



14/02/2022

**AMENDMENTS: 38**

**Sunčana Glavak**

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)

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**Amendments on Basic Acts:**

*AM 30 - Milan Brglez - Directive 2003/87/EC / Article 10 – paragraph 3 – subparagraph 3*  
*AM 37 - Milan Brglez - Directive 2003/87/EC / Article 28b*

**Amendments per language:**

*EN: 38*

**Amendments justification with more than 500 chars : 0**

**Amendments justification number with more than 500 chars :**

## **Amendment 1**

### **Milan Brglez**

#### **Proposal for a directive**

##### **Recital 1**

*Text proposed by the Commission*

(1) Directive 2003/87/EC of the European Parliament and of the Council<sup>10</sup> 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 Council<sup>11</sup>.

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<sup>10</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

<sup>11</sup> Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.1.2009, p. 3).

*Amendment*

(1) Directive 2003/87/EC of the European Parliament and of the Council<sup>10</sup> 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 all 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 Council<sup>11</sup>.

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<sup>10</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

<sup>11</sup> Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.1.2009, p. 3).

Or. en

## **Amendment 2**

### **Milan Brglez**

#### **Proposal for a directive**

##### **Recital 1 a (new)**

***(1 a) In April 2013, the Union, under international pressure, discontinued the enforcement of certain provisions of Directive 2008/101/EC by introducing the so-called ‘stop the clock’ derogation, which excluded all extra-EU flights from the EU ETS. The derogation was put in place in order for the International Civil Aviation Organization (ICAO) to establish a global agreement on regulating international aviation emissions, and it has been extended twice, first until 2017 and subsequently until 2023.***

Or. en

### **Amendment 3** **Milan Brglez**

#### **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”)<sup>12</sup>. 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) 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”)<sup>12</sup>. 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. ***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 COP26 to revisit their commitments, as***

***necessary, by the end of 2022 to be back 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.

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<sup>12</sup> Paris Agreement (OJ L 282, 19.10.2016, p. 4).

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<sup>12</sup> Paris Agreement (OJ L 282, 19.10.2016, p. 4).

Or. en

#### **Amendment 4 Milan Brglez**

#### **Proposal for a directive Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2 a) Aviation accounts for 2-3 % of total human-induced CO2 emissions globally, positioning the sector, if it were a state, within the top ten world emitters. In the Union, direct emissions from aviation account for 3,7 % of total CO2 emissions. The aviation sector generates 15,7 % of the emissions from transport, making it the second biggest source of transport greenhouse gas emissions after road transport. While emissions from stationary sectors covered by the EU ETS have decreased by almost 20 % since 2013, aviation emissions have increased by almost 28 %.***

Or. en

#### *Justification*

*Transport&Environment. 2020. Emission Trading System - Aviation: T&E Feedback on Inception Impact Assessment. Available at: <https://www.transportenvironment.org/wp-content/uploads/2021/07/ETS%20IIA%20-%20T&E%20feedback%20attachement.pdf>.*

**Amendment 5**  
**Milan Brglez**

**Proposal for a directive**  
**Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***(2 b) 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

*Justification*

*Eurocontrol. 2018. European aviation until 2040: Challenges of Growth. Available at: [https://www.eurocontrol.int/sites/default/files/2019-07/challenges-of-growth-2018-annex1\\_0.pdf](https://www.eurocontrol.int/sites/default/files/2019-07/challenges-of-growth-2018-annex1_0.pdf).  
ICAO. 2019. Trends in Emissions that affect Climate Change. Available at: [https://www.icao.int/environmental-protection/Pages/ClimateChange\\_Trends.aspx](https://www.icao.int/environmental-protection/Pages/ClimateChange_Trends.aspx).*

**Amendment 6**  
**Milan Brglez**

**Proposal for a directive**  
**Recital 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***(2 c) Swift policy action is therefore needed in order to regulate aviation emissions at Union and global level by increasing the level of ambition through the use of carbon pricing tools based on environmental integrity and the efficient interplay between the global and Union market-based instruments that ensure aviation's contribution to economy-wide emissions reduction.***

Or. en

**Amendment 7**  
**Milan Brglez**

**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 (CORSA) (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 CORSA and are committed to*** implement ***it*** from the start of the pilot phase 2021-2023<sup>13</sup>.

