive 2003/87/EC aims at the implementation for aviation of the Union's contributions under the Paris Agreement, and of the regulatory framework to achieve the binding Union 2030 climate target of a domestic reduction of net greenhouse gas emissions by at least 55 % compared to 1990 levels by 2030 set out in Regulation (EU) 2021/

Amendment

(8) This amendment to Directive 2003/87/EC aims at the implementation for aviation of the Union's contributions under the Paris Agreement, and of the regulatory framework to achieve the binding Union 2030 climate target of a domestic reduction of net greenhouse gas emissions by at least 55 % compared to 1990 levels by 2030 **and to achieve climate neutrality by 2050 at the latest as** set out in Regulation (EU) 2021/1119.

Or. en

Proposal for a directive Recital 9

Text proposed by the Commission

(9) Aviation should contribute to the emission reduction efforts necessary for the Union's **2030 climate target**. Therefore, the total quantity of allowances for aviation should be consolidated and subject to the linear reduction factor.

Amendment

(9) Aviation should contribute to the emission reduction efforts necessary for the Union's **objectives laid down in Article 1(2) of Regulation (EU) 2021/1119 and the Paris Agreement**. Therefore, the total quantity of allowances for aviation should be consolidated and subject to the linear reduction factor.

Or. en

Compromise Amendment 2 PUBLICATION OF DATA

EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 13, 23, 112, 289, 290, 291

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

(3a) 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.’;

(f) total mass of freight and mail (tonnes) during the reporting period per airport pair;

Or. en

Proposal for a directive
Recital 20 c (new)

Text proposed by the Commission

Amendment

(20c) *It is essential to ensure transparency of data and important that the enforceability and public access to information linked to CORSIA is improved. Therefore aircraft operators should report in a user-friendly manner their emissions and offsetting in the process of assessing the impact of CORSIA on the global reduction of CO₂ emissions and its role in achieving the goals of the Paris Agreement.*

Or. en

Compromise Amendment

3 Offsetting of allowances (Article 12 - paragraphs 6, 7, 8, Annex I)

EPP, S&D, RE, Greens, ECR

Compromise amendment replacing Amendments 70, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 334, 335, 336, 337, 340, TRAN 37, TRAN 48

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

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, 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

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:

of the following conditions of the level of offsetting:

Or. en

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

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

(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 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**.

Or. en

*** 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 (OJ L 250, 30.9.2019, p. 10).**

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

Amendment

(i) state flights;

(i) state flights;

Or. en

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;

(iv) military flights;

Or. en

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.

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.

Or. en

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

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,;

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 2034 for emissions in the period 2030 to 2032 and by 31 January 2037 for emissions in the period 2033 to 2035,;

Or. en

Annex

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2003/87/EC

Annex I – table – Aviation – paragraph 1a – 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 (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.

Or. en

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

Amendment

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

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

Or. en

Compromise Amendment 4 Third county measures (Article 25a)

EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 24, 25, 121, 122, 135, 137, 138, 139, 140, 141, 143, 144, 239, 286, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, TRAN 38, TRAN 40, TRAN 43, TRAN 14, TRAN 15, TRAN 19

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25a – paragraph 2

Present text

Amendment

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.

"2. The Union and its Member States shall continue to seek an agreement on global measures to reduce greenhouse gas emissions from aviation ***aligned with the objectives of Regulation (EU) 2021/1119 and the Paris Agreement.*** In the light of any such agreement, the Commission shall consider whether amendments to this Directive as it applies to aircraft operators are necessary.

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25a – paragraph 3

Text proposed by the Commission

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

3. The Commission shall, ***at least once a year,*** adopt an implementing act listing countries other than EEA countries, Switzerland and the United Kingdom, which are considered to be applying

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).

CORSIA, for the purposes of this Directive, with a baseline of 2019 for 2021 to 2023 and a baseline 2019-2020 for each year *from 2024*. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 22a(2).

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 (a) Based upon the list established under paragraph 3, the Commission shall publish a list of aircraft operators from countries which are not considered to be applying CORSIA for flights to or from third countries for the purposes of this Directive.

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC

Article 25a – 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 shall not be required to cancel units in respect of those emissions.

