



EUROPEAN PARLIAMENT

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*Committee on Transport and Tourism*

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**2013/0344(COD)**

2.12.2013

## **DRAFT OPINION**

of the Committee on Transport and Tourism

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

on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (COM(2013)0722 – C7-0374/2013 – 2013/0344(COD))

Rapporteur: Mathieu Grosch

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## **SHORT JUSTIFICATION**

### **Background**

While aviation currently accounts for around three per cent of total greenhouse gas emissions, these are growing rapidly. The International Civil Aviation Organisation (ICAO) estimated that CO<sub>2</sub> emissions from aviation almost doubled between 1990 and 2006. This compared with a 34% increase from all fossil fuel use. It projects a 63-88% increase to 2020, a period during which the EU is committed to reducing its emissions by 20% on 1990 levels.

Global warming can only be tackled effectively by means of an international approach. Neither carbon emissions nor climate change respect national boundaries. The same climate objectives should therefore be adopted globally. This can only be achieved by means of agreement at ICAO.

Its 2013 Assembly acknowledged that market-based measures (MBM) would be needed to promote sustainable growth in aviation and that three options for an MBM scheme (mandatory offsetting with/without revenue sharing and emissions trading) were feasible. It decided to develop a global MBM scheme for decision at the 2016 Assembly. This would be implemented from 2020.

### **Commission proposal**

The latest Commission proposal would fully exempt flights to third countries for 2013 and limit the Emissions Trading System so as to cover only the part of international flights within EEA airspace (12 nautical miles from the furthest point on the outer coastline of an EEA territory) for 2014-20.

Flights to and from low and lower-middle income countries with a share of less than 1% of international aviation would be exempted as called for in ICAO resolution. In addition, new exemption levels have been set for business jet operators. This is welcomed as it produces large savings in compliance costs without greatly affecting the emissions avoided.

### **Global Agreement at ICAO represents long-term solution**

Although the exemption of lower income countries addresses an important element in the ICAO resolution, using an airspace approach could undermine the international goodwill that will be required to level a global agreement in 2016. This risk is increased by the lack of any universally agreed definition of "European air space". This opinion therefore favours extending the "stop the clock" approach that was adopted for 2012 until the next ICAO Assembly.

During this period, the Commission should intensify bilateral and multilateral contacts with third countries to promote an ICAO agreement and, as an interim measure, to encourage more countries to align with the ETS or to adopt comparable measures. This should be supplemented by other measure to reduce aviation emissions, in particular by establishing a "Single European Sky" that would minimise air-traffic control delays and diversions.

## Need for stability

The case for extending "stop the clock" is strengthened by the frequency of change that the industry has faced in recent years. The initially announced 2012 regime involved including all flights to/from Europe in ETS. The actual 2012 regime excluded flights to/from third countries. The Commission is now proposing to continue this exclusion for 2013 and then introduce a third regime from 2014 to 2020.

By contrast, your Rapporteur suggests maintaining the 2012 regime until at least 2016 and to 2020 if the next ICAO assembly agrees to introduce a global measure from that date. Should there be no such agreement, an airspace approach would be adopted from 2017.

Such an approach would maximise the chances of reaching an international agreement without calling into question the EU's right to regulate its own airspace, a right guaranteed by the Chicago convention and upheld by the Court of Justice. The EU would be showing international partners its readiness to work constructively in international and bilateral negotiations. It would also be indicating that it expects ICAO to deliver on its commitment to reach a decision in 2016 and that further delay would not be acceptable.

## AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a directive

#### Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) The aviation sector has a strong international character. Global problems of the kind posed by aviation emissions can be most effectively addressed by means of an international approach that includes an obligation to comply with the same measures or to achieve the same objectives using different measures. A global agreement at ICAO offers the best prospects of ensuring sustainability in the long term.***

Or. en

## Amendment 2

### Proposal for a directive Recital 2

*Text proposed by the Commission*

(2) Consequently it is desirable to temporarily *consider the requirements set out in Directive 2003/87/EC of the European Parliament and of the Council<sup>4</sup> as satisfied, when obligations are met in respect of a certain percentage of the emissions from flights to and from aerodromes in third countries. In doing so, the Union emphasises that requirements can be applied in respect of certain percentages of emissions from flights to and from aerodromes in countries of the European Economic Area (EEA), in the same manner as legal requirements can be placed on more of the emissions from flights to and from such aerodromes.*