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<sup>13</sup> Council Decision (EU) 2020/954 of 25 June 2020 on the position to be taken on behalf of the European Union within the

*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 (CORSA) (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 ***CORSA*** from the start of the pilot phase 2021-2023<sup>13</sup>. ***However, in terms of its effectiveness in reaching the goals of the Paris Agreement as well as the Union's climate targets, CORSA'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<sup>3a</sup>. The Union and its Member States should therefore be actively involved in climate diplomacy with the purpose of increasing the coverage of CORSA and improving its environmental integrity, thereby ensuring that it effectively reduces aviation emissions. It is also important that the enforceability and the public access to information linked to CORSA be improved.***

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<sup>3a</sup> ***Assessment of ICAO's global market-based measure (CORSA) pursuant to Article 28b and for studying cost pass-through pursuant to Article 3d of the EU ETS Directive.***

<sup>13</sup> Council Decision (EU) 2020/954 of 25 June 2020 on the position to be taken on behalf of the European Union within the

International Civil Aviation Organization as regards the notification of voluntary participation in the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) from 1 January 2021 and the option selected for calculating aeroplane operators' offsetting requirements during the 2021-2023 period (OJ L 212, 3.7.2020, p. 14).

International Civil Aviation Organization as regards the notification of voluntary participation in the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) from 1 January 2021 and the option selected for calculating aeroplane operators' offsetting requirements during the 2021-2023 period (OJ L 212, 3.7.2020, p. 14).

Or. en

## **Amendment 8**

### **Milan Brglez**

#### **Proposal for a directive**

#### **Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3 a) With a view to strengthening the CORSIA provisions and contributing to the scheme's improvements and adjustments, the Council should adopt a decision on the position to be taken on behalf of the Union at the 41st ICAO Assembly to be held from 27 September to 7 October 2022. In the context of the first CORSIA periodic review, in its position the Union should promote a long-term reduction goal, a global carbon pricing scheme, strong sustainability criteria for offsets, CORSIA's environmental integrity, its effectiveness in aviation emissions reduction, wide international participation, enforcement of its provisions, and public access to information related to operations under CORSIA.***

Or. en

## **Amendment 9**

### **Milan Brglez**

## Proposal for a directive

### Recital 7

*Text proposed by the Commission*

(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 Council<sup>17</sup>. 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.

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<sup>17</sup> Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality (European Climate Law) (OJ L 243, 9.7.2021, p. 1).

*Amendment*

(7) The Union has enshrined into legislation the target of economy-wide climate neutrality by 2050 **at the latest** in Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>17</sup>. 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.

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<sup>17</sup> Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality (European Climate Law) (OJ L 243, 9.7.2021, p. 1).

Or. en

## Amendment 10

Milan Brglez

## 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 the target of economy-wide climate neutrality by 2050 at the latest, as set out in Regulation (EU) 2021/1119.**

Or. en

## Amendment 11

Milan Brglez

### Proposal for a directive

#### Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(8 a) In addition to CO<sub>2</sub>, aviation affects the climate through non-CO<sub>2</sub> emissions such as water vapour (H<sub>2</sub>O), oxides of nitrogen (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>) 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-CO<sub>2</sub> emissions depends on the type of fuel and engines used, on the location of the emissions, in particular cruise altitude and latitude/longitude, and the time of the emissions/weather conditions. The International Panel on Climate Change estimated both in 1997 and 2007 that the effects of non-CO<sub>2</sub> emissions from aviation are two to four times higher than the effect of aviation's CO<sub>2</sub> emissions alone. Based upon those findings and 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 releases of non-CO<sub>2</sub> emissions. The European Parliament, at that time, called, in its position, for a multiplier to be applied to every tonne of CO<sub>2</sub> emitted, but no concrete measures were adopted. 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-CO<sub>2</sub> effects of aviation, accompanied, where appropriate, by a proposal on how best to address those effects, before 1***

*January 2020. To fulfil this 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 fully 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.*

Or. en

#### *Justification*

*Commission staff working document - Summary of the Impact Assessment: Inclusion of Aviation in the EU Greenhouse Gas Emissions Trading Scheme (EU ETS), COM(2006) 818 final, SEC(2006) 1684.*

#### **Amendment 12** **Milan Brglez**

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

*Text proposed by the Commission*

*Amendment*

*(8 b) Non-CO2 emissions and their impacts cannot be ignored as they are responsible for about two thirds of the climate impact of aviation. Therefore, the Commission should put forward policy measures without delay in order to reduce such emissions and mitigate the related effects.*

Or. en

#### **Amendment 13** **Milan Brglez**

#### **Proposal for a directive** **Recital 9**

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**EN**

*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 necessary for the Union's 2030 *and 2050* climate *targets*. Therefore, the total quantity of allowances for aviation should be consolidated and subject to the linear reduction factor.