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 9

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

deleted

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2003/87/EC
Article 25a – 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. 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 **delegated** acts **in accordance with Article 23 to supplement this Directive in order** 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. **The Commission shall also publish information as to how the criteria referred to in paragraph 7a have been fulfilled.**

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

Text proposed by the Commission

Amendment

7a *The Commission shall adopt delegated acts in accordance with Article 23 laying down the methodology and criteria used to determine a significant distortion of competition pursuant to paragraph 7 of this Article. The Commission shall publish information on the application of the delegated act in a transparent manner.*

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

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).;

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).;

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 6 – point b

Directive 2003/87/EC

Article 25a – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. By 1 January 2027, the Commission shall present a report to the European Parliament and the Council on the application of this Directive, on the aviation's contribution to the objectives of Regulation (EU) 2021/1119 and the Paris Agreement, the implementation of CORSIA and on its impact regarding the aviation internal market of the Union, its competitiveness and a just transition, in particular the social impacts, re-skilling and up-skilling, as well as the impact on the frequency and costs of air travel for passengers, especially those with lower incomes. The report shall contain recommendations that shall be implemented without undue delay.

Or. en

Proposal for a directive

Recital 18

Text proposed by the Commission

Amendment

(18) In order to ensure uniform conditions for listing countries which are considered to be applying CORSIA for the purposes of Directive 2003/87/EC pursuant to Article 25a(3) of that Directive, implementing powers should be conferred on the Commission to adopt and maintain the list

(18) In order to ensure uniform conditions for listing countries which are considered to be applying CORSIA for the purposes of Directive 2003/87/EC pursuant to Article 25a(3) of that Directive, implementing powers should be conferred on the Commission to adopt and maintain the list

of states other than EEA countries, Switzerland and the United Kingdom, which are considered to be participating in CORSIA for the purposes of Union law. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

of states other than EEA countries, Switzerland and the United Kingdom, which are considered to be participating in CORSIA for the purposes of Union law. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. ***Based on the information provided in that list and to increase the transparency and accountability, and accessibility in a user-friendly manner to information, the Commission should publish a list of aircraft operators which are not considered to be applying CORSIA for flights to and from third countries.***

Or. en

Proposal for a directive
Recital 10a new

Text proposed by the Commission

Amendment

(10a new) The transition of the aviation sector towards sustainable aviation should take into account the social dimension of the sector and its competitiveness, to ensure that this transition is socially just and provides training, re-skilling and up-skilling for workers. The Commission should present a report to the European Parliament and the Council on the application of this Directive and its impact on the internal market as regards the aviation sector, with particular focus on the social impacts.

Or. en

Compromise Amendment 5 Reporting and review by the Commission concerning the implementation of the ICAOs global market-based measure (Article 28b)

EPP, S&D, RE, Greens, ECR, The Left

Compromise amendment replacing Amendments 88, 89, 320, 321, 322, 323, 324, 325

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

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**

Amendment

(9 a) 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 **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 **level of participation by third countries, including** implications of **their** reservations; and (vi) other relevant international developments and applicable instruments.

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

2. **By 2027**, the 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

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.

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.

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's* economy-wide greenhouse gas emission reduction commitment for 2030 *and the objective of achieving climate neutrality by 2050 at the latest* with the aim of preserving the environmental integrity and effectiveness of Union climate action.

3a. With a view to improving the CORSIA scheme, the Union and its Member States shall actively promote in ICAO and through bilateral and multilateral diplomacy improvements with regard to CORSIA's environmental integrity, including the sustainability criteria for offsets, and its enforcement, and shall encourage wider international participation in 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 emissions reduction goal that is in line with the Paris

Agreement.";

Or. en

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In accordance with Article 28b(3) of Directive 2003/87/EC, the Union is to assess the ICAO's CORSIA scheme and implement it as appropriate, and in a manner that is consistent with the Union's economy-wide emission reduction commitment *for 2030*.

Amendment

(11) In accordance with Article 28b(3) of Directive 2003/87/EC, the Union is to assess the ICAO's CORSIA scheme and implement it as appropriate, and in a manner that is consistent with the Union's economy-wide emission reduction commitment ***under Regulation (EU) 2021/1119 of the European Parliament and of the Council and the Paris Agreement.***

Or. en

Compromise Amendment **6 Use of CER-ERU (Article 11a)**
EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 108, 109, 113, 114, 115, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, TRAN 29, TRAN 33, TRAN 11

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point a
Directive 2003/87/EC
Article 11a – paragraph 1 – introductory part

Text proposed by the Commission

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 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):

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 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):

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11a – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11a – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11a – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11a – paragraph 2

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:

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

Amendment

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

(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 (CORSA). 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.

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 (CORSA). This condition shall not apply in respect of emissions before **1 January 2027**.

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11a – 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, 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.