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<sup>4</sup> *Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32)*

*Amendment*

(2) Consequently it is desirable to temporarily *extend the "stop the clock" provisions introduced by Decision 2013/377/EU<sup>4</sup> to allow preparations for the 2016 ICAO Assembly to take place in the best possible conditions.*

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<sup>4</sup> *Decision 2013/377/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community*

Or. en

## Amendment 3

### Proposal for a directive Recital 4

*Text proposed by the Commission*

(4) The derogations provided for in this

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*Amendment*

(4) The derogations provided for in this

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directive take into account the results of bilateral and multilateral contacts with third countries, which the Commission will continue to pursue on behalf of the Union.

directive take into account the results of bilateral and multilateral contacts with third countries, which the Commission will continue to pursue on behalf of the Union.

***If these negotiations lead third countries to accept alignment with the European Emissions Trading System or to adopt equivalent measures, the derogations provided for in this directive should be adjusted accordingly.***

Or. en

#### **Amendment 4**

##### **Proposal for a directive Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) In order to build confidence at the international level towards the EU scheme, the Member States should use the revenues from applying the European Emissions Trading Scheme to the aviation sector for mitigating the impact of aviation emissions This should include supporting developing countries' climate protection efforts according to Article 3d paragraph 4 of Directive 2003/87/EC.***

Or. en

#### **Amendment 5**

##### **Proposal for a directive Article 1 – paragraph 1 – point 1 Directive 2003/87/EC Article 28 a – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

all emissions from flights to and from countries outside the European Economic

all emissions from flights to and from countries outside the European Economic

Area in **2013**;

Area in *each calendar year between 2013 and 2016*;

Or. en

*Justification*

*This would extend the “stop the clock” approach and exclude flights coming from or going to third countries during the period when the ICAO negotiations will be taking place. It would avoid confronting airlines, which have already had to prepare for the original 2012 proposal and then for “stop the clock” with another new system from 2014.*

**Amendment 6**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2003/87/EC

Article 28 a – paragraph 1 – point b

*Text proposed by the Commission*

emissions from flights to and from countries outside the European Economic Area (EEA) in each calendar year between **2014** and 2020 where the operator of such flights has surrendered allowances in respect of the percentages of their verified emissions from those flights listed in accordance with Annex IIc, or calculated in accordance with paragraph 6;

*Amendment*

emissions from flights to and from countries outside the European Economic Area (EEA) in each calendar year between **2017** and 2020 where, ***to reflect the proportion of the flights that take place within European airspace***, the operator of such flights has surrendered allowances in respect of the percentages of their verified emissions from those flights listed in accordance with Annex IIc, or calculated in accordance with paragraph 6;

Or. en

*Justification*

*This would introduce the European airspace approach from 2017, if the ICAO negotiations do not succeed (see amendment 7).*

**Amendment 7**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2003/87/EC

Article 28 a – paragraph 1 b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) paragraph 1 point b shall apply if the 2016 ICAO Assembly does not agree to introduce global market based measures from 2020. If such measures are agreed, paragraph 1 point a shall continue to apply for the calendar years between 2017 and 2020.***

Or. en

*Justification*

*If the ICAO negotiations are successful, flights to/from third countries would be excluded until 2020 when the global agreement would be implemented (paragraph 1 point a – see amendment 5). Otherwise, the European airspace approach would apply (paragraph 1 point b – see amendment 6).*

## **Amendment 8**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1**

Directive 2003/87/EC

Article 28 a – paragraph 4

*Text proposed by the Commission*

*Amendment*

By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State in respect of the period from 2013 to 2020 shall be reduced to correspond with its share of attributed aviation emissions resulting from the application of Article 28(a) to (c).

By way of derogation from Article 3d(3), the number of allowances to be auctioned by each Member State in respect of the period from 2013 to 2020 shall be reduced to correspond with its share of attributed aviation emissions resulting from the application of Article 28 ***paragraph 1 point (a) to paragraph 1 point (c).***

Or. en

*Justification*

*To clarify that the reference is to the new Article 28 a added by this Directive.*



## **Amendment 9**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1**

Directive 2003/87/EC

Article 28 a – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. The Commission shall regularly inform the European Parliament and the Council on the progress of negotiations at ICAO and with third countries.***

Or. en