Or. en

## **Amendment 14**

**Milan Brglez**

### **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, in particular to achieve a just transition*. As a result, all auction revenues that are not attributed to the Union budget should be used for climate-related purposes. *For the ETS revision for phase four (2021-2030), an increase in auction revenues is envisaged within the aviation sector due to the phasing-out of free allowances and the extension of the scope to cover flights between the Union and third countries. The share of such increased auction revenues that is attributed to the general budget of the Union as well as the revenue from payments of penalties settled by the aircraft operators in accordance with Article 16 of Directive 2003/87/EC should be allocated to the Innovation Fund and used entirely for enabling a just and sustainable transition to decarbonisation of the aviation sector. That funding should be used especially for operational, aeronautics, airframe and new propulsion technologies, and sustainable aviation*

*fuels, that can reduce the climate and environmental impacts of the aviation sector, in particular the non-CO2 impacts of aviation. Funding should be inclusive in terms of involvement of stakeholders from public and private sectors representing a wide geographical and competence base across the Member States, and all information on the projects and investments supported by the Innovation Fund should be made available to the public.*

Or. en

**Amendment 15**  
**Milan Brglez**

**Proposal for a directive**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

*(10 a) This Directive should fully acknowledge the social dimension of the transition towards sustainable aviation. In order to ensure a socially just transition in the aviation sector and to protect the most vulnerable within the sector, an enhanced social dialogue at all stages should be promoted and funds should be made available within the EU ETS in order to provide training, re-skilling and up-skilling for workers. In addition, 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

**Amendment 16**  
**Milan Brglez**

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**EN**

**Proposal for a directive**  
**Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

***(10 b) Flights spanning 1 000 kilometres and less account for 6-9 % of total aviation CO<sub>2</sub> emissions. Pending the technological breakthroughs and availability of zero-emission aviation fuels and aircrafts, measures should be put in place in order to promote a modal shift towards alternative, more sustainable modes of transport, especially for the flight segment comprising regional and the lower-end of short-range flights, namely flights of a range under 1 000 kilometres.***

Or. en

*Justification*

*McKinsey & Company. 2020. Hydrogen-powered aviation: A fact-based study of hydrogen technology, economics, and climate impact by 2050.*

**Amendment 17**  
**Milan Brglez**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

*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, taking into account the sector's ability to pass on the increased cost of CO<sub>2</sub>.

(13) ***Full*** auctioning from the year ***2024 onwards*** 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 CO<sub>2</sub>.

Or. en

**Amendment 18**  
**Milan Brglez**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

*Amendment*

**(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.**

**deleted**

Or. en

**Amendment 19**  
**Milan Brglez**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

*Amendment*

**(20) To ensure equal treatment on routes, flights to and from countries that are not implementing CORSIA should be exempt from EU ETS or CORSIA obligations. To incentivise full implementation of CORSIA starting in 2027, the exemption should only apply to emissions up to 31 December 2026.**

**(20) Aircraft operators should not be able to subtract the financial value of CORSIA credits from EU ETS allowances for flights to and from countries that are not implementing CORSIA.**

Or. en

**Amendment 20**  
**Milan Brglez**

**Proposal for a directive**  
**Recital 21**

*Text proposed by the Commission*

*Amendment*

(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.**

(21) Flights to and from Least Developed Countries as defined by the United Nations **are not** exempt from EU ETS obligations. **However, in line with the IPCC principle of 'common but differentiated responsibilities', the Union will increase its contribution to international climate finance, using part of the resources created by the application of the ETS to all international flights.**

Or. en

## **Amendment 21** **Milan Brglez**

### **Proposal for a directive** **Recital 22**

*Text proposed by the Commission*

*Amendment*

(22) ***In order to ensure uniform conditions for exempting aircraft operators from surrender requirements as laid down in Article 12(8) of Directive 2003/87/EC in respect of emissions from flights to and from countries 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 pursuant to Article 25a(7) of that Directive, implementing powers should be conferred on the Commission to exempt airlines based in the Union from surrender requirements in respect of emissions from flights where a significant distortion of competition to the detriment of airlines based in the Union occurs due to a less stringent implementation or enforcement of CORSIA in the third country. The distortion of competition could be caused by a less stringent approach to eligible offset credits or double counting provisions. Those powers***

(22) ***Applying the EU ETS in conjunction with CORSIA would lead to the creation of uniform conditions and equal treatment for both Union and third country aircraft operators, in respect of emissions from flights departing from and arriving at Union aerodromes.***

*should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.*

Or. en

## **Amendment 22**

**Milan Brglez**

### **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 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

## **Amendment 23**

**Milan Brglez**

### **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*

*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***

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.