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2003/87/EC

Article 11a – 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

Amendment

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

programmes which apply these arrangements. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2).’,

Or. en

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point d
Directive 2003/87/EC
Article 11a – 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, 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).;

Or. en

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Directive 2003/87/EC should also be amended with regard to acceptable compliance units, to take into account the Unit Eligibility Criteria adopted by the ICAO Council at its 216th session in March 2019 as an essential element of CORSIA. Airlines based in the Union should be able to use international credits for compliance for flights to or from third countries that are considered to be participating in CORSIA. To ensure that the Union’s CORSIA implementation supports the Paris Agreement goals and gives incentives for broad participation to

Amendment

(14) Directive 2003/87/EC should also be amended with regard to acceptable compliance units, to take into account the Unit Eligibility Criteria adopted by the ICAO Council at its 216th session in March 2019 as an essential element of CORSIA. Airlines based in the Union should be able to use international credits for compliance **with CORSIA** for flights to or from third countries that are considered to be participating in CORSIA To ensure that the Union’s CORSIA implementation supports the Paris Agreement goals and gives incentives for broad participation to

CORSIA, the credits should originate from states that are parties to the Paris Agreement and that participate in CORSIA, and double counting of credits should be avoided.

CORSIA, the credits should originate from states that are parties to the Paris Agreement and that participate in CORSIA, and double counting of credits should be avoided. ***Any deviation from the CORSIA baseline, which is set at 2019-2020, with a time-limited exception for the years 2021 to 2023, should be deemed as non-compliance for the purpose of this Directive.***

Or. en

¹⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

¹⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to ensure uniform conditions for the use of international credits in accordance with Article 11a of Directive 2003/87/EC, implementing powers should be conferred on the Commission to adopt a list of the credits which have been considered acceptable by the ICAO Council to use for compliance of CORSIA, and that fulfil the eligibility conditions above. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁸.

Amendment

(15) In order to ensure uniform conditions for the use of international credits in accordance with Article 11a of Directive 2003/87/EC, implementing powers should be conferred on the Commission to adopt a list of the credits which have been considered acceptable by the ICAO Council to use for compliance of CORSIA, and that fulfil the eligibility conditions above. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁸. ***Furthermore, in order to ensure transparency of data, aircraft operators should report in a user-friendly manner their emissions and offsetting under Article 14 (3a) of this Directive.***

Compromise Amendment 7 Scope and Outermost regions**EPP, S&D, RE, Greens, The Left**

Compromise amendment replacing Amendments 8, 9, 10, 11, 41, 45, 46, 48, 49, 50, 67, 90, 91, 110, 111, 116, 117, 118, 119, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 142, 149, 150, 151, 152, 153, 154, 166, 184, 185, 186, 187, 188, 189, 217, 2018, 220, 234, 235, 240, 241, 242, 243, 246, 247, 285, 302, 303, 304, TRAN 39, 305, 331, 333, 335, TRAN 47, TRAN 3, TRAN 12, TRAN 14, TRAN 17

Proposal for a directive**Article 1 – paragraph 1 – point 3 a (new)**

Directive 2003/87/EC

Article 3 e a (new)

*Text proposed by the Commission**Amendment****(3a) the following article is inserted:******Article 3ea******Aviation activities involving third countries***

- 1. From 30 April [year of entry into force of this Directive + 1], aircraft operators shall surrender allowances for emissions on flights departing from an aerodrome located in the EEA.***
- 2. From [year of entry into force of this Directive], the total quantity of allowances to be allocated for aviation shall be increased by the levels of allocations for the additional departing flights referred to in paragraph 1, which would have been made if they were covered by the EU ETS in that year. The linear reduction factor as laid down in Article 9 shall apply.'***
- 3. 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 from the EEA to third countries that are listed in the implementing act adopted pursuant to Article 25a(3).

Each year, aircraft operators shall publish information regarding the CORSIA offsets paid the previous year for each route and inform the Commission of such offsets should they intend to request a reduction in their surrender requirements. The Commission shall establish the financial value of the offsets eligible for deduction from the EU ETS surrender requirement for each route. The Commission shall adopt delegated acts in accordance with Article 23 to supplement this Directive by determining the methodology and mechanism for that deduction. For that purpose, the Commission shall consider the price of EU ETS allowances to be the average price in the respective compliance year.

Where a difference has been established by the Commission between verified emissions and allowances surrendered, in respect of a given year, the corresponding quantity of allowances shall be cancelled.

4. By 31 December 2027, in accordance with Article 28b of this Directive, the Commission shall present a report to the European Parliament and the Council on the implementation of ICAO Contracting States' participation in and the overall ambition and environmental integrity of CORSIA. Based on the findings of this report, the Commission shall present, if appropriate, a legislative proposal to end the temporary derogation for flights arriving at an aerodrome located in the EEA.

Or. en

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

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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(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 **2027** 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.;

Or. en

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The International Civil Aviation Organization (ICAO) Council adopted the First Edition of the International Standards and Recommended Practices on Environmental Protection - Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) (Annex 16, Volume IV to the Chicago Convention) at the tenth meeting of its 214th session on 27 June 2018. The Union and its Member States **continue to support CORSIA and are committed to** implement **it** from the start of the pilot phase 2021-2023¹³.

Amendment

(3) The International Civil Aviation Organization (ICAO) Council adopted the First Edition of the International Standards and Recommended Practices on Environmental Protection - Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) (Annex 16, Volume IV to the Chicago Convention) at the tenth meeting of its 214th session on 27 June 2018. The Union and its Member States implement **CORSIA** from the start of the pilot phase 2021-2023¹³.

Or. en

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) The EU ETS has proven to be an effective tool to reduce emissions through a pre-defined path and thus at the same time incentivising innovation and frontrunners when it comes to efficient emissions reductions, while CORSIA is a mechanism that compensates for

emissions through offsets. In terms of its effectiveness, the Commission's assessment "of ICAO's global market-based measure (CORSIA) pursuant to Article 28b and for studying cost pass-through pursuant to Article 3d of the EU ETS Directive" has shown that CORSIA's level of ambition for the international aviation sector is not in line with the global level of ambition required to keep within the temperature goals of the Paris Agreement. To ensure ambitious greenhouse gas emissions reductions in the aviation sector in line with the Paris Agreement, and to contribute to an international level playing field while ensuring equal treatment on routes, from the 30 April [after the entry into force of this Directive +1] the EU ETS should apply to all departing flights from an aerodrome located in the EEA. The Union maintains its commitment to the CORSIA scheme. In order to take account of the Union's commitment to, and its simultaneous participation in CORSIA, the financial value of expenditure on credits used for CORSIA for flights from the EEA to third countries that are implementing CORSIA should be deductible from the financial obligations under the EU ETS.

Or. en

**Proposal for a directive
Recital 20 a (new)**

Text proposed by the Commission

Amendment

(20 a) To ensure that CORSIA leads to a single global offsetting scheme for tackling carbon emissions from aviation by the second and mandatory phase of the ICAO scheme in 2027, the Union has consistently argued in support of robust implementing rules and governance and adequate participation in CORSIA's voluntary and mandatory phases. In the event that that the Commission

determines that CORSIA is insufficient as a measure to achieve the Union's climate objectives and commitments under the Paris Agreement, the Commission should present a legislative proposal to end the temporary derogation for flights arriving at an aerodrome located in the EEA.

Or. en

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) *As CORSIA implementation and enforcement for aircraft operators based outside the Union is meant to belong solely to the home country of these aircraft operators, implementing CORSIA for 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 means exempting aircraft operators based outside the Union from the EU ETS obligations for these flights.*

Amendment

(19) *To ensure that emissions are not accounted for twice and to take due account of CORSIA offsetting obligations above a baseline set at the 2019 level for the years 2021 to 2023 and set at the average 2019-2020 level for the following years, aircraft operators should be able to deduct the financial value of expenditure on credits used for CORSIA by them for flights covered in accordance with this Directive.*

Or. en

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Flights to and from Least Developed Countries and Small Island Developing States, as defined by the United Nations, not implementing CORSIA, other than those states whose GDP per capita equals or exceeds the Union average, should be exempt from EU ETS or CORSIA obligations without an end date for the exemption.

Amendment

deleted

Or. en

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Special consideration should be given to promoting accessibility for the outermost regions of the Union. Therefore, a derogation from the EU ETS should be provided for emissions from flights between an aerodrome located in an outermost region of a Member State and an aerodrome located in the same Member State.

Amendment

(25) Special consideration should be given to promoting accessibility for the outermost regions of the Union. Therefore, a derogation **until 2027** from the EU ETS should be provided for emissions from flights between an aerodrome located in an outermost region of a Member State and an aerodrome located in the same Member State until the.

Or. en

Compromise Amendment 8 Allowances and SAFs (Article 3c)

EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 78, 86, 93, 94, 95, 96, 97, 98, 107, 163, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 238, 244, 273, 287, 288, 302, 303, 304, TRAN 39, 305, 342, TRAN 21, TRAN 26, TRAN 7

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2003/87/EC

Article 3c – paragraph 5

Text proposed by the Commission

5. The Commission shall determine the total quantity of allowances to be allocated in respect of aircraft operators for the year 2024 on the basis of the total allocation of allowances in respect of aircraft operators that were performing aviation activities falling within Annex I in the year 2023, reduced by the linear reduction factor specified in Article 9, and shall publish that quantity, as well as the quantity of free allocation which would have taken place in 2024 if the rules for free allocation were not updated.