*quantity of free allocation which would have taken place in 2024 if the rules for free allocation were not updated.*

Or. en

## **Amendment 24**

**Milan Brglez**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 1 – point b**

Directive 2003/87/EC

Article 3c – paragraph 7

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

## **Amendment 25**

**Milan Brglez**

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

Or. en

*Justification*

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

**Amendment 26**

**Milan Brglez**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point b**

Directive 2003/87/EC

Article 3d – paragraph 1 – point (b)

*Text proposed by the Commission*

*Amendment*

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

‘

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

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

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

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

*Justification*

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

**Amendment 27**  
**Milan Brglez**

**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 *paragraph 1* of this Article, including the modalities for the transfer of a share of revenue from such auctioning to the general budget of the Union.’,

*Justification*

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

**Amendment 28**  
**Milan Brglez**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**

*Text proposed by the Commission*

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

*Amendment*

(3) *Article 3f is* deleted;

*Justification*

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

**Amendment 29**

**Milan Brglez**

**Proposal for a directive**

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

Directive 2003/87/EC

Article 3e

*Text proposed by the Commission*

*Amendment*

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

***'Integration of the EU ETS and CORSIA***

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

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

***2. The total quantity of allowances to be allocated to aviation, in accordance with article 3c, shall be increased in 2023 to cover two thirds of verified emissions from the flights covered by this Article, to account for the increased scope following the completion of the surrendering exercise in 2024. The linear reduction***

*factor specified in Articles 9 and 28a shall continue to apply.*

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

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

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

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

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

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*<sup>1a</sup> Commission Delegated Regulation (EU) 2019/856 of 26 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund (OJ L 140, 28.5.2019, p.8).*

Or. en

### *Justification*

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

## **Amendment 30** **Milan Brglez**

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

### *Present text*

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

### *Amendment*

*(4 a) Article 10(3), subparagraph 3, is amended as follows:*

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

***Subsequently, the Commission shall make this information public each year.***

**"**

Or. en

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

#### *Justification*

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

### **Amendment 31**

**Milan Brglez**

#### **Proposal for a directive**

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

Directive 2003/87/EC

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

*Text proposed by the Commission*

*Amendment*

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

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

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

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

***(c) deployment of sustainable aviation fuels, such as renewable fuels of non-biological origin (RFNBO) from***

*renewable hydrogen and direct air capture (DAC), including through carbon contracts for difference aimed at bridging the price difference between zero-emissions fuels and conventional fuels;*

*(d) deployment of monitoring and reporting technologies for CO<sub>2</sub> and non-CO<sub>2</sub> emissions;*

*(e) research on the non-CO<sub>2</sub> impacts of aviation, including formation of contrails and cirrus clouds.*

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

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

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

Or. en

#### *Justification*

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

*addressing social impacts of the transition to decarbonized aviation sector.*

## **Amendment 32**

**Milan Brglez**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 6 – point b**

Directive 2003/87/EC

Article 12 – paragraph 8 b (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 amending Directive 2003/87/EC and its impact on the aviation internal market of the Union, in particular the social impacts related to employment conditions, workers' needs for training, re-skilling, and up-skilling, as well as the impact on the use and costs of air travel for passengers, disaggregated by different income groups. .**

Or. en

## **Amendment 33**

**Milan Brglez**

### **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*

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

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

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

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

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

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

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

*(e) the amount and type of carbon credits used to comply with part or all of their offsetting.*

Or. en

#### *Justification*

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

#### **Amendment 34** **Milan Brglez**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 6 b (new)**  
Directive 2003/87/EC  
Article 12 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(6 b) In Article 12, the following paragraph is inserted:**

**'2a. As long as there are no Union measures in place to take into account and effectively reduce the climate impact of non-CO2 emissions generated by aircraft operators carrying out an aviation**

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

Or. en

*Justification*

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

**Amendment 35**  
**Milan Brglez**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 6 c (new)**  
Directive 2003/87/EC  
Article 14 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