Amendment

5. The Commission shall determine the total quantity of allowances to be allocated in respect of aircraft operators for the year 2024 on the basis of the total allocation of allowances in respect of aircraft operators that were performing aviation activities falling within Annex I in the year 2023, reduced by the linear reduction factor specified in Article 9, and shall publish that quantity, as well as the quantity of free allocation which would have taken place in 2024 if the rules for free allocation were not updated.

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Text proposed by the Commission

Amendment

5 a. 20 million of the total quantity of allowances referred to in paragraph 5 of this article for the period from 1 January 2024 until 31 December 2029, shall be reserved to be allocated in the same manner as a contract for difference, covering the remaining price differential between fossil kerosene and sustainable aviation fuels in respect of aircraft operators that uplift sustainable aviation fuels, with priority to renewable fuels of non-biological origin, foreseen based on the blending mandates referred to in Annex I of the Regulation 2021/0205 [ReFuelEU Regulation] or beyond and the price evolution of these fuels. 70% of those allowances shall be allocated specifically for the uplifting of synthetic aviation fuels, with priority to renewable fuels of non-biological origin (RFNBO's).

In addition, 20 million allowances from the extra quantity of allowances that is issued because of the coverage of emissions on flights departing from an aerodrome located in the EEA to third countries as referred to in Article 3ea shall be reserved to be allocated in the same manner as a contract for difference for the period until 31 December 2029.

Or. en

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point b
Directive 2003/87/EC
Article 3c – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5 b. The total quantity of allowances referred to in paragraph 5a shall be allocated in the same manner as a contract for difference, covering the remaining price differential between fossil kerosene and sustainable aviation fuels for the uplifting of sustainable aviation

fuels, with priority to renewable fuels of non-biological origin, on a non-discriminatory basis, as reported to the European Aviation Safety Agency under Article 7, Article 8 and Article 9 of the Regulation 2021/0205 [ReFuelEU Regulation]

Each aircraft operator may apply for an allocation of the allowances for flights covered by the EU ETS from 1 January 2024 until 31 December 2029 based on the uplifting of the fuels referred to in paragraph 5a.

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 this Directive.

The Commission shall ensure that emissions from renewable fuels of non-biological origin using hydrogen from renewable sources shall be rated with zero emissions for the aircraft operators using them until the delegated act referred to in Article 14(1) is adopted.

The Commission shall publish details of the cost difference between kerosene and sustainable aviation fuels 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 uplifting of sustainable aviation fuels by covering the price difference per tonne of CO₂ saved from using those fuels instead of kerosene.

From 31 December 2028, the Commission shall carry out a yearly evaluation regarding the application of this paragraph and submit its results to the European Parliament and the Council in a timely manner. On the basis of this evaluation and following an impact assessment, the Commission may present, where appropriate, a legislative proposal

to allocate a capped and time limited amount of allowances until 31 December 2034 in respect of aircraft operators that uplift sustainable aviation fuels referred to in Article 3c(5a).

Or. en

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point b

Directive 2003/87/EC

Article 3c – paragraph 6

Text proposed by the Commission

6. 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, which were not covered by the EU ETS in 2023, the total quantity of allowances to be allocated to aircraft operators shall be increased by the levels of allocations, including free allocation and auctioning, which would have been made if they were covered by the EU ETS in that year, reduced by the linear reduction factor specified in Article 9.

Amendment

6. 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, which were not covered by the EU ETS in 2023, the total quantity of allowances to be allocated to aircraft operators shall be increased by the levels of allocations, including free allocation and auctioning, which would have been made if they were covered by the EU ETS in that year, reduced by the linear reduction factor specified in Article 9.

Or. en

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The total quantity of allowances for aviation should be consolidated at the level of allocation for 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.*** The allocation for the year 2024 should be based on the total allocation to active aircraft operators in year 2023, reduced by the linear reduction factor as specified in Article 9 of Directive 2003/87/EC. The level of allocation should be increased to take into account the routes

Amendment

(12) The total quantity of allowances for aviation should be consolidated at the level of allocation ***for flights covered in accordance with this Directive.*** The allocation for the year 2024 should be based on the total allocation to active aircraft operators in year 2023, reduced by the linear reduction factor as specified in Article 9 of Directive 2003/87/EC. The level of allocation should be increased to take into account the routes that were not covered by the EU ETS in the year 2023 but are covered by the EU ETS from year

that were not covered by the EU ETS in the year 2023 but are covered by the EU ETS from year 2024 onwards.

2024 onwards.

Or. en

Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

(13 b) The EU ETS Directive should contribute to incentivising the decarbonisation of air transport. The transition from use of fossil fuels to the increasing use of sustainable aviation fuels, especially synthetic aviation fuels, would play a role in achieving such decarbonisation. However, considering the high level of competition between aircraft operators, the developing EU market of sustainable aviation fuels, and the important price differential between fossil kerosene and sustainable aviation fuels, that transition should be supported by incentivising early movers.

Therefore, during the period from 1 January 2024 until 31 December 2029 allowances should be allocated in the same manner as a contract for difference, covering the remaining price differential between fossil kerosene and sustainable aviation fuels for individual aircraft operators, in proportion to the amount of sustainable aviation fuels used and reported under Regulation 2021/0205 [ReFuelEU Regulation], in order to incentivise early movers and to support the creation of a EU market of sustainable aviation fuels.

20 million allowances should be reserved from the 1 January 2024 until 31 December 2029, and an additional 20 million allowances should be reserved when flights departing from EEA to third countries are part of the EU ETS scope for the same time period. Those allowances should come from the pool of total allowances available and should be used only for flights covered by the EU

ETS and in a non-discriminatory manner. The Commission should ensure that 70% of those allowances are allocated specifically for the use of synthetic aviation fuels, with priority to renewable fuels of non-biological origin (RFNBO's). The Commission should account appropriately for the CO2 emissions from fossil fuels, and should rate RFNBO's as producing zero emissions for the aircraft operators using them. Following an evaluation and an impact assessment, the Commission may decide to present a legislative proposal to allocate a capped and time-limited amount of allowances, which should not go beyond the 31 December 2034.

Or. en

Compromise Amendment 9 Phasing out of free allocations (Article 3d)

EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 6, 7, 16, 17, 18, 19, 20, 99, 100, 101, 102, 103, 104, 105, 111, 146, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 218, 219, 220, 221, 222, 223, 224, 225, 226, 331

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive 2003/87/EC

Article 3d – paragraph 1

Text proposed by the Commission

Amendment

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.;

1. In 2024, **50%** 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.

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3d – paragraph 1a

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

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3d – paragraph 1b

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

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3d – paragraph 1c

Text proposed by the Commission

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,

1c. As from 1 January **2025**, 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***

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2003/87/EC

Article 3d – paragraph 1d

Text proposed by the Commission

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.’,

Amendment

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.’,

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point d

Directive 2003/87/EC

Article 3d – 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.

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Increased auctioning from the year after the entry into force of this amendment to Directive 2003/87/EC should be the rule for the aviation sector allocation of allowances, taking into account the sector's ability to pass on the increased cost of CO₂.

Amendment

(13) Increased auctioning from the year after the entry into force of this amendment to Directive 2003/87/EC should be the rule for the aviation sector allocation of allowances, ***leading to a phase-out of free-allowances by 2025***, taking into account the sector's ability to pass on the increased cost of CO₂.

Or. en

Compromise Amendment 10 Use of revenues (Article 3d paragraph 4)

EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 74, 75, 76, 77, 80, 155, 157, 227, 228, 229, 230, 231, 232, 233, 234, 240, 241, TRAN 6, TRAN 8, TRAN 24

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point e

Directive 2003/87/EC

Article 3d – 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. **The** revenues generated from the auctioning of allowances **for aviation** 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 shall **be the following:**

(a) 75 % shall be used to support innovation and new technologies, including the deployment of decarbonisation solutions in the aviation sector through the Climate Investment Fund in accordance with the Article 10a (8)

(b) 15 % of the revenues generated from departing flights referred to in Article 3ea 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) the remaining revenues shall be used as determined by Member States in line with Article 10(3), including promoting projects aimed at ensuring a just

transition in the aviation sector, especially supporting social dialogue among relevant stakeholders in the aviation sector, as well as for training, re-skilling, and upskilling for workers.

Or. en

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Achieving the increased climate ambition will require channelling as many resources as possible to the climate transition. As a result, all auction revenues that are not attributed to the Union budget should be used for climate-related purposes.

Amendment

(10) Achieving the increased climate ambition will require channelling as many resources as possible to the climate transition, ***which should also be part of the just transition.*** As a result, all auction revenues that are not attributed to the Union budget should be used for climate-related purposes. ***An increase in auction revenues is envisaged within the aviation sector due to the phase-out of free allowances and the application of the EU ETS to cover flights departing from the EEA to a third country. A part of the revenues from auctioning the aviation allowances should be allocated to the aviation sector through the Climate Investment Fund to support innovations to reduce the climate and environmental impacts of the aviation sector. 15 % of revenues generated from flights leaving the EEA should be allocated to the UNFCCC Climate Funds, to advance international action to mitigate the impact of climate change on the most vulnerable communities. The remaining revenues should be used by Member States for actions in accordance with article 10(3), in particular actions that support social dialogue and a just transition, to decarbonise the transport system and support long distance alternatives to aviation with a lower climate impact.***