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

**'3b. By ... [6 months after the entry into force of this Directive], the Commission, in cooperation with EASA and EEA, shall adopt a delegated act in accordance with Article 23 to supplement this Directive in order to establish a pilot monitoring, reporting and verification (MRV) scheme with the objective of establishing a MRV methodology adapted to the specificities of non-CO<sub>2</sub> emissions and their climate impact and to develop a robust CO<sub>2</sub> equivalence calculation for non-CO<sub>2</sub> effects. The pilot MRV scheme shall ensure that at least the following data at cruising altitude are monitored, reported and verified:**

- (a) fuel flow-mass of aircraft;**
- (b) ambient humidity;**

- (c) latitude, longitude and altitude;*
- (d) humidity and temperature;*
- (e) emission indices for CO<sub>2</sub>, H<sub>2</sub>O and NO<sub>x</sub>;*
- (f) CO<sub>2</sub> equivalents per flight.*

*All data reported through the pilot MRV scheme shall be published, aggregated on an airport pair level annually per airline. Data collected through the pilot MRV scheme shall be submitted to EASA, the EEA and the European Parliament annually.*

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

*By ... [30 months after the entry into force of this Directive], the Commission shall present a report to the European Parliament and the Council on the results of the pilot MRV scheme, accompanied, where appropriate, by a legislative proposal to amend this Directive with a view to introducing MRV requirements for non-CO<sub>2</sub> aviation emissions and to expanding the scope of the EU ETS to non-CO<sub>2</sub> aviation emissions while specifying the amount of EU ETS allowances required to cover the CO<sub>2</sub> equivalent per flight calculated under the pilot MRV scheme in order for the extended ETS for non-CO<sub>2</sub> aviation emissions to be operational by 2026.*

*Once the scope of the EU ETS has been extended to cover non-CO<sub>2</sub> aviation emissions, the aircraft operators shall no longer be required to surrender two allowances to cover their non-CO<sub>2</sub> effects. The participating aircraft operators shall surrender the amount of allowances required to cover the CO<sub>2</sub> equivalents of their non-CO<sub>2</sub> effects, as*

***determined by the Commission in accordance with this paragraph.'***

Or. en

*Justification*

*The new paragraph in Article 14 of the basic ETS act sets out the requirements for a pilot MRV scheme exempting participating airlines from the application of the multiplier. It ensures transparency of reported data and prepares the ground for a carbon pricing mechanism for non-CO2 emissions.*

**Amendment 36**  
**Milan Brglez**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 37**  
**Milan Brglez**

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

*Present text*

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 CO<sub>2</sub> emissions relative to 2005 levels by 2050.***

*Amendment*

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

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

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

2. Within 12 months of the adoption by the ICAO of the relevant instruments, and before the global market-based measure becomes operational, the Commission shall present a report to the European Parliament and to the Council in which it shall consider ways for those instruments to be implemented in Union law through a revision of this Directive. The Commission shall, in that report, also consider the rules applicable in respect of flights within the EEA, as appropriate. It shall also examine the ambition and overall environmental

2. Within 12 months of the adoption by the ICAO of the relevant instruments, and before the global market-based measure becomes operational, the Commission shall present a report to the European Parliament and to the Council in which it shall consider ways for those instruments to be implemented in Union law through a revision of this Directive. The Commission shall, in that report, also consider the rules applicable in respect of flights within the EEA, as appropriate. It shall also examine the ambition and overall environmental integrity of the global market-based measure, including its general ambition in relation to targets under the Paris Agreement, the level of participation, its enforceability, transparency, the penalties for non-compliance, the processes for public input, the quality of offset credits, monitoring, reporting and verification of emissions, registries, accountability as well as rules on the use of biofuels. In addition, the report shall consider whether the provisions adopted under Article 28c(2) need to be revised.

3. The Commission shall accompany the report referred to in paragraph 2 of this Article with a proposal, where appropriate, to the European Parliament and to the Council to amend, *delete*, extend or replace the *derogations* provided for in Article 28a, that is consistent with the *Union*

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

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

***4. In line with the global stocktake of the Paris Agreement, the Commission shall also report on efforts to update the aviation sector's aspirational long-term emissions reduction goal of halving aviation CO<sub>2</sub> emissions relative to 2005 levels by 2050 with a view to bringing it in***

economy-wide greenhouse gas emission reduction commitment for 2030 with the aim of preserving the environmental integrity and effectiveness of Union climate action.

*line with emissions reduction targets under the Paris Agreement, as well as on efforts to achieve an ambitious long-term global aspirational goal for international aviation under ICAO.*

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

"

Or. en

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

#### *Justification*

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

#### **Amendment 38** **Milan Brglez**

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

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

Or. en