Or. en

Compromise Amendment 11 The Climate Investment Fund (interlinked to ETS)

EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 14, 22, 75, 81, 82, 92, 159, 160, 161, 164, 228, 249, 252, 253, 254, 255, 256, 257, TRAN 24, TRAN 28

Proposal for a directive

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

Directive 2003/87/EC

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

Text proposed by the Commission

Amendment

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

The revenues generated from the auctioning of allowances in respect of aviation activities and from penalties referred to in Article 16(3) allocated to the Climate Investment Fund shall be made available for aviation projects to support new developments and innovations, deployment of decarbonisation solutions, the development of support mechanisms and to create necessary infrastructure, which reduce the total climate impacts including non-CO2 impacts, in particular through:

(a) deployment of sustainable aviation fuels, with priority to 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, and to reduce the cost of supplying SAF to Union airports;

(b) fundamental improvement of operational aeronautics and airframe solutions to mitigate CO2 and non CO2 emissions;

(c) deployment of break-through engine innovation and deployment of new propulsion technologies contributing

towards reducing emissions in aviation, like battery- and turbo-electric technologies, as well as hydrogen combustion in turbines and fuel cells that power electric motors, electric aircrafts and related airport infrastructure;

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

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

A description of the projects supported by the Climate Investment Fund and information about the levels of expenditure disaggregated at project level shall be transparent and made publicly available in an accessible manner and regularly updated on the Commission's website. The Commission shall ensure an inclusive involvement of stakeholders in the funding procedures related to the Climate Investment Fund.

Or. en

Proposal for a directive
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26 a) A part of the revenues from the auctioning of aviation allowances as well as the revenue of penalties paid by aircraft operators in accordance with Article 16 of Directive 2003/87/EC should be allocated to the Climate Investment Fund to support innovation in the aviation sector aimed at mitigating climate change. In particular projects related to the development, deployment and implementation of new technologies and designs aimed at reducing the total greenhouse gas emissions from the aviation sector, notably in the area of sustainable aviation fuels as well as

designs aiming to reduce the climate impact of the aviation sector, particularly operational, aeronautics, airframe, and break-through engine innovation, airport infrastructure and electric aircraft.

Or. en

Proposal for a directive
Recital 26 b (new)

Text proposed by the Commission

Amendment

(26 b) The Climate Investment Fund should support research, the development and deployment of decarbonisation solutions including zero emission technologies and reduce the climate and environmental impacts of the aviation sector. It should in particular address the impacts of non-CO2 emissions through the deployment of monitoring and reporting technologies and improving operational solutions.

Or. en

Compromise Amendment 12

Non-CO2

EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 30, 56, 61, 62, 66, 68, 75, 145, 155, 158, 169, 253, 256, 270, 271, 272, 292, 293, 294, 302, 303, 304, TRAN 39, 305, 328, 341, TRAN 45, TRAN 18

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

Text proposed by the Commission

Amendment

-1. In Article 3, the following point is added:

“(ua) ‘non-CO2 [aviation] emissions’ means the release of oxides of nitrogen (NOx), soot particles, oxidised sulphur species, and water vapour from an aircraft performing an aviation activity

listed in Annex I.”.

Or. en

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) In 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 the effects of non-CO2 [aviation] emissions*** in the requirements for monitoring, reporting ***and verification of the*** emissions for ***those gases and emissions***.”

Or. en

Proposal for a directive

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

Directive 2003/87/EC

Article 14 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(6 a) In Article 14(2), the following subparagraph is added:

By [6 months after the entry into force of this Directive], the Commission shall adopt delegated acts in accordance with Article 23 to supplement this Directive in order to establish a monitoring, reporting and verification scheme (MRV scheme) for non-CO2 emissions from aircraft operators covered by this Directive. The MRV scheme for non-CO2 emissions shall contain data on at least the following:

- a) fuel flow;*
- b) mass of aircraft;*
- c) ambient humidity;*
- d) latitude, longitude and altitude of the aircraft;*
- e) average humidity and temperature;*
- f) emission indices for CO2, H2O, sulphur dioxide (SO2) and NOx;*
- g) CO2 equivalents per flights*

By 31 December 2026, based on the results of the monitoring, reporting and verification of non-CO2 emissions, the Commission shall submit after carrying out an impact assessment and where appropriate, a legislative proposal to mitigate such emissions by expanding the scope of the EU ETS to cover non-CO2 aviation emissions.

Pending an extension of the scope of this Directive to cover non-CO2 emissions from aircraft operators referred to in the second subparagraph from 31 December 2027 the CO2 emission factor for emissions from aviation activities shall be multiplied by 1,8 , from 31 December 2028 by 1,9 and from 31 December 2029 by 2,0 in order to account for non-CO2 [aviation] emissions.

From... [30 months after the entry into force of this Directive], the Commission shall submit on an annual basis, as part of the report referred to in Article 10(5), a report to the European Parliament and the Council on the results of the MRV scheme.

Or. en

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) In addition to CO₂, aviation affects the climate through non-CO₂ emissions such as water vapour (H₂O), oxides of nitrogen (NO_x), sulphur dioxide (SO₂) and soot particles, as well as through atmospheric processes caused by such emissions, for example the formation of ozone and contrail cirrus. The climate impact of such non-CO₂ emissions depends on the type of fuel and engines used, on the location of the emissions, in particular the cruise altitude of the aircraft, and its position in terms of latitude and longitude, as well as the time of the emissions and the weather conditions at that time. The Commission's Impact Assessment of 2006 on the inclusion of aviation in the EU greenhouse gas Emissions Trading Scheme (EU ETS), Directive 2008/101/EC recognised that aviation has an impact on the global climate through the release of non-CO₂ emissions. Article 30(4) of Directive 2003/87/EC, as amended by Directive (EU) 2018/410 of the European Parliament and of the Council, required the Commission to present an updated analysis of the non-CO₂ effects of aviation, accompanied, where appropriate, by a proposal on how best to address those effects, before 1 January 2020. To fulfil that requirement, the European Union Aviation Safety Agency (EASA) conducted an updated analysis of the non-CO₂ effects of aviation on climate change and published its study on 23 November 2020. The findings of the study confirmed what had been previously estimated, namely that the significance of non-CO₂ climate impacts from aviation activities are at least as important in total

as those of CO2 alone.

**Proposal for a directive
Recital 8 b (new)**

Text proposed by the Commission

Amendment

(8 b) It follows from the findings of the EASA's study of 23 November 2020 that non-CO2 [aviation] emissions, in line with the precautionary principal, can no longer be ignored. EU regulatory measures are needed to achieve reductions of emissions in line with the Paris Agreement. Therefore the Commission should set up a monitoring, reporting and verification scheme for non-CO2 [aviation] emissions. Building on the results of this scheme the Commission should no later than 31 December 2026 based on an impact assessment, submit a legislative proposal containing mitigation measures for non-CO2 emissions, by expanding the scope of the EU ETS to cover such emissions. Until the adoption of a legislative proposal extending the scope of this Directive to cover non-CO2 emissions, starting from 31 December 2027, the CO2 emission factor for emissions from aviation activities shall be multiplied by 1,8 to account for non-CO2 [aviation] emissions, by 1,9 from 31 December 2028 and by 2,0 from 31 December 2029. The multiplier should not exceed 2.0

Or. en

Compromise Amendment 13 CORSIA

EPP, S&D, RE, Greens, The Left

Compromise amendment replacing Amendments 28, 29, 31, 32, 120

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) Directive 2003/87/EC of the European Parliament and of the Council¹⁰ established a system for greenhouse gas emission allowance trading within the Union, in order to promote reductions of greenhouse gas emissions in a cost-effective and economically efficient manner. Aviation activities were included in the EU emissions trading system by Directive 2008/101/EC of the European Parliament and of the Council¹¹.

Amendment

(1) Directive 2003/87/EC of the European Parliament and of the Council¹⁰ established a system for greenhouse gas emission allowance trading within the Union, in order to promote reductions of greenhouse gas emissions in a cost-effective and economically efficient manner. Aviation activities ***related to flights departing from or arriving at an aerodrome in the Union*** were included in the EU emissions trading system by Directive 2008/101/EC of the European Parliament and of the Council¹¹. ***The Court of Justice of the European Union ruled in its judgment of 21 December 2011^{1a} that the inclusion of aviation activities in the EU ETS pursuant to that Directive does not violate international law.***

Or. en

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) In order to facilitate progress at ICAO level to establish a global framework for reductions of emissions from international aviation, the Union adopted a number of time-bound derogations, the so-called ‘stop-the-clock’ derogation, which excluded all extra EU flights from the EU ETS. The last derogation, introduced by Regulation (EU) 2017/2392, applies until 2023.

Or. en

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) At the forthcoming ICAO triennial assembly scheduled for September 2022, Member States should make their utmost efforts to reach an agreement with their counterparts on a progressive yearly reduction of the established baseline 2019-2020 for the period after 2023, so as to ensure step-wise alignment with the linear factor applied to the EU ETS, also beyond 2035, in consistency with the Union's climate neutrality target for 2050 at the latest.

Or